

**Application No:** 24/00156FULL Full Application

**Site:** Land East of Petlake Farm, Plots K, M & O, Ringwood Road, Bartley, SO40 7LA

**Proposal:** Erection of a means of enclosure, 1.2m high perimeter stock fence and field gates

**Applicant:** M Sayari

**Case Officer:** Liz Marsden

**Parish:** Netley Marsh 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  
DP50 Agricultural and forestry buildings  
DP18 General development principles  
SP6 The natural environment  
SP7 Landscape character  
SP15 Tranquillity  
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  
Sec 16 - Conserving and enhancing the historic environment

**3. MEMBER COMMENTS**

None received

#### **4. PARISH COUNCIL COMMENTS**

Netley Marsh Parish Council: Recommend refusal on the grounds that:

- The gates, fencing and hardstanding are not acceptable in the conservation area.
- It is felt that the proposals are not for genuine agricultural use but are more recreational.

#### **5. CONSULTEES**

Conservation Officer: The proposed materials and simple approach are suitable for agricultural use in this location and would not damage the character or appearance of the conservation area. No objection to these proposals in principle, subject to the removal of the fences and gates and reinstatement of the land when the use ceases.

Landscape Officer: The landscape impact has been reduced by the removal of the previously proposed hardstanding and lower fence height and would not harm the character of the immediate and wider landscape to a great extent.

#### **6. REPRESENTATIONS**

Eight letters of support:

- Fence in keeping with the environment and other fences in the area.
- Will provide the opportunity for the applicant to enjoy his land.
- Good for the community.

One letter of objection on the grounds that:

- Not all questions on the biodiversity checklist have been answered correctly. The site is adjacent to woodland and established hedgerow and close to a SINC.
- Whilst the proposed continued use of the land for a hay crop is welcomed, fencing it off is counter-productive as it will reduce the yield of hay.
- Will set a precedent for owners of other sites.
- It is not clear whether the fence will be on the boundary of site ownership or set within it. Removal of any part of the existing fence on the southern boundary could compromise its integrity as a whole.

#### **7. RELEVANT HISTORY**

1.8 metre high perimeter livestock fence and gates, with associated hardstanding (23/00872) refused on 27 November 2023

2 metre high perimeter livestock fence and gates, with associated hard standing (23/00045FULL) withdrawn on 04 July 2023

On adjacent plot of land (referred to as Top Corner)

1.2m high fencing; gates; extension to track to provide turning area (21/00982) granted on 21 June 2022

## 8. ASSESSMENT

### Application Site

8.1 The application site is an area of around 0.5ha in size, which forms part of a larger agricultural field (circa 3.6ha excluding wooded areas along road frontage and road access). The field is located to the south of Ringwood Road (A36) and the site is set on the southwestern boundary, furthest from the access, adjacent to a woodland area on neighbouring land. The site is located in the conservation area.

### Proposed Development

8.2 The application is a resubmission, following two previous applications, the first of which (for a 2m high fence) was withdrawn. The subsequent application sought permission to enclose the three plots in the applicant's ownership, with a lower (1.8m) fence, changing the type of fence from a close mesh fence with metal posts, to a wide meshed 'deer' fence, with chicken wire on the lower half, and timber posts. The gates were also changed from metal to timber field gates. Both applications included an area of hardstanding within the site, created to park on. At that stage, the applicant wished to use the land for keeping chickens and illustrative details of a portable hen house, which would be moved around the site, were provided. The second application was refused for the following reason:

*"The proposal would result in the introduction of features that would appear incongruous and out of keeping with the historic field pattern in the vicinity and would have an adverse impact on the landscape character and appearance of the Conservation Area and surrounding area to the detriment of the special qualities and historic environment of the New Forest National Park, contrary to Policies DP2, SP7, SP16 and SP17 of the New Forest National Park Local Plan 2016- 2036 (August 2019) and the NPPF."*

8.3 The current proposal is to enclose the site with a 1.2m high, post and wire stock fence, similar in height and type to stock proof fencing approved elsewhere within the field, and metal field gates. No hardstanding or other features are proposed. The key considerations are:

- Whether the height and type of fence proposed are appropriate to the intended use of the site and the countryside location.
- The impact on the character and appearance of the landscape and conservation area.

