

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 8 APRIL 2026, AT 9.00 AM

Place: COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

Enquiries to: Email: joe.tyler@nfdc.gov.uk
Joe Tyler Tel: 023 8028 5982

PUBLIC INFORMATION:

This agenda can be viewed online (<https://democracy.newforest.gov.uk>). It can also be made available on audio tape, in Braille and large print.

Members of the public are welcome to attend this meeting. The seating capacity of our Council Chamber public gallery is limited under fire regulations to 22.

Members of the public can watch this meeting live, or the subsequent recording, on the [Council's website](#). Live-streaming and recording of meetings is not a statutory requirement and whilst every endeavour will be made to broadcast our meetings, this cannot be guaranteed. Recordings remain available to view for a minimum of 12 months.

PUBLIC PARTICIPATION:

Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's [public participation scheme](#). To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk

Kate Ryan
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

AGENDA

NOTE: The Planning Committee will break for lunch around 1.00 p.m.

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 11 March 2026 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Forest Farm, Barnes Lane, Milford-on-Sea, SO41 ORR (Application 25/11153) (Pages 5 - 24)**

Change of use of land for use as storage – open storage, shipping containers and vehicles. (Retrospective).

RECOMMENDED:

Refuse.

(b) **New Forest District Council Depot, 169-171 Christchurch Road, Ringwood, BH24 3AN (Application 26/10209) (Pages 25 - 34)**

Modular Portakabin for office & welfare accommodation.

RECOMMENDED:

Grant subject to conditions.

(c) **44 Milford Road, Pennington, Lymington, SO41 8DU (Application 25/10726) (Pages 35 - 52)**

Change of use of car showroom to fitness studio.

RECOMMENDED:

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure suitable off-site vehicular parking for patrons of the gym; and then

- ii) The imposition of the Conditions as set out in the report and any additional / amended conditions or variation to the heads of terms or conditions as deemed necessary by the Service Manager (Development Management).

Please note, that the planning applications listed above may be considered in a different order at the meeting.

Please note that all planning applications give due consideration to the following matters:

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To: Councillors:

Christine Ward (Chairman)
Barry Rickman (Vice-Chairman)
Jack Davies
Philip Dowd
Richard Frampton
Matthew Hartmann
David Hawkins

Councillors:

Dave Penny
Joe Reilly
Janet Richards
John Sleep
Malcolm Wade
Phil Woods

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Planning Committee 08 April 2026

Application Number: 25/11153 Full Planning Permission
Site: FOREST FARM, BARNES LANE, MILFORD-ON-SEA
SO41 0RR
Development: Change of use of land for use as storage - open
storage,shipping containers and vehicles. (Retrospective)
Applicant: Mrs Crawford
Agent: Acorus
Target Date: 06/03/2026
Case Officer: Jessica Cooke
Officer Recommendation: Refuse
Reason for Referral to Committee: Clarify advice given previously

UPDATE REPORT TO COMMITTEE MEMBERS

Members will recall that this application was recently considered at the February 2026 Planning Committee. Members resolved to refuse the application in accordance with the Officer recommendation. The original Officer Report is set out at the end of this Update Report as Appendix A.

Members will recall that the previous report provided a definition of an “agricultural holding” and concluded that the applicant had declared that the application site is not part of an agricultural holding. Officers gave verbal advice to the Committee in this regard also.

Following the Committee meeting, the applicant’s agent contacted the Council and advised that the application form and the declarations made by the applicant therein were correct. The agent advised that:

‘Certificate A is relevant if the applicant is the sole owner of the land to which the application relates and there are no agricultural tenants, so Certificate A was correct.’

Officers delayed issuing the decision in light of this information. Officers have taken their own advice on the matter and it is considered appropriate to update the Committee with regards to this issue prior to the decision being made. As a result, the application is presented back to committee.

Clarification on the matter of the Agricultural Holding Certificate:

As part of the planning application process, the applicant is required to complete and submit a Certificate of Ownership to confirm their legal interest in the land. This ensures transparency regarding land ownership and provides the Local Planning Authority with assurance that all relevant parties with a legal interest—whether freehold, leasehold, or otherwise—have been properly notified. Depending on the ownership position, the appropriate certificate (A, B, C, or D) must be completed in accordance with statutory requirements.

In addition, an Agricultural Holdings Certificate must be provided to confirm whether the land is subject to any agricultural tenancy under the Agricultural Holdings Act 1986 or the Agricultural Tenancies Act 1995. This declaration is necessary to ensure that any agricultural tenants are formally informed of the proposal and have the opportunity to make representations. Together, these certificates form an essential part of validating the planning application and ensuring compliance with statutory notification procedures.

In this case, the application is supported with Certificate A. Certificate A declares that the applicant is the freehold owner.

For the purposes of the Ownership certificate, as set out above, 'agricultural holding' means 'agricultural tenant'. There is no agricultural tenancy on the site and therefore the declaration submitted with the application (that the land is not part of an agricultural holding) is correct. To that end the advice from the applicants agent clarifying the position post the February committee meeting is material to the decision making process.

Accordingly, the planning assessment should recognise that the proposal may affect "agricultural land" rather than an "agricultural holding".

In this case, that is the shift from an agricultural/equestrian use of the land to a non-agricultural open-storage use. This is central to the identified planning concerns, including conflict with countryside and Green Belt policies and harm to rural character. These considerations rely on recognising that the application affects "agricultural land", whereas the planning system does not regulate the internal management or tenancy structure of the "agricultural holding" unless it directly relates to land-use impacts.

It is important that this matter is clarified for Members of the Planning Committee as the advice given in February informed the decision reached by Members.

Assessment

Subject to the above clarification the planning assessment by Officers remains as was set out in Appendix A. However, the following points are proposed to complement the assessment in Appendix A with specific reference to the farm diversification policies and help with further explanation on the matters considered by Members during the debate at the February meeting of the Committee.

The lawful use of the application site (ref.06/86964) refers that the land is in a 'mixed use' (sui generis). The description of the lawful use of the site is as follows:

'The continued use of land for commercial & private equine activities, including the use of Building A for stables with ancillary hay and feed store; the use of Building B as a hay barn; the use of Building C including calving/lambing, storage & repair of equipment, rest area for dual purpose of agriculture & equine; the use of the land for the stationing of a caravan for residential purposes; the use of the manege for commercial & private use (Lawful Use Certificate for retaining an existing use).'

Policy CS21 encourages farm diversification projects where this would be consistent with maintaining and enhancing the environment and contribute to local distinctiveness. The supporting text (para 7.8.7) makes clear that it is important that any development which takes place should maintain the environmental qualities of the countryside.

As is set out in Appendix A, Local Plan Part 2 Policy DM22 states that employment/business development will be permitted where it is part of a farm diversification project supporting a farm business making best use of existing permanent buildings. It goes on to state that where new buildings are necessary, they should be contained within the existing complex of farm buildings and be limited to ensure the development remains of a scale and character appropriate to its rural setting and the re-use of existing permanent buildings which are structurally sound so they can be re-occupied without major rebuilding or extension.

The supporting text (para 2.116) of Policy DM22 however, makes clear that for farm diversification projects, the supporting evidence required to be submitted with an application to demonstrate farm diversification, would include a business plan for the farm. No business plan has been submitted as part of this application.

With regard to the information submitted as part of this application, both the submitted Planning Statement and the Business History & Summary provide very little information in relation to the agricultural activities ongoing at the land and there is no detailed assessment of the current agricultural or equestrian operation, or any financial accounts relating to these activities.

The submitted Business History & Summary confirms that the farm is used for back-grazing and horses are looked after at the site. It sets out that the historic livery enterprise has had to be scaled back as this was not viable. The summary further states that the farm produces Pedigree Hereford cattle and provides some rounded financial figures for the sale of lambs and cows, including £100 per butchered lamb and £1100 per cow, with the cost of the production of each cow being £1400, with a loss of £300 per cow.

However, this information is very limited and does not provide any details of numbers of livestock or herd size or financial viability assessment.

Given the sensitive location of the site within the countryside and the designated Green Belt, it is essential that any claimed diversification is supported by a robust justification, as well as an accompanying business case required by the supporting text to Policy DM22 of the Local Plan Part Two.

Notwithstanding the lack of a submitted business plan, in any case, there would remain to be a conflict between the proposal and the local and national farm diversification policies and Green Belt policies.

Officers conclude that the proposal fails to accord with the Green Belt exception tests and no 'very special circumstances' have been demonstrated to warrant departure from the local and national Green Belt policies and an in-principle objection arises.

Recommendation

The original recommendation remains to refuse the application for the reasons as stated.

