

**Application No:** 23/00134FULL Full Application

**Site:** Tregonals Bungalow, Lymington Road, East End, Lymington  
SO41 5SS

**Proposal:** Garden Shed with log store

**Applicant:** Mr & Mrs Lusty

**Case Officer:** Julie Blake

**Parish:** East Boldre Parish Council

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. POLICIES**

**Development Plan Designations**

Conservation Area

**Principal Development Plan Policies**

DP2 General development principles  
DP18 Design principles  
DP37 Outbuildings  
SP16 The historic and built environment  
SP17 Local distinctiveness

**Supplementary Planning Documents**

Design Guide SPD

**NPPF**

Sec 12 - Achieving well-designed and beautiful places  
Sec 15 - Conserving and enhancing the natural environment

**3. MEMBER COMMENTS**

None received

**4. PARISH COUNCIL COMMENTS**

East Boldre Parish Council - initial comments: Recommend refusal for the reasons listed below:

- The positioning of the building is very prominent in relation to the main dwelling, it is pretty much the first thing you see as you travel down the drive and into the main part of the residential curtilage and because of its size, use and proximity, it is felt that it detracts from the main dwelling and will make the residential area of the property feel overcrowded.
- The overall size of the building is felt to be excessive for the utilitarian purpose stated. At a footprint of 42m<sup>2</sup> it is felt that its large size will lead to the property being overdeveloped.
- The applicants have stated one of the uses is for wheelchair charging, which is a doubling up of use on the other outbuilding that has been planned, the council are not sure why two such areas are required and why so much space is required for this purpose, but also the 31.5m<sup>2</sup> of space for use as a shed is felt to still be excessive.
- The location of the building given its proposed size is also of concern, as it is located close to neighbouring properties and will be visible from them, especially from Tregonals. This is a very rural area and with the addition of yet another utility building so close to these properties a once rural skyline will look cluttered and over populated and suggest a relocation of the building to a different part property would be more suitable
- The new buildings are for utilitarian use and cannot be converted at any time into a dwelling or residential use.
- Only 1 of the 4 neighbouring properties have been consulted.

Revised comments received May 2024: Continue to recommend refusal, for the reasons listed below:

We are clear that nothing has fundamentally changed in way of design or otherwise since our comments to the original proposal at our parish council meeting on 11 April 2023.

Parish comments regarding the amended site plan received on 10 July 2024: Having considered the latest amended plans at their Parish Council meeting on 9 July 2024, parish councillors' position remains unchanged since the application was first considered on 11 April 2023.

## **5. CONSULTEEES**

Building Design and Conservation Officer: No objection.

Tree Officer Initial comment: No objections subject to condition.

Tree Officer comments on amended layout plan: There does not seem to be any significant change to the impact on trees with this amended scheme and there are no further objections following previous comments and the recommended condition.

## **6. REPRESENTATIONS**

20 responses raising objection have been received from four neighbours including neighbour objections in the form of one letter signed by four

neighbours, and three independent letters of objection raising the following concerns:

- Should be refused on the grounds of procedural irregularity due to the site being named as 'Tregonals rather than 'Tregonal Bungalow'
- Planning Officer of the previous application advised that the buildings were too large, this related to the house and the garden/studio. This building is considered to be too large as well.
- A further garden shed to the rear of Cloop Cottage was proposed on land not part of the site for which consent was granted. It is unknown as to whether this outbuilding is still intended in that location.
- Outbuilding for the storage of wheelchair and mobility scooter already approved, why is another building for the same items required? The location of this building would not be suitable for this use.
- A smaller building would be adequate for the storage of logs and the bungalow being built to modern day standards with more efficient heating would need less alternative fuel.
- Separate application for this outbuilding submitted on the premise that it would not have been allowed as part of the original application.
- Too close to neighbouring boundary.
- Amended plans only reduces the log store and building remains substantial.
- Overdevelopment of the site.

## **7. RELEVANT HISTORY**

Replacement dwelling and associated outbuildings (22/00564) granted on 21 November 2022

Outbuilding (15/00977) granted on 02 February 2016

Replacement dwelling; Outbuilding (Extension of time limit for implementation of planning permission ref. 92702) (10/95257) granted on 19 July 2010

Replacement dwelling; outbuilding (08/92702) granted on 25 April 2008

House and attached single storey dwelling; demolition of existing - 07/91143 withdrawn on 05 September 2007

## **8. ASSESSMENT**

### **Application Site**

- 8.1 The application site is located within the Forest South East Conservation Area. The site is set well back from the main road and is accessed via a short track. The majority of the site is to the rear of 'Tregonals' and there are paddocks beyond the rear boundary.

- 8.2 At the time of the initial site visit on 10 February 2023 the site had been cleared. There was no dwelling on the site, but the previous consent has been implemented, with the construction of the substructure up to Damp Proof Course level and there were no outbuildings on site. With regards to this application, after the submission of several amended plans, the submission of a Unilateral Undertaking and at the request of a concerned neighbour, a final site visit was undertaken on 03 May 2024. By this time, the bungalow and two other permitted outbuildings were nearing completion.