### Consideration

8.4 By way of background, the field within which the site is located is subject to an Article 4 direction, which was confirmed in February 2021, following the sale of the land to a number of individuals. The Article 4 restricts the right to erect, construct, maintain, improve or

alter a gate, fence, wall or other means of enclosure under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It was put in place due to the concern over the subdivision of the site into smaller plots which could undermine the visual amenity of the Forest North East Conservation Area and landscape character. The subdivision of the land could also render it unsuitable for agricultural uses. The provisions of the Article 4 direction, which relate to the entire field, do not mean that no fencing would be allowed but enable the Authority to consider proposals for enclosure of parts of the field on their own merits.

8.5 Policy DP50 states that permission will be granted for agricultural and forestry buildings where there is a functional need for them, and where the scale of the proposal is commensurate with that need. In this case, the application is not for a permanent building but for a fence, but it is considered to be appropriate to assess the proposals against the criteria of the policy. The applicant has not set forward any plan for the use of the land, with the design and access statement merely referring to it as being for agriculture, which could include taking hay off it or the grazing of animals. The previous applications indicated the keeping of chickens, though this appears to no longer be the case. However, as permission would be required for any alternative use of the land and the provision of any structures or other features, such as hardstanding, can be controlled by condition, the primary consideration is whether the fence, as proposed, is acceptable in terms of its design and countryside location.

8.6 The proposed fence is a traditional post and wire structure, with two strands of barbed wire along the top, similar in design to those commonly seen around fields. It is more appropriate in both height and design than that previously proposed. A pair of metal five-bar gates, very slightly lower than the fence, would allow access onto the site and, again, are common to rural areas. It is considered therefore that the fence and gates, in themselves would not be inappropriate or incongruous to an agricultural setting.

8.7 Policy DP50 requires sites to be physically and functionally related to existing buildings associated with the business. It is recognised that, in this case, that cannot be achieved as the applicant owns only this piece of land and the field as a whole no longer forms part of an agricultural unit. The fence would therefore be viewed in isolation and given its location would result in a new rectilinear projection into the field that does not relate to the existing boundaries of the field. The previous application was refused, in large part due to the overall height of the fence, which increased its visual impact, together with the compound effect of the enclosure. The current proposal would, however, appear as a more usual subdivision of a field and with the lack of any structures or areas of hardstanding have a significantly reduced impact. Furthermore, the location of the site, which is around 190m from the access and set at an oblique angle to it, would also serve to minimise the visual impact of the fence in any views

from public vantage points. There is a belt of trees along the road boundary which provides screening and any glimpses that would be obtained would not be intrusive. There are further trees around the other boundaries and no public footpaths in the vicinity from which the site could be viewed. It is considered therefore that the proposal would not have a significant or detrimental impact on the character and appearance of the landscape or conservation area and a reason for refusal could not be sustained on this basis.

8.8 The acceptability of agricultural development is also, under Policy DP50, subject to there being no large or obtrusive structures or the generation of a detrimental level of activity. The fence has been discussed in previous sections and the level of additional activity generated by this application in isolation is not likely to be significant, though it is acknowledged that given the number of individual owners of other parts of the field there is potential for increased activity should future applications for similar or alternative uses be granted permission. These would, however, need to be assessed on their own merits and in the light of the details submitted with them. The access from the site leads onto a busy main road and the highways authority were consulted on the previous application relating to this plot but raised no objection.

8.9 Concern has been raised about the lack of accuracy of the submitted biodiversity checklist, which does not acknowledge the nearby SINC or watercourse. However, the SINC is over 100m from the site and the water course an average of about 95m across its length. It is recognised that there is a belt of woodland to the rear, which is separated from the field by an existing fence, and given the nature of the development, with widely spaced posts, it is not considered that it would result in the loss of those trees or otherwise adversely affect the ecology of the area.

## **Conclusion**

8.10 The proposed development is capable of being accommodated on the site without adverse impact on the character and appearance of the conservation area, surrounding landscape or ecology and is therefore in accordance with Policies DP2, SP6, SP7, SP16 and SP17, DP18 of the Local Plan 2016-2036.