Further Information:

Jessica Cooke

Telephone: 023 8028 5909

Planning Committee 11 March 2026

Application Number: 25/11153 Full Planning Permission
Site: FOREST FARM, BARNES LANE, MILFORD-ON-SEA SO41
0RR
Development: Change of use of land for use as storage - open
storage,shipping containers and vehicles. (Retrospective)
Applicant: Mrs Crawford
Agent: Acorus
Target Date: 06/03/2026
Case Officer: Jessica Cooke
Officer Recommendation: Refuse
**Reason for Referral
to Committee:** Requested by Councillor Hawkins.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development outside of the defined built-up area.
- 2) Design & the impact on the rural character of the area
- 3) Impact upon the South West Hampshire Green Belt
- 4) Residential amenity
- 5) Matters relevant to highway safety, access and vehicular parking
- 6) Air quality
- 7) Ecology
- 8) Climate Change

2 SITE DESCRIPTION

The application site comprises land associated with Forest Farm which is in a mixed use as an agricultural and equestrian facility. The wider site includes further agricultural land shown on the Location Plan within the blue line, though some of this land is used for equestrian uses.

The site lies outside of any defined settlement boundary and is within an area designated as part of the South West Hampshire Green Belt. The site is located in the middle of surrounding agricultural land parcels, with a row of detached dwellings to the east along Barnes Lane, and the nearby settlement of Milford on Sea to the south.

3 PROPOSED DEVELOPMENT

The proposal seeks a retrospective change the use of the land within the red line boundary to open storage and for the stationing of 30no. shipping containers and vehicles.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
25/10628 Change of use of land for use as open storage (shipping containers and vehicles) (Retrospective)	29/08/2025	Refused	Decided
24/10834 Use of land for open storage, storage containers and vehicles (Lawful Use Certificate for retaining an existing use or operation)	11/12/2024	Was Not Lawful	Decided
24/10095 Removal of condition 3 of planning permission 85/NFDC/29999 to allow removal of the agricultural occupancy condition	10/04/2024	Granted Subject to Conditions	Decided
23/11201 Occupation of dwelling without compliance with occupancy condition (Lawful Use Certificate for retaining an existing use or operation)	15/01/2024	Was Lawful	Decided
09/94001 Removal of agricultural occupancy condition 3 of Planning Permission 29999 (Lawful Use Certificate for retaining an existing use)	17/07/2009	Was Not Lawful	Decided
08/93300 Use of dwelling for persons other than agricultural worker, Condition 3 of Planning Permission 29999 (Lawful Use Certificate for retaining an existing use)	04/03/2009	Was Not Lawful	Decided
06/88509 Removal of agricultural occupancy restriction (condition 3 of planning permission 29999)	02/10/2006	Refused	Decided
06/86964 The continued use of land for commercial & private equine activities, including the use of Building A for stables with ancillary hay and feed store; the use of Building B as a hay barn; the use of Building C including calving/lambing, storage & repair of equipment, rest area for dual purpose of agriculture & equine; the use of the land for the stationing of a caravan for residential purposes; the use of the manege for commercial & private use (Lawful Use Certificate for retaining an existing use)	07/06/2006	Was Lawful	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV2: The South West Hampshire Green Belt
 Policy ENV3: Design quality and local distinctiveness
 Policy ENV4: Landscape character and quality
 Policy STR1: Achieving Sustainable Development
 Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
 Policy STR3: The strategy for locating new development
 Policy STR4: The settlement hierarchy
 Policy CCC2: Safe and sustainable travel

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

DM22: Employment development in the countryside

Core Strategy 2009 (Saved Policies)

Policy CS21: Rural Economy

Supplementary Planning Guidance And Documents

SPD - Planning for Climate Change

SPD - Parking Standards

SPD - Air Quality in New Development.

SPG - Milford-on-Sea Village Design Statement

National Planning Policy Framework

NPPF 2024

NPPG

Plan Policy Designations

Green Belt

Countryside

Emerging Local Plan

On February 4th 2026 Cabinet approved a report that recommended that this Council starts the public consultation stage into the Regulation 18 version of the new Local Plan. This Regulation 18 version of the Plan will represent an early point in the plan-making process. Consultation is being undertaken between 6th February until 20 March 2026. At this stage, the National Planning Policy Framework (NPPF) paragraph 48 advises that only limited weight can be afforded to emerging plan policies when determining planning applications, as the weight given depends on the stage of preparation, the extent of any unresolved objections, and the degree of consistency with the NPPF. Given that the Regulation 18 draft is at the initial consultation stage and has not progressed to examination, it cannot be considered to carry significant material weight. Accordingly, while the emerging Local Plan is a material consideration in decision making and may provide helpful context, decisions should continue to be primarily guided by the adopted development plan unless other material considerations indicate otherwise.

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council, The Old Clock House

Milford-on-Sea Parish Council recommends PAR 1 provided that relevant and adequate conditions are put in place.

Par 1: We recommend PERMISSION but would accept the decision reached by the District Council's Officers under their delegated powers.

7 COUNCILLOR COMMENTS

Cllr David Hawkins

I would like to call this to committee please.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

No comments received.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Housing schemes are given the green light, no justifiable reason why this application has not already been approved.
- Neighbours advise no noise disturbance or increased traffic.
- Concern the site will be used for other development if the application is rejected.
- Support from users of the storage containers.
- No impact on the landscape or visual intrusion from the containers.
- Need to support farmers.

For: 7

Against: 0

Cllr Fran Carpenter (Hampshire County Council Councillor)

I wish to express my strong support for this application. The applicant is a long-standing local farmer who cares deeply for his land and continues to manage a small herd of cattle and horses grazing the surrounding fields.

Like many farmers, he has responsibly diversified his activities to remain financially viable, in line with national planning guidance which recognises the importance of farm diversification in supporting rural economies. The storage containers are sited on existing hard standing, centrally located on the site, screened by trees and buildings and are not visible from outside the site. Traffic movements remain low and appropriate to the rural setting.

I recognise the council's duty to protect the Green Belt and I believe this proposal achieves that aim, while supporting a sustainable small rural business. In the current climate facing farmers, I respectfully urge officers and committee to look favourably on this carefully considered and proportionate application.

I would like to add to my earlier comments that, following the information coming out about the new NFDC Local Plan Review and the large sites nearby Forest Farm proposed for building within that plan, that comments regarding the Forest Farm application not respecting the 'openness of the countryside/Green Belt', or the 'rural character' of the area might be considered again. It seems very unfair to penalise a farmer trying to keep his Green Belt farm land for farming, when NFDC themselves are proposing removing huge swathes of Green Belt farming land from the Green Belt for unprecedented house building.

10 PLANNING ASSESSMENT

Introduction & Background

The proposal seeks retrospective planning permission for an unauthorised change of use of the land to open storage for containers and vehicles. This application is retrospective and the change of use of the land has already occurred unlawfully, and 30 storage containers have been sited on the land without the required express planning permission.

In relation to the planning history of the farm, a Lawful Development Certificate was issued for an existing use of the farm complex for agriculture and equine uses in 2006 (ref. 0686964). The site is therefore considered to be in a mixed use for planning purposes. Whilst there was no evidence of livestock or agricultural activity on the wider site during the site visit undertaken, and activities appeared to predominantly relate to equestrian, it is also acknowledged that agricultural activities may take place on the surrounding land parcels.

An application for a Lawful Development Certificate was made in September 2024 for the use of land for open storage, storage containers and vehicles (Lawful Use Certificate for retaining an existing use or operation) (ref. 24/10834). This application was refused by the Council for the following reason:

'It appears to the Council that the use described in the First Schedule in respect of the Land ebbed and flowed at a low level from 2008 and was of a sporadic nature which has gradually increased to the levels of storage that are present on the Land today. From the evidence the Council considers that the use described in the First Schedule has intensified to become a material change of use sometime after 2021. Consequently the Council considers that a material change of use to use for open storage, storage containers and vehicles was not begun more than 10 years prior to the date of the application and therefore the time for taking enforcement action has not expired.'

Following the refusal of this Lawful Development Certificate, a planning application (ref. 25/10628) was submitted to regularise the unauthorised change of use of the land for storage facilities. This application was refused by the Council under delegated powers in August 2025, with two reasons for refusal relating to the impacts of the proposal upon the South West Hampshire Green Belt. The reasons for refusal are summarised as:

- The proposed development would comprise inappropriate development in the Green Belt, resulting in an intensification of the use of the land and harmful impacts on the openness of the Green Belt. No very special circumstances have been demonstrated which would justify an exception to the established Green Belt policies.
- The proposed development, would result in an intrusive and unacceptable form of commercial development in the countryside and Green Belt where development is restricted unless specific criteria are met in accordance with both the Council's Development Plan and the NPPF 2024. The proposed development would not meet any of these specific criteria. By reason of the introduction of built form in this location and the utilitarian design of the containers, the proposal would constitute an intrusive and discordant form of commercial development that would be harmful to the visual amenities and special qualities of the countryside eroding the rural character of the location and its landscape character. As such, the proposed development is considered to constitute a contextually inappropriate development that would be contrary to the provisions of the Development Plan.

This current application is for the same use of the land as that of the 25/10628 application, with the only material change being a slight reduction in site area to the west of the site, nearby the 30no. storage containers.

Principle of Development

The site lies outside of any established settlement boundary and is within a sensitive area of open countryside designated as part of the South West Hampshire Green Belt. Policies STR1, STR2, STR3, STR4, ENV2 of the Local Plan seek to ensure that such areas are protected from any harmful development and this stance is reinforced by the NPPF.