### **Proposed Development**

- 8.3 This application now seeks planning permission for an outbuilding within the garden of the recently built bungalow. The outbuilding would be used as storage to house a wheelchair and mobility scooter and an attached open lean-to would be used for the purposes of a log store. It would replace an earlier permitted outbuilding which has not yet been built.

### **Consideration**

- 8.4 By way of background, application 08/92702/FULL for a replacement dwelling and outbuilding, assessed under the New Forest District Council's policies, was approved subject to conditions in April 2008. The outbuilding was to be built in the front garden on the north side of a row of trees and would have been visible from the main road. This outbuilding was considered to be a suitable and incidental structure at the time, set amongst trees with no objection from the Tree Officer. Latterly, application 10/95257 for the replacement dwelling and outbuilding (Extension of time limit for implementation of planning permission ref. 92702) was approved and assessed under the same policies as the 2008 application. No representations were received in connection with this application.
- 8.5 In 2022, application 22/00564 for replacement dwelling with an alternative design and further associated outbuildings in addition to the outbuilding permitted in 2008/2010 was granted subject to conditions under the current policies of the adopted Local Plan (2019). Permitted development rights under Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) were removed. The further outbuildings were designed to accommodate easier wheelchair access. The officer's report concluded that the applicants did not wish to proceed with the approved design, but rather build a property which is tailored to their specific requirements. The outbuildings, being redesigned and lowered in height, were considered to be incidental to the bungalow as one provided a double carport with attached bin store and the other a store/home office and gym. In summary, three outbuildings have been permitted within the site and to date two have been built.
- 8.6 The key issues under consideration are whether the proposal would comply with Policies DP2, DP18, DP37 and SP17, the impact of the design on the dwelling and its curtilage, the potential impact on the

character and appearance of the surrounding conservation area and any impacts on neighbouring amenity.

- 8.7 The current proposal is for a garden shed and log store with its own electrical supply. The outbuilding would be approximately 7m x 6m with an overall ridge height of 3m and be used as a garden shed/workshop and for the storage of a mobility scooter. It would be constructed from a renewable source of natural timber frame and cladding set on a brick plinth base to match the outbuildings already within the site.
- 8.8 During the course of the application, there have been several amended plans to revise the position of the attached log store and the outbuilding has been re-orientated within the site. There have been minor access alterations within the site that has resulted in a section of the trees alongside the position of the original outbuilding location to be removed (subject to Tree work application 24/00022CONS). Their removal has resulted in a new location and orientation of the now proposed outbuilding, making it less visible from outside of the site and from the adjacent open forest. A small diversion of the access within the site and away from the neighbouring 'Tregonals' has also been achieved.
- 8.9 The submission S106 legal agreement confirms that the applicants would no longer build the more visible outbuilding permitted by the 2008 and 2010 applications but would build the now proposed outbuilding instead. As a result of this agreement and, should this application be approved, there would still only be three outbuildings within the site.
- 8.10 With this in mind, the outbuilding the subject of this application would be located within the residential curtilage, used for incidental purposes, can be accommodated on the site without an unacceptable loss of parking or amenity space and would have less visual impact on its wider surroundings. The outbuilding is in accordance with Policy DP37.
- 8.11 To address neighbour concerns, the issue with the incorrect address has been rectified. The location of the outbuilding is suitable as it is well within the site and closer to the main dwelling than the previously approved outbuilding. Providing the use of the outbuilding remains incidental, its specific associated residential storage use is irrelevant. The proliferation of outbuildings within the site was a concern, however, the S106 agreement has ensured that the number of outbuildings would remain the same as already permitted. The extended process of over a year was the result of several versions of amended plans and the subsequent re-consultation process and difficulties obtaining the necessary information in relation to the S106 agreement.
- 8.12 The Authority's Tree Officer has no objections on tree grounds subject to a revised tree protection plan being submitted along with cross section engineering details of foundations within the root protection areas of trees shown to be retained.
- 8.13 The Authority's Building Design and Conservation Officer has no objections to the proposed outbuilding in the proposed location on the site. The outbuilding is considered to be an unobjectionable standard

design, and the natural timber will weather down to a silver finish, which would allow the building to recess into the landscape more. The building is also set well back from the road with some vegetation screening so impact on the street scene and the wider conservation area will be minimal. It is acknowledged that the outbuilding is relatively large, however it is considered proportionate to the size of the plot and the host dwelling. Having said this, any additional outbuildings on top of this proposal would risk a proliferation of development on the site to the detriment of the character of the area. It is felt that with this outbuilding the capacity of the site will have been reached.