## **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. Development shall only be carried out in accordance with plans:

S.013 SP1 rev. D - Location plan

DR1 - Block plan

S.013.1 rev. C - Details of fence and gates

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

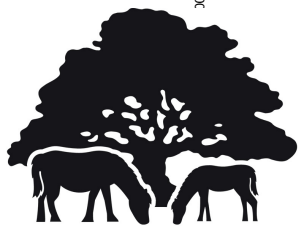
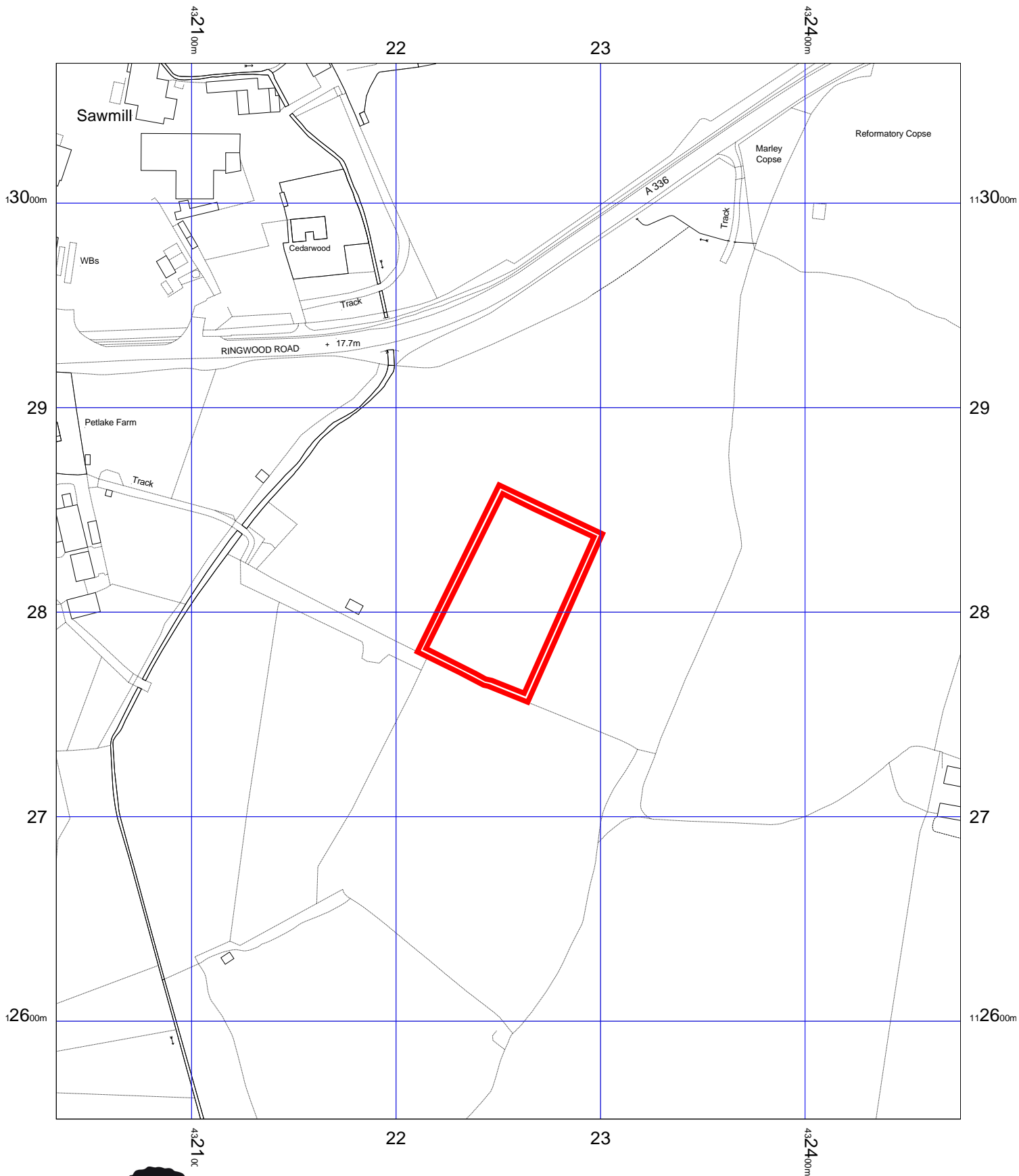
Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. The materials to be used in the development shall be as shown on the drawings hereby approved, with the use of timber posts as clarified in an email dated 03/04/2024 , unless otherwise agreed in writing by the New Forest National Park Authority.

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

4. 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 Class B of Part 6 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure that the any development is appropriate to its location within the conservation area and to comply with Policies SP7 and SP16 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).



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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