Saved policy CS21 of the Core Strategy aims to encourage agricultural, horticultural and forestry enterprises and farm diversification projects where the environment would be enhanced and the development would contribute towards local distinctiveness.

Local Plan Part 2 Policy DM22 states that employment/business development will be permitted where it is part of a farm diversification project supporting a farm business making best use of existing permanent buildings. It goes on to state that where new buildings are necessary, they should be contained within the existing complex of farm buildings and be limited to ensure the development remains of a scale and character appropriate to its rural setting and the re-use of existing permanent buildings which are structurally sound so they can be re-occupied without major rebuilding or extension. For an established rural enterprise, the policy states the redevelopment of an existing employment site which results in local environmental benefits or the extension to an existing building in employment use will be supported.

As part of the application form with the planning application, there is a requirement for applicants to make a declaration as to whether or not any of the land is part of an agricultural holding or not. It is noted that under the 'Ownership Certificates and Agricultural Land Declaration' on the application forms for both this current application and the refused application (ref. 25/10628), the applicant has declared that the land is not part of an agricultural holding.

An agricultural holding is defined as land used for agriculture which is so used for the purposes of a trade or business, including horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

The application form can only be completed as factually true and this statement is a formal declaration that the land is not in an active agricultural use.

The supporting justification for the application relies on the change of use of the land for storage purposes, being part of the farm diversification with the intention that the proposal will support the farm. However, as the applicant has declared that the land is not part of an agricultural holding and therefore, the land is not being used for agricultural purposes of a trade or business, it is a reasonable conclusion to draw that farm diversification cannot therefore be relied upon as a justification for the proposal.

The proposal is for a change of use of the land within the red line boundary for open storage and an unspecified number of containers which are used for storage. However, 30no. metal storage containers have already been placed on the land without an express planning permission. The red line boundary extends beyond the area in which the existing containers are sited and includes additional land which is part of the wider land within the applicants ownership.

The Development Plan is broadly supportive of agricultural development and the rural economy, subject to compliance with other material planning considerations. The submitted Planning Statement, as well as the business history written by the applicant, sets out the applicant's justification for the proposal which states that agricultural/farming and equine activities remain on the site, though the applicant has sought to find alternative uses to ensure the holding can remain viable. This includes the commercial renting of the storage containers to members of the public and local businesses.

In assessing the proposal against Policy DM22, the proposal relates to open land and the retrospective stationing of storage containers, which are not permanent buildings. The proposal does not therefore make best use of existing permanent buildings and the existing development is not considered to be of a scale and character appropriate to its rural setting, given the extensive amount of containers and their utilitarian appearance, which is discordant with this countryside setting. Although the development is not readily visible from the public realm, its presence nevertheless results in intrinsic harm to the countryside by introducing an extensive and visually incongruous form of development that conflicts with the established rural character of the area. In addition, the proposal would not result in the redevelopment of an existing employment site or result in local environmental benefits.

In assessing the proposal against Policy CS21, whilst the numbers of containers are not specified on the application description, the existing containers do not enhance the environment and the storage containers are not considered to contribute to local distinctiveness by reason of their harsh and incongruous appearance and the proliferation of these containers has a significantly detrimental impact on the rural landscape character of the land. Even though the site is not visible from public viewpoints, the development still harms the countryside through the introduction of inappropriate, utilitarian structures in this setting. The change of use of the land would give the potential for a further increase in the commercial storage on the site, including the amount of storage containers given the extent of the red line. As such, the proposal is not considered to contribute to the rural character of the area or local distinctiveness.

On the basis of the above, there is an objection in principle to the proposal, which would be contrary to Policies STR1, STR3 and STR4 of the Local Plan Part One and Policy DM22 of the Local Plan Part Two and Saved Policy CS21 of the Core Strategy.

South West Hampshire Green Belt and Countryside

Policy ENV2 of the Local Plan Part 1 which attaches great importance to protecting the Green Belt and states that development proposals will be determined in accordance with national planning policy. Guidance in relation to development within the Green Belt is contained within Chapter 13 of the National Planning Policy Framework (NPPF). NPPF Paragraph 142 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristic of the Green Belt being of openness and permanence.

The application site lies outside of the defined built-up area and within the Green Belt where NPPF Paragraphs 153 to 159 make clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, unless it can be demonstrated that very special circumstances exist or if the development falls within one of the clearly defined exceptions. National policy further requires local planning authorities to ensure substantial weight is given to any harm to the Green Belt.

NPPF Paragraph 154 specifically advises that a local planning authority should regard development as inappropriate in the Green Belt. Subparagraph (a)-(h) sets out very specific, limited criteria for exceptions to inappropriate development in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- h) Other forms of development provided they preserve its openness, including mineral extraction, engineering operations, transport infrastructure, re-use of buildings, change of use, development brought forward by Community Right to Build Order or Neighbourhood Development Order

i) Is the development appropriate in the Green Belt by definition?

The proposal seeks to change the use of the land within the red line boundary to open storage and storage containers. There are already approximately 30 unauthorised storage containers on the land. With regard to whether the proposal would constitute inappropriate development in the Green Belt, the proposal does not meet any of the exception criteria of paragraph 154 of the NPPF, as set out above.

Accordingly, it is considered the proposal would constitute inappropriate development in the Green Belt, and on account of its size, scale including volume and mass and position within the landscape, it would have a materially harmful impact on the openness of the Green Belt land. Further consideration of 'very special circumstances' are set out below, however, if there are considered to be no clearly demonstrated "very special circumstances" to outweigh the harm to the

Green Belt and to warrant departure from Green Belt policy, the application must be refused.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The NPPF makes it clear that development is inappropriate in the Green Belt, unless the proposal would accord with the exceptions criteria set out within the NPPF. In this instance, no viability assessment has been provided to justify the proposal in relation to the viability the farm. Furthermore, farm diversification cannot be relied upon, given the farm is not part of an agricultural holding. Nor does the proposal meet any of the exception criteria and the proposal is not therefore justified in Green Belt terms. Accordingly, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt and contrary to Policy ENV2 of the Local Plan Part One and Chapter 13 of the NPPF.

ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

After considering the principle of the appropriateness of the proposed development in the Green Belt as set out above and within the NPPF (paragraph 154), the effect of the development on the openness of the Green Belt needs to be considered. The proposal does not fall under any of the sub-categories set out within para 154 (h), and by reason of the size, scale and massing, along with the proliferation of built form in this sensitive countryside setting, proposed containers would not preserve the openness of the Green Belt.

The proposed change of use of the land and storage containers on the site would add to a sense of visually sprawling development within the farm complex, which would be harmful to the openness of the Green Belt and has resulted in an uncharacteristically cluttered form of development across the wider site. As a result, the development would have an adverse impact upon the openness of the Green Belt. Whilst the site is screened from public vantage points, visibility does not preclude impact on openness. Additionally, whilst the visual impact of the development in itself should not be considered solely as the arbiter of openness, it is also considered that the use of the land for additional commercial development has an impact on openness, which is defined as the absence of development.

The effect of the development on the openness of the Green Belt is a secondary consideration to the principle of the appropriateness of the proposed development in the Green Belt (discussed at (i) above) and as set out within the NPPF (paragraph 154), development is inappropriate in the Green Belt, unless meeting the limited number exceptions that are stated.

In addition to the exemptions set out at paragraph 154 of the NPPF, it is noted that Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt would not be regarded as inappropriate where all of the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;

- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules'
- e. requirements set out in paragraphs 156-157 below.

The NPPF 2024 defines 'grey belt' land as land within the Green Belt comprising previously developed land and/or any other land that does not strongly contribute to any of the purposes (a) 'to check the unrestricted sprawl of large built-up areas', (b) 'to prevent neighbouring towns merging into one another' or (d) 'to preserve the setting and special character of historic towns' paragraph 143.

Aerial imagery demonstrates the land to which the containers are located was predominantly vegetated up until 2021 when hardstanding was laid down. However, the area annotated on the plan as open storage and parking/turning has been hardstanding since at least 1999. With regard to previously developed land (PDL), the NPPF definition states 'Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land'.

With regard to the proposal, whilst parts of the site could be considered to be PDL, the installation of hardstanding and the siting of the existing containers on this hardstanding have been implemented without the required express planning permission and the land has not therefore been lawfully developed, nor are storage containers and vehicles permanent structures as per the NPPF definition. In relation to this point, the site has not been lawfully developed and it is not therefore considered to meet the Framework's definition of previously developed land. The Council does not therefore consider that the existing hardstanding and current use of the site for the storage of containers can be considered as PDL or relied upon to provide any justification for the proposed development.

In relation to whether the site can be considered as grey belt land, the application site falls within the Council's adopted Green Belt Evidence Base (2016) for the current (adopted) local plan, within the Downton and Lea Green area (BA07). This Evidence Base (which was produced prior to the principle of grey belt being established in national planning policy) demonstrates the land within BA07 contributes strongly to Green Belt purposes b) and c) as set out in para 143 of the NPPF. If land contributes strongly to Green Belt purposes a), b) or d) of para 143, it cannot be considered as grey belt. As the site contributes strongly to Green Belt purpose b), the land cannot therefore be considered to be Grey Belt when using this green belt evidence base.