## **Conclusion**

- 8.14 A S106 agreement has already been completed so that this outbuilding would be constructed instead of the previously permitted one that was intended for the same purposes. The outbuilding is intended to be used in connection with the main dwelling. It is suited to its residential setting in terms of design, scale, size, height and massing and is an appropriate design in the conservation area. Compliance with all parts of Policy DP37 have therefore been met. It is for these reasons that it is recommended that the application be approved.

## **9. RECOMMENDATION**

Grant Subject to Conditions

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part

1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement/the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

5. Development shall only be carried out in accordance with Drawings LP 01, PL01 Rev E . No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

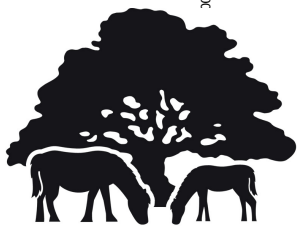
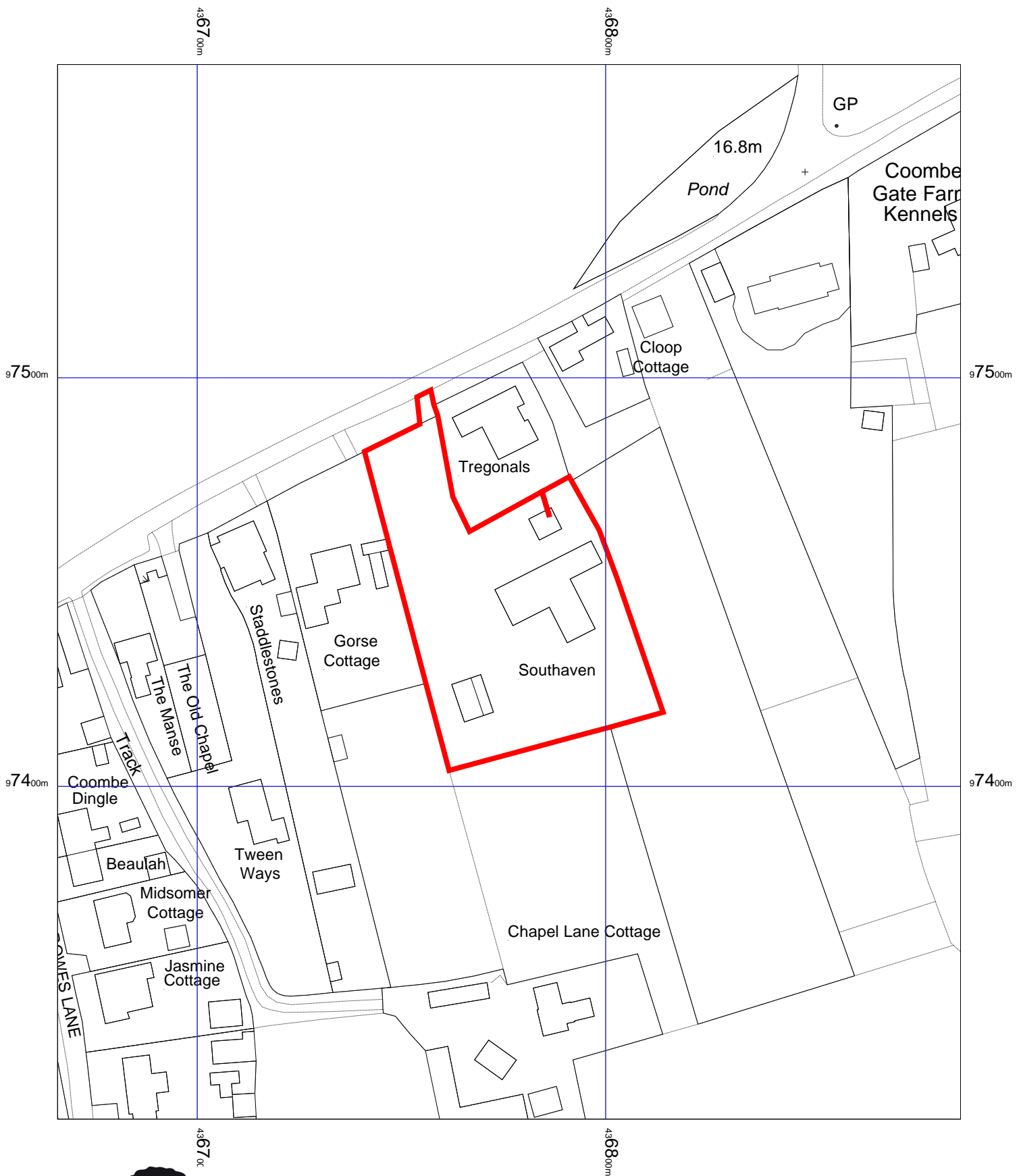
Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

6. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

**Informative:**

1. This planning permission has only be granted following the prior completion of a section 106 legal agreement on 13 March 2024. Your attention is drawn to the covenants and legal effects contained therein.



NEW FOREST  
NATIONAL PARK

New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

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