However, as part of the Council's Emerging Local Plan Review, a review of Green Belt areas has been undertaken having regard to the grey belt definition in the NPPF and draft grey belt maps have been produced. With regard to Forest Farm, the Council's Green Belt Study, Part 1 demonstrates the land within the application site could now be considered to be Grey Belt land. An assessment is made, therefore against the tests in paragraph 155 of the Framework, regarding whether the development can be considered grey belt in any case.

In relation to the proposal, the criteria of paragraph 155 are set out below:

- a. The development would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
- b. It has not been demonstrated there is a demonstrable unmet need for storage uses and storage facilities. There are a number of storage facilities located within the New Forest area, including within the nearby settlements of

New Milton, Lymington and Hordle and there is no evidenced needs within the Local Plan for this type of development.

- c. The development would be in a sustainable location, which is in close proximity to the village of Milford on Sea.
- d. Does not apply as the proposal does not propose housing.

Paragraph 155 specifies that all criteria must be met and as the proposal fails to meet criterion (b), the development is to be regarded as inappropriate development in the Green Belt in accordance with the terms of the paragraph.

In the absence of 'very special circumstances', the proposed development is considered to be inappropriate and unjustified development in the Green Belt. As such, the proposal does not comply with Policy ENV2, Policy STR1 or NPPF Paragraphs in Chapter 13 and the proposal would be contrary to local and national policy.

iii) Would there be any other non-Green Belt harm?

Design, site layout and impact on local character and appearance of area and landscape impact and trees

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

Chapter 12 of the NPPF 2024 seeks to achieve well-designed places. Paragraph 131 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 states developments should be visually attractive as a result of good architecture, and be sympathetic to local character, including the surrounding built environment and landscape setting, as well as establishing and maintaining a strong sense of place.

The site is located in the countryside and outside of any defined settlement boundary. The site is set back from Barnes Lane and is sited between the villages of Milford on Sea and Everton. The application seeks retrospective planning permission for a change of use of the land for open storage and storage containers. Whilst the land is already in use for open storage and c.30 storage containers, the containers were unlawfully sited on the land without the required express planning permission.

Whilst not all of the storage containers which have been stationed on the land are shown on the submitted block plan, there are 4 distinct groups/rows of containers sited to towards the western area of the red line boundary. The largest row of containers extends to approximately 54m in length, which introduces an overtly

utilitarian and industrial form of development to this sensitive countryside location and rural landscape. With regard to the scale, linear massing and harsh functional appearance, the containers appear visually intrusive and at odds with the established rural landscape character of the site. The change of use of the land would facilitate further commercial and storage development within the red line area and the likelihood is that the number of storage containers would increase than that of the existing situation as the storage business expands.

The introduction of the proposed commercial use would result in an intrusive and unacceptable form of development within the countryside, and would result in the proliferation of built form and storage paraphernalia to the farm complex. Given this context, there is not considered to be a compelling justification for the provision of the proposed commercial development in this location. Furthermore, it would be contrary to local planning policy as it would not meet any of the requirements of Policy DM22 of Local Plan Part 2 or saved policy CS21 of the Core Strategy.

The containers are of a utilitarian appearance and are not of any architectural merit and by reason of the site layout, positioning and cumulative clutter of urban sprawl within the site it would adversely affect its character and openness. Whilst the containers and open storage is not visible from public vantage points, this does not negate harm to the countryside or landscape setting of the site. Development can harm the essential qualities of the countryside even when these changes are not visible as rural character can include more than just views. As a whole, the introduction of this use in the countryside is considered to be unsympathetic to the rural character and landscape setting of the area and would harmfully erode the rural character and appearance of the area. As such, the proposal would result in a general intensification associated with the commercial use of the land and would result in an erosion of the Green Belt which would be harmful to the landscape character and rural setting, which is not considered to be appropriate to its location.

A Landscape & Visual Appraisal (LVA) has been submitted as part of this application. Paragraph 48 of the LVA states that the landscape value of the site is 'medium'. Paragraph 66 of the LVA states that the proposed landscape enhancements are the maintenance of all existing trees and hedge cover and the development of the recently planted hedge to the east of the hardstanding, and that the applicant is willing to discuss further landscape enhancement to be delivered by planning condition should the LPA consider this is necessary. The existing vegetation on the site is not considered to negate the impacts of the proposal upon the landscape character of the countryside and Green Belt. Officers do not consider that any planning conditions could make this development acceptable.

The introduction of this proposed commercial use in this sensitive location within the countryside and Green Belt would result in an intrusive and unacceptable form of development in the countryside and would be harmful to the visual amenities of the countryside. Overall, it is concluded that the proposal would result in an incongruous development in a sensitive landscape setting, which would be harmful to the character and appearance of the countryside. By reason of the introduction of new storage use and associated structures, there would be a resultant encroachment into the countryside which is contrary to local and national planning policy.

For the reasons set out above, the proposal is considered to be contrary to the provisions of the Development Plan and the NPPF. In particular, the proposal would fail to accord with the requirements of Policies ENV3, ENV4, STR1, STR3 and STR4 of the New Forest District Council Local Plan Planning Strategy (2020) which requires high quality development that contributes positively to local distinctiveness, being sympathetic to its context, and it would fail to meet the provisions of the aims

of Chapter 12 of the NPPF to achieve well-designed and beautiful places and Chapter 13 of the NPPF.

Highway safety, access and parking

The site is accessed via an existing access which is a private road abutting Barnes Lane, which connects Milford on Sea high street to Christchurch Road.

HCC Highway Authority were consulted on the previous application and raised no objection to the change of use of the land and therefore a reason for refusal on highway grounds cannot be substantiated.

The parking area set out on the plans is large and could accommodate a significant number of vehicles. The proposal is therefore considered to comply with Policy CCC2 of the Local Plan Part One and NFDC Parking Standards SPD.

Residential amenity

Policy ENV3 of the NFDC Local Plan Part 1 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. NPPF Para. 135, subparagraph (f) states development should promote health and wellbeing, with a high standard of amenity for existing and future users.

The farm complex comprises a residential dwelling called Forest Farm which lies in close proximity to the site. Planning history for this dwelling demonstrates the property was previously subject to an agricultural tie, however, a Lawful Development Certificate was issued in April 2024 for the occupation of the dwelling by a person not employed in agriculture. It is understood from the planning history of this dwelling, that the occupier of Forest Farm is a relation of the applicant for this application.

The additional traffic movements associated with the commercial use of the site could result in additional noise and disturbance to this property with resultant detrimental impacts upon the residential amenities of this property. On the basis of the described use of the site for storage purposes, traffic movements and comings and goings associated with the commercial use of the site would likely be on an ad hoc basis and may not be materially different to the comings and goings of the agricultural and equestrian business. However, no information has been submitted to quantify these movements to allow for the full assessment of the impact upon the amenity of this residential property.

Aside from Forest Farm, the closest residential property to the site is located approximately 100m to the north east of the site. On this basis, it is not anticipated that the proposal would impact upon the residential properties to the east of the site given the separation distances.

On the basis of the above, and the information submitted, whilst the proposal has not fully demonstrated the impact on the residential amenities of Forest Farm, on balance, given the existing use of the site these amenity impacts may not be materially different. As such it would be difficult to justify a reason for refusal on this basis.

Ecology

As of 2nd April 2024, developers must deliver 10% Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission. In this instance,

BNG is mandatory. However, as the application is retrospective, the application is exempt from the requirement to provide BNG.

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures.

No ecological enhancements have been included within the proposal, although this could have been secured by planning condition if the proposal was otherwise acceptable. On this basis, it is not considered the proposal would adversely impact upon ecology and the proposal is considered to comply with Policy DM2 of the Local Plan Part Two.

Air Quality Statement

In response to the requirements of the adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022', the applicant is required to submit information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These measures are:

- Green infrastructure - The applicant has already planted a number of trees and other vegetation on site. Proposal will be to provide further planting if application is permitted and income from the use is received.
- Development designed to reduce exposure to pollutants - There is no kerbside development.
- Reduce exposure to pollutants - Not allow any open fires by users of the commercial storage.

iv) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition, is harmful to the Green Belt and so it would be contrary to established planning policy as set out in the NPPF.

The proposals do not comply with any of the exception criteria as set out in the NPPF. As such any 'very special circumstances' that could justify an exception need to be carefully considered to see if they are sufficient to outweigh the identified Green Belt harm.

The submitted Planning Statement advises the retrospective commercial storage use of the site is to support the viability of the farm holding. The applicant has provided a written statement setting out the business history of the site, however, no independent viability assessment has been undertaken. Whilst Officers sympathise with the circumstances relating to the proposed use of the site, the proposed development is not considered to be an appropriate use of the land in this sensitive countryside and Green Belt setting as set out above. No independent financial or viability information been submitted to demonstrate that the farm is not viable as a justification for the proposal. As such, it is not considered that based on the planning submissions, that the current proposal can demonstrate any "very special circumstances" that would be sufficient to justify the proposal which would be inappropriate and harmful within the countryside and Green Belt.

There are not considered to be any material considerations which sufficiently weigh in favour of the development to outweigh the harm to the Green Belt and all other

harm identified above (i.e. not constituting sustainable development). The case put forward is not considered, on balance, to demonstrate that 'very special circumstances' exist and there are not considered to be any material considerations which weigh in favour of the development that clearly outweigh the identified harm to the Green Belt and countryside. The proposal would therefore result in harm and would be unacceptable in principle.

11 OTHER MATTERS

None.

12 CONCLUSION / PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

As set out earlier in this report the NPPF is a material consideration.

In considering the harm of the development, the site lies within a sensitive open countryside setting designated as Green Belt, in which the proposal would result in a change of use of the land for open storage and the stationing of an unspecified number of storage containers, of which there are already 30no. storage containers stationed on the land. The proposal would constitute inappropriate development within the Green Belt, affecting its character and openness by reason of the site layout, positioning and cumulative clutter of urban sprawl within the site. The introduction of the proposed use in a location that is outside of the defined settlement boundary and within the open countryside and South West Hampshire Green Belt, would be contrary to Policy STR2 of the Local Plan Part One and Chapter 13 of the NPPF. There are not considered to be any benefits of the proposal that constitute very special circumstances in accordance with the tests set out in the NPPF. The proposal would be an incongruous development which does not contribute positively to local distinctiveness, with harmful impacts to the visual amenities of the area.

Consequently, it is considered in this case that the application is not justified as there are no 'very special circumstances' that would be required for the Council to conclude that an exception to established policy could be justified or there is one that outweighs the demonstrable harm to the Green Belt as described above. Nor are there reasons that outweigh the demonstrable harm to the Green Belt and the area as a whole.

As such, the proposal would conflict with policies Policies STR1, STR3, STR4, ENV2, ENV3, ENV4 of the Local Plan Part One for the New Forest outside of the National Park, Policy DM22 of the Local Plan Part 2 for the New Forest outside of the National Park, saved Policy CS21 of the Core Strategy for the New Forest outside of the National Park, and Chapters 12 and 13 of the NPPF 2024.

The application is therefore recommended for refusal.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would comprise inappropriate development in the Green Belt, resulting on an intensification of the use of the land and harmful impacts on the openness of the Green Belt. No very special circumstances that have been demonstrated which would justify an exception to the established Green Belt policies. As such, the proposed development would be contrary to Policy STR1 Achieving Sustainable Development and Policy ENV2 of Local Plan Part 1: Planning Strategy for the New Forest outside of the National Park and Chapter 13 (particularly paragraph 154) of the National Planning Policy Framework 2024.
2. The proposed development is located in this sensitive area of open countryside outside of a defined settlement boundary and within the designated South West Hampshire Green Belt. By reason of its stark and harsh appearance and proliferation of built form, coupled with the excessive length of existing storage containers on the site, the development would result in an intrusive and unacceptable form of commercial development in the countryside and Green Belt where development is restricted unless specific criteria are met in accordance with both the Council's Development Plan and the NPPF 2024. The proposed development would not meet any of these specific criteria. By reason of the introduction of built form in this location and the utilitarian design of the containers, the proposal would constitute an intrusive and discordant form of commercial development that would be harmful to the visual amenities and special qualities of the countryside eroding the rural character of the location and its landscape character. As such, the proposed development is considered to constitute a contextually inappropriate development that would be contrary to the provisions of Policies ENV2, ENV3, ENV4, STR1 and STR3 and STR4 of the adopted Local Plan 2016-2036 Part 1: Planning Strategy for the New Forest District outside the New Forest National Park, Policy DM22 of the Local Plan Part 2 of the adopted Local Plan Part 2: Sites and Development Management for the New Forest District Council outside of the New Forest National Park, saved Policy CS21 of the Core Strategy 2009 for the New Forest District Council outside of the New Forest National Park and Chapters 12 and 13 of the National Planning Policy Framework 2024.

Further Information:

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NFDC

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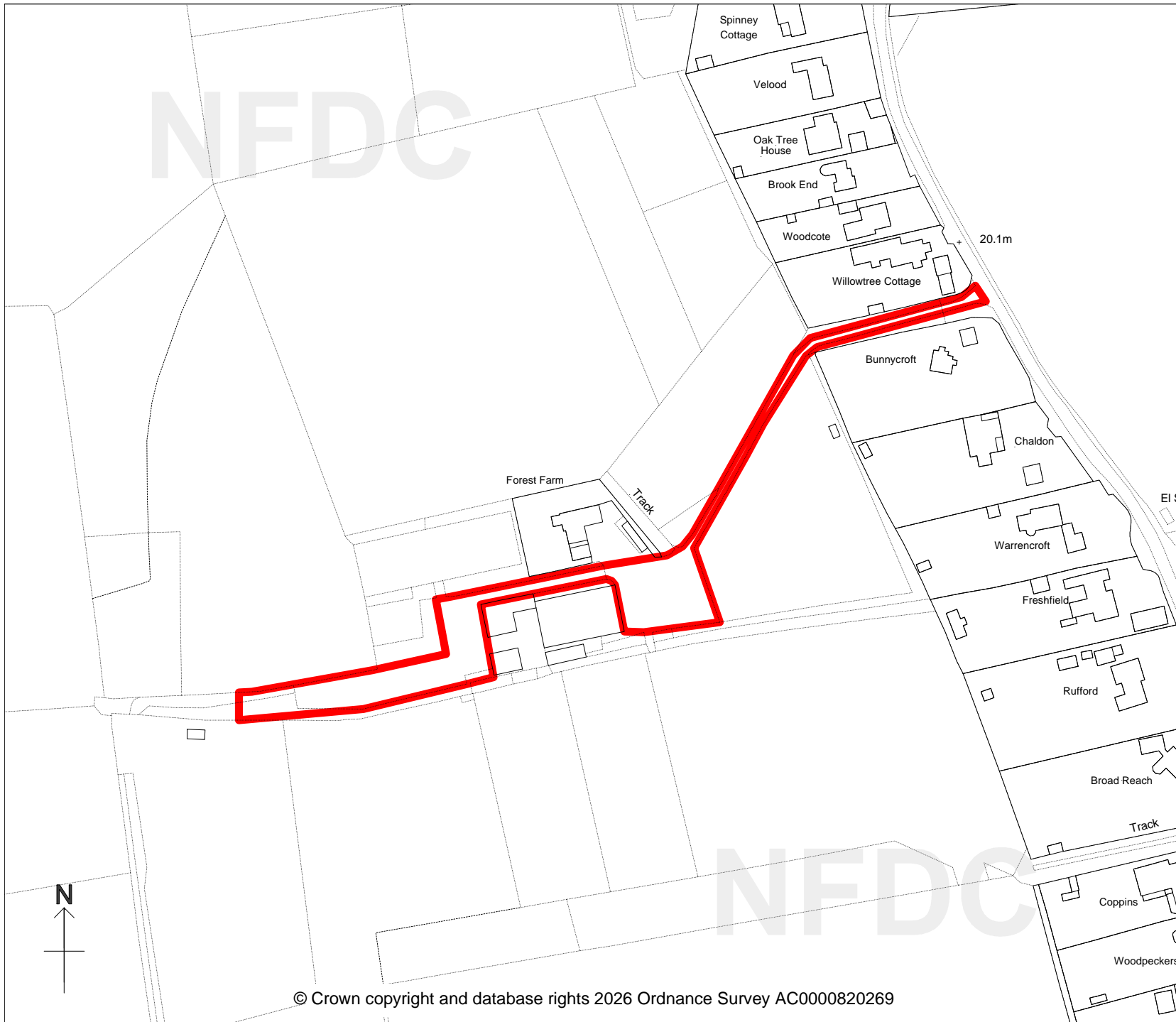
PLANNING COMMITTEE

April 2026

Forest farm
Barnes Lane
Milford-on-Sea
25/11153

Scale 1:2000

N.B. If printing this plan from
the internet, it will not be to
scale.



Planning Committee 08 April 2026

Application Number: 26/10209 Reg 3 Council's Own Development
Site: NEW FOREST DISTRICT COUNCIL DEPOT, 169-171
CHRISTCHURCH ROAD, RINGWOOD BH24 3AN
Development: Modular Portakabin for office & welfare accommodation
Applicant: New Forest District Council
Agent:
Target Date: 27/04/2026
Case Officer: Sophie Tagg
Officer Recommendation: Grant Subject to Conditions
Reason for Referral to Committee: Contrary to Ringwood Neighbourhood Plan: Policy R10.

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on the character and appearance of the area
- 3) Impact on highway safety
- 4) Impact on amenity
- 5) Sustainability and Ecology
- 6) Healthy and safe communities

2 SITE DESCRIPTION

The depot is located on the south western corner of the industrial estate bound by Christchurch Road to the west, with residential uses fronting the road opposite the site and Wellworthy Way to the north. Beyond the eastern boundary are other employment buildings and to the south are the residential dwellings in Willow Drive. The site is enclosed by palisade fencing with established and mature planting on the outer edge of that fence. Given the relatively low level nature and simple form of the temporary buildings on the site the site is not intrusive in the street scene in its existing arrangement.

Works relating to the proposal have commenced on site which includes the formation of the foundations for the portacabin building.

3 PROPOSED DEVELOPMENT

The application specifically seeks permission for a replacement single storey building (comprising 2no linked portacabins) located close to the northern boundary of the site providing welfare facilities for employees.

4 PLANNING HISTORY

None directly relevant

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving sustainable development
Policy STR3: The strategy for locating new development
Policy STR6: Sustainable economic growth
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy ENV4: Landscape character and quality
Policy ECON1: Employment land and development
Policy ECON2: Retention of employment sites and consideration of alternative uses
Policy CCC1: Safe and healthy communities
Policy IMPL1: Developer contributions
Policy IMPL2: Development standards

Local Plan Part 2: Sites and Development Management 2014

Policy DM2 Nature conservation, biodiversity and geodiversity
Policy DM5 Contaminated land
RING1: Land east of Christchurch Road - employment land allocation

Core Strategy (Saved Policy)

CS17: Employment and economic development

Supplementary Planning Guidance And Documents

SPD - Parking Standards
SPD - Air Quality in New Development. Adopted June 2022

SPD - Planning for Climate change

Neighbourhood Plan

Ringwood Neighbourhood Plan

Policy R1: A Spatial Plan for Ringwood
Policy R7: The Ringwood Design Code
Policy R10: Zero Carbon Buildings

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council

P(1) Recommend permission, but would accept the Planning Officer's decision.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Trees:

No objection

NFDC Environmental Health (Contaminated land) ;

No objection

9 REPRESENTATIONS RECEIVED

None Received

10 PLANNING ASSESSMENT

Principle of Development

The Council's strategy for sustainable economic growth seeks to deliver a vibrant and prosperous economy across a range of employment opportunities. Policy STR6 of the Local Plan Part 1 sets out the strategic policy for sustainable economic growth.

The depot site forms part of a wider employment park facilitated by policy RING1 of the Local Plan Part 2 and this policy flowed on from policy CS17 of the Core Strategy. Policy CS17 is a 'saved' policy of the Core Strategy and criterion c) of the policy specifically enables the "...*redevelopment and intensification of employment sites particularly those sites located within the main towns and those with good access by a variety of transport modes*".

Policy ECON2 of the Local Plan Part 1 seeks to retain employment sites that remain suitable for continued employment use wherever possible. In this case the proposal does not seek to change the use of the land at the depot site to an alternative employment use, it is a reconfiguration and upgrade of the site to meet modern day working conditions given the current condition of the existing built form on the site.

The principle for the development is therefore acceptable in policy terms, subject to the consideration of other relevant material considerations.

Impact on the character and appearance of the area

The proposed development comprises a 2no linked portacabins that are steel clad in a goosewing grey colour and there is limited or no scope to modify the appearance, form, or materials of the portacabin beyond standard manufacturer specifications.

Policy ENV3 of the Local Plan requires good design and attention to local distinctiveness. Policy ENV3 specifically seeks development to:

"Create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features".

The Ringwood Neighbourhood Plan places emphasis on high quality, distinctive development and references design guidance and codes – specifically policy R7. The depot is located on the south western corner of the industrial estate bound by Christchurch Road to the west, with residential uses fronting the road opposite the site and Wellworthy Way to the north. Beyond the eastern boundary are other

employment buildings and to the south are the residential dwellings in Willow Drive. The site is enclosed by palisade fencing with established and mature planting and trees on the outer edge of that fence. Given the relatively low level nature and simple form of the buildings that were on the site, the site is not intrusive in the street scene. The existing buildings that were on the site were at the end of their usable life. These were also single storey and temporary in nature. When viewed from the road the buildings also appeared tired and a little scruffy.

The site is also often dominated more by the parked fleet of vehicles that operate out of the depot and at certain times of the day, the parked vehicles have more of an impact on the local character than the buildings themselves.

The replacement building, whilst temporary in nature, would be brand new from the factory. The finish and appearance would, therefore, be a notable improvement on the existing buildings. Whilst the building is utilitarian such a building is not alien to the application site and along side the northern edge of the site (adjacent to Wellworthy Way) the context for the development is the built form in the industrial estate. The closest building due north is the Lidl foodstore, which itself is of a simple and functional design and appearance. It is considered that the proposal will result in a building that, whilst temporary in form, will be sympathetic to the environment and its context in terms of layout scale, height and appearance. It will be an improvement over the previously sited buildings on the site.

The Councils Tree Officer has been consulted in respect of the impact to trees on the northern and western boundaries of the site. There is a linear row of trees growing on the northern and western boundaries. TPO 49/96/1 applies to a number of the existing trees, mainly mature Scots pine. The application provides a tree survey by NFDC Corporate Trees, although this survey doesn't provide details on the trees in terms of their condition or quality it simply lists the species and plots them on a plan. The trees potentially affected by the foundations are the sycamores growing at the eastern end of the northern boundary. These sycamores grow on a raised bank that appears to be made up ground. Excavation into the bank has taken place to re-profile it, however in view of the ground being made up the Tree Officer does not consider this has resulted in a negative impact on the trees. The sycamores are not individually covered by the TPO. The trees do overhang the site to a degree but the proposed Portacabin is single storey and unlikely to conflict with any low overhanging branches. The Tree Officer has suggested that given this is an NFDC application, and the trees are council owned and managed that the trees are assessed and inspected post construction completion by the NFDC Corporate Tree Team and they can advise the applicant on any remedial works that may be required. A planning informative has been added in this regard.

The siting is acceptable in relationship to adjoining buildings, spaces and landscape features and within a controlled operational depot environment and would accord with the requirements of policy ENV3.

Impact on highway safety

Policy ENV3 requires development proposals to be "... safe and easy to navigate" (part ii) and to ensure that there is suitable parking so as to not prejudice the character of safety of the street network (part iii).

Since the proposal represents a replacement rather than new operational development:

- no intensification of vehicle movements is anticipated;
- no changes to the existing access onto Christchurch Road are required; and
- internal depot circulation should remain broadly unaffected.

On this basis, given the increased size of the welfare facilities would not obstruct manoeuvring within the site, the new building is not considered to give rise to any highway safety issues and HCC Highways has not been consulted.

Policy R1 of the Ringwood Neighbourhood Plan sets out the Neighbourhood Plan's vision to focus new development on brownfield first and other opportunities within the settlement boundary utilising to reduce the need for Green Belt releases and to restore and strengthen Ringwood's status as a chartered market town. The policy seeks to tackle the effects of traffic congestion through the effective promotion of means of travel other than the car including the delivery of walking and cycling measures to better connect the new communities at Moortown Lane and off Hightown Road. It is considered that the proposals would accord with policy ENV3 and Policy R1 by providing cycle parking to facilitate travel by modes, other than the car, and it is noted that there are bus routes along Christchurch Road with access onto the town centre.

Impact on amenity

Criterion ii) of policy ENV3 seek to:

“Avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity”.

It is noted that the siting of the proposed building is towards the northern most boundary. This is almost the furthest point on the site from the nearest residential property in Willow Drive to the south. The external lighting would comprise 2no. overdoor exit lamps and LED emergency lights located adjacent to the two entrances. It is not considered that the replacement building will give rise to a significant increase in noise, overlooking, overshadowing or light pollution to neighbouring properties. The primary use of the site remains as a depot. The building facilitates the operations with support services, welfare and amenities for the staff on site. This part of the site operations are not considered to give rise to unacceptable neighbouring impacts contrary to policy ENV3.

Sustainability and Ecology

The Ringwood Neighbourhood Plan promotes sustainability and biodiversity enhancements. Neighbourhood Plan Policy R10: “Zero Carbon Buildings” requires all developments to be zero carbon ready. The policy is comprised of five parts. The policy states (in summary) that:

- a) All development should be zero carbon ready by design to minimise the amount of energy needed to heat and cool buildings through land form, layout, building orientation, massing and landscaping.
- b) Where feasible development should be certified Passivhaus or equivalent standards should be applied.
- c) Requires Certification of the Passivhaus standard but only if b) applies
- d) Is applicable for Major applications – of which the proposal is not
- e) Requires the submission of a Climate Change Statement.

It is commendable that the Ringwood Neighbourhood Plan is seeking to improve the sustainable nature of construction across its plan area through policy R10 and given that this Council has also declared a Climate and Wildlife Emergency, this policy should be afforded significant weight.

Policy IMPL2 of the Local Plan part 1 seeks a BREEAM excellent construction standard from new commercial development on developments greater than 250sq.m. The proposed floor area falls short of the threshold in IMPL2 so there is no requirement to meet the BREEAM excellent standard. This policy seeks to ensure that sustainable measures are incorporated within the design process. This is supported by the provisions of ENV3(v) which require the considering of sustainable resilience measures as part of all development.

The proposed development has been assessed against the requirements of Policy R10 of the Ringwood Neighbourhood Plan. While the proposal cannot achieve full compliance with these requirements, the submitted design does include measures that improve fabric efficiency, modern methods of construction, and a building form that could support future installation of low carbon systems should longer term certainty be established.

It is also necessary to consider the extent of policy compliance in the context of the operational and tenure constraints that apply to the site. The applicant has confirmed that the depot occupies land leased from Hampshire County Council, and the remaining lease term, combined with the wider uncertainty associated with Local Government Reorganisation, significantly limits the ability to commit to investment in long life zero carbon infrastructure.

Given these circumstances, the Applicant has adopted a proportionate approach that delivers necessary operational improvements while incorporating sustainable elements where reasonably achievable. The existing depot accommodation is insufficient in terms of capacity and falls below modern expectations for staff welfare and operational functionality. Continued use of the existing facilities is not viable. The proposed building therefore provides an essential interim solution that will materially improve welfare provision and operational resilience, while still securing identifiable environmental gains relative to the current accommodation.

Although the proposal does not fully satisfy the specific technical requirements of Policy R10, based on the above a departure from this policy is considered justified.

A bio-diversity metric has been submitted to meet the national validation requirements pursuant to Biodiversity net gain. There is no formal biodiversity net gain requirement expected for a temporary building on an existing operational site. Local Plan policies seek to secure biodiversity enhancements from development and the application has given consideration to the provision of enhancement features that could be incorporated into the development such as the installation of bat and bird boxes. A biodiversity enhancement plan can be secured via a condition.

Healthy and safe communities

In terms of land contamination, the application is supported by a Phase 2 Site Investigation Report dated December 2025, undertaken by Solmek. The report concludes that given the site's proposed commercial land use, the levels of contamination recorded on site are unlikely pose a risk to the current and future users of the site.

The Council's Environmental Health Officer has provided comments which confirm that there is no objection subject to a condition to ensure that any potential contamination that could pose risks to human health and/or the environment found during the proposed development on this site will be dealt with in accordance with the Environment Agency's technical guidance.

11 CONCLUSION / PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and responses received from consultees.

The proposed development is considered to broadly accord with the wider development plan objectives and complies with the Plan other than the conflict identified with policy R10 of the Ringwood Neighbourhood Plan. It is, as set out above, considered that a fully R10 compliant scheme cannot be delivered on the site by this application given the pressing need for the building on site to replace the current old and unsuitable buildings. The need for an updated building on the site to replace the existing, poor quality buildings and ensure that the Council Depot remains operational is afforded significant weight in the decision making process to outweigh the conflict with policy R10. The application is, therefore, on balance, recommended for approval.

12. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

Concept Layout, Drawing No. SK01 Rev D, Dated May 2023
Elevations, Drawing No. 10 Rev C, Dated 8 September 2025
Floorplan/Fire Strategy, Drawing No. 10 Rev G Dated 8 September 2025
Location Plan Dated 27 February 2026
Foundation Details Drawing No. 100 Rev B Dated 30 January 2026
Drainage Layout Drawing No. 120 Rev E Dated 04 February 2026

Reason: To ensure satisfactory provision of the development.

2. Prior to occupation, a Biodiversity Enhancement Plan providing details of ecological enhancements to be carried out on the development site shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall be provided before the building hereby approved is occupied and retained/maintained in place to provide biodiversity and protection thereafter.

Reason: To enhance existing features of nature conservation value within the site in accordance with Policy DM2 of the Local Plan Part2: Sites and Development Management.

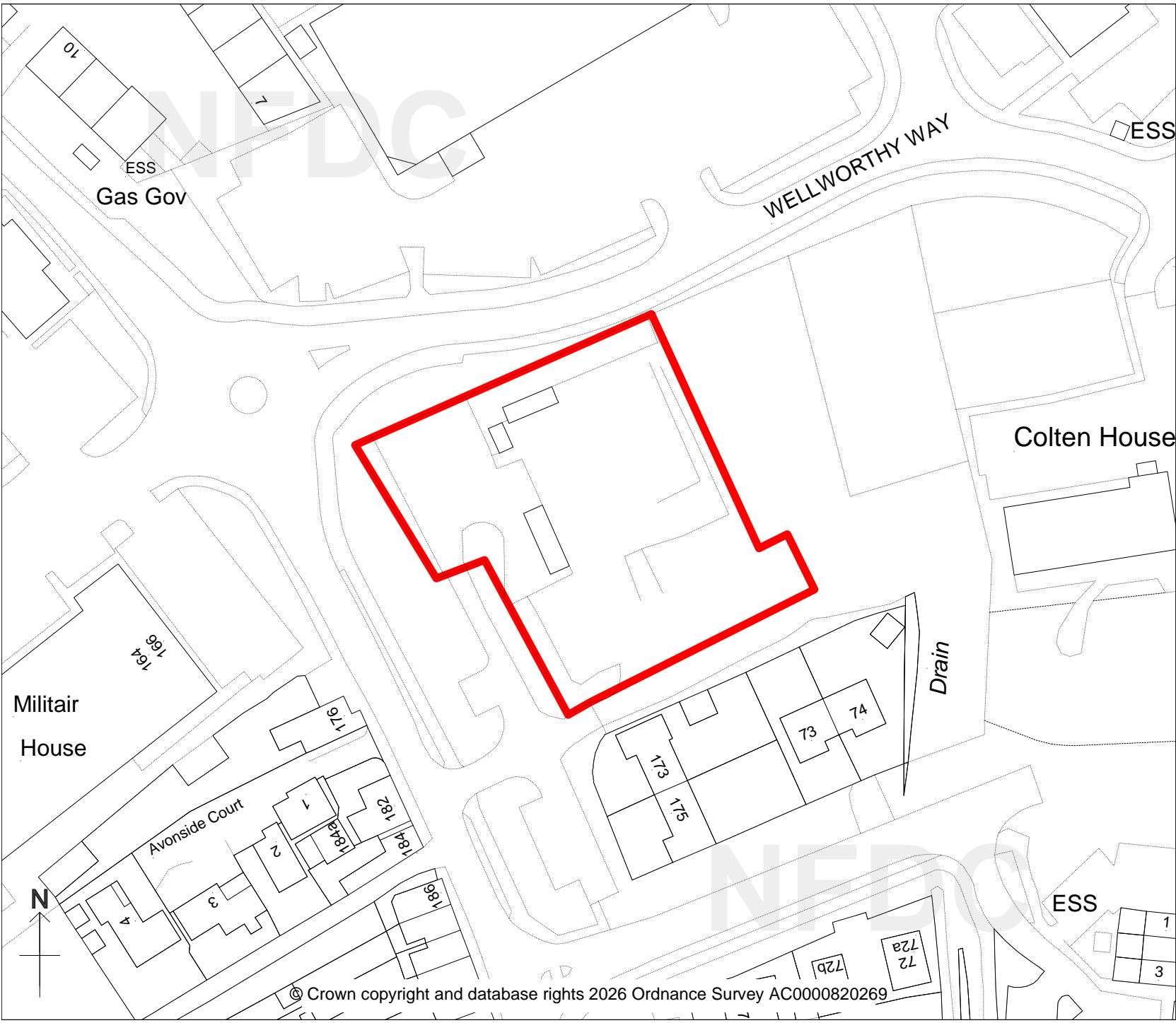
3. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the [Local] Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

Further Information:

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New Forest

DISTRICT COUNCIL

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 SO43 7PA

PLANNING COMMITTEE

April 2026

New Forest District Council
 169-171 Christchurch Road
 Ringwood
 26/10209

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Planning Committee 08 April 2026

Application Number: 25/10726 Full Planning Permission
Site: 44 MILFORD ROAD, PENNINGTON, LYMINGTON
SO41 8DU
Development: Change of use of car showroom to fitness studio.
Applicant: Hartdene Properties FP Limited
Agent:
Target Date: 10/10/2025
Case Officer: Graeme Felstead
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Town Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Highways, Access and Parking
- 3) Impact on Residential Amenity
- 4) Summary and Conclusion

2 SITE DESCRIPTION

The application site is part of a building formerly used as a car showroom but now comprises a small gym, known as Verity Fitness. The unit is located within a mixed-use parcel in Lymington comprising retail, industrial and commercial units. The application site is surrounded by residential uses and the unit is located on the western site boundary.

The application site has two main points of access. The existing access to the southeast of the site allows turning onto Milford Road and utilises a simple shared use road. This shared use road connects to Milford Road. The access also serves other units such as a car wash, florist and fireplace shop. It should also be noted that there is a second access fronting Milford Road.

There is also an additional access located to the east of the site, via South Street, which is similar in width and use to the other existing access.

3 PROPOSED DEVELOPMENT

The application proposes the retention of a gym (Use Class E(d)); changing the use from a car showroom (Sui Generis use). The gym has been operating since May 2025.

A defined area of land to the northwest of the unit, falling within the land edged blue on the submitted location plan, is proposed to provide the parking necessary to support the use. This area accommodates the majority of the parking spaces

associated with the development and is available to the operator through a formal arrangement with the landowner. The use of this land for parking forms part of the proposal and is secured through the accompanying planning obligation. The site floor area has not changed as part of the application and remains the same.

The gym offers fitness classes from the hours of:

06:00 – 20:00 on Monday – Friday,
07:30 – 11:00 on Saturdays; and
08:00 – 11:00 on Sunday.

No classes are proposed to operate on bank or public holidays

The classes vary in length from 30 minutes to an hour and can accommodate up to 10 members at any time.

The number of classes varies between 2 – 4 in the morning and 2 – 4 in the afternoon/evening, although it should be noted that there are no proposed afternoon/evening classes on weekends.

These classes are led by one staff member, and it has been observed from the existing class schedule that there is one instance a week where there are two classes at the same time: this happens on a Friday 06:00 – 06:45.

4 PLANNING HISTORY

None

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1:

Policy STR1: Achieving Sustainable development
Policy STR4; Settlement Hierarchy
Policy STR6: Sustainable economic growth
Policy STR8: Community services, infrastructure and facilities
Policy ENV3: Design quality and local distinctiveness
Policy CCC1: Safe and healthy communities
Policy CCC2: Safe and sustainable travel

Local Plan Part 2: Sites and Development Management

Policy LYM5 (Fox Pond Dairy Depot and Garage, Milford Road) Site Specific Allocation

Lymington & Pennington Neighbourhood Plan – Policy List (2016–2036)

Relevant policies from the Lymington & Pennington Neighbourhood Plan (made February 2026) include:

LP1 (Spatial Strategy)
LP5 (Walkable Neighbourhoods)
LP10 (Active & Healthy Travel)

Supplementary Planning Guidance And Documents SPD

Parking Standards

National Planning Policy Framework (December 2024)

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council

Lymington & Pennington Town Council (11 February 2026)

Decision: PAR 2 – Recommend Refusal.

The Town Council noted the submission of a Noise Impact Assessment but reported that nearby residents had stated that the mitigation measures identified within it had not been adequately implemented or adhered to. Members therefore concluded that the operation of the fitness studio continues to give rise to excessive noise and disturbance, resulting in an unacceptable impact upon neighbouring residential amenity.

The Town Council accordingly recommended refusal on these grounds

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Highway Authority – no objection

Hampshire County Council – Highway Development Planning (26 January 2026)

The Highway Authority raised no objection to the proposal.

Following additional information submitted after the initial consultation, it was confirmed that the development no longer presents a shortfall in parking provision when assessed against the New Forest District Council Parking Standards for a 130 m² open hall space. As such, the Highway Authority advised that there is a low risk of overspill parking on the public highway and therefore no highway or parking grounds for objection.

NFDC Environmental Health – no objection subject to conditions.

Environmental Health reviewed the updated Noise Impact Assessment (ISVR Consulting, Ref. 11995-R01B) and confirmed that no objection is raised subject to conditions.

The NIA indicated that, where mitigation measures were implemented (doors/windows closed, restricted early parking, single-speaker system), noise was not audible at the site boundary during monitored sessions. However, Environmental Health subsequently received video evidence demonstrating noise intrusion beyond the site boundary, indicating inconsistent enforcement of mitigation measures by the operator.

Environmental Health concluded that the development may be acceptable provided robust controls are secured and adhered to. The following conditions were recommended:

1. Doors and windows closed during exercise sessions.
2. No audible noise beyond the site boundary from classes.
3. Submission and implementation of a Noise Management Plan within 4 weeks of any permission.
4. Restricted operating hours (Mon–Fri 06:00–20:00; Sat 07:30–11:00; Sun 08:00–11:00).
5. No use of gravel parking area before 08:00.
6. No outdoor exercise use on the front shingled area.

Environmental Health therefore does not object, provided these conditions are imposed.

9 REPRESENTATIONS RECEIVED

A total of two objections were received from neighbouring residents.

Key issues raised include:

- Noise from classes being audible inside neighbouring properties.
- Doors being left open during classes.
- Early-morning vehicle movements on the gravel parking area, contrary to the statements within the NIA.
- Concerns that certain activities (running, weights, use of matting) do not align with the NIA's description of operations.
- Assertions that the NIA does not accurately reflect real-world use or noise levels.

Objectors maintain that the operation has resulted in disturbance and that mitigation measures are not reliably implemented.

Seven representations in support were received from local residents and gym users, including:

Supporters highlight the following:

- The gym has brought a previously vacant unit back into beneficial economic and community use.
- The facility has positive health and wellbeing impacts for a wide range of users.
- Many users walk or cycle, reducing traffic impacts.

- The operator has made efforts to implement noise and parking mitigation, including additional parking arrangements, signage, rubber matting, and restricting early use of the gravel driveway.
- Supporters state that only one neighbouring property has raised concerns, and that other nearby residents and businesses have not objected.
- Several supporters recommend a site visit during operational hours to observe actual noise levels and management practices.
- The proposal has not altered the external appearance of the building and remains in keeping with its light-industrial surroundings.

10 PLANNING ASSESSMENT

A - Principle of Development

The site lies within the defined built-up area of Lymington and Pennington, where development is acceptable in principle subject to compliance with other Local Plan policies. STR4 directs new development toward the District's most sustainable settlements of which Lymington and Pennington is one, and the reuse of an existing commercial unit within this established urban area is therefore supported in policy terms.

Policy STR6 (Sustainable Economic Growth) encourages the use and reuse of existing commercial premises to maintain a sufficient supply of land and buildings that contribute to the local economy. Part (ii) specifically seeks to retain sites that are suitable and viable for continued employment-related activity. Although the proposal does not fall within a traditional office or light industrial employment use (the type of uses formally within the B1 use-class and now falling within use class Eg)), it nevertheless sustains an active commercial function, provides a modest level of employment, and ensures the ongoing productive use of the building.

Policy STR8 supports proposals that deliver health and community facilities which are accessible to all sectors of the community. Paragraph 4.34 of the local plan confirms that sports and leisure facilities, including gyms, are considered community facilities.

Policy ECON2 (Retention of Employment Sites and Consideration of Alternative Uses) establishes that employment sites which remain suitable for employment use will be retained wherever possible. Alternative uses may be supported where the criteria of the policy are met.

i. Assessment against STR4

Policy STR4 establishes a settlement hierarchy directing development toward the most sustainable and accessible locations within the District. Lymington and Pennington form part of the defined built-up area identified as suitable locations for new development, where a broad range of uses including commercial, employment and community facilities are supported in principle. The policy seeks to ensure that development in these settlements strengthens their role as service centres, makes efficient use of previously developed land, and contributes to overall sustainability. The application site lies within the built-up area boundary of Lymington and Pennington and forms part of an established commercial cluster along Milford Road. The reuse of this existing commercial unit for a Class E(d) fitness facility represents

an appropriate town-centre/urban activity within a sustainable settlement, consistent with the area's role as a local service hub. The proposal makes productive use of previously developed land, supports local economic activity, and delivers a community-facing use aligned with the wider strategic function of the settlement. Furthermore, the site benefits from good accessibility via walking, cycling and public transport, with nearby residential neighbourhoods and regular bus services serving the Milford Road corridor. This level of accessibility supports the spatial aims of STR4, which seek to focus development in locations well served by sustainable transport.

Given the site's position within the settlement boundary, the nature of the use, its reliance on an existing building, and its alignment with the strategic role of Lymington and Pennington, the development is considered to comply with Policy STR4.

ii. Assessment against STR8(ii)(d)

Policy STR8 supports proposals that deliver accessible community facilities which meet a broad range of community needs. The proposed Class E(d) gym constitutes such a facility, offering opportunities for physical activity and supporting local health and wellbeing. The site is located within the built-up area, in close proximity to surrounding residential neighbourhoods, and benefits from good accessibility by walking, cycling and public transport, with nearby bus stops along Milford Road. The parking provision associated with the proposal is sufficient to meet operational needs, as set out within the Transport Statement and as considered more fully later in this report. The facility is capable of serving a wide range of users and abilities, with flexible opening hours that support broad community access. Taking these factors together, the proposal is considered to comply with STR8, including criterion (ii)(d), as it represents an accessible and inclusive community facility within a sustainable location.

iii. Assessment against STR6 (Sustainable Economic Growth)

Policy STR6 supports the use and reuse of existing commercial premises to maintain a sufficient supply of land and buildings that contribute to the local economy. Although the proposed gym does not fall within types of employment categories envisaged by the local plan (see paragraph 7.5 of the plan and the aspiration for uses in the former B use classes; now use class Eg)), it nevertheless continues to generate economic activity and provides a modest level of employment. The proposal represents an efficient reuse of an existing commercial unit and maintains the site's economic function within an established mixed-use frontage. Given the small scale of the unit and its longstanding sui-generis former use for car sales, the proposal would not undermine the District's supply of employment land. The development is therefore consistent with the aims of STR6.

iii. ECON2

Policy ECON2 must be read in the context of paragraph 7.5 of the Local Plan, which defines "employment uses" specifically as falling within the former B-class uses (now within class Eg). The previous lawful use of the unit as a car showroom (sui generis) did not fall within a B-class employment category, and therefore the site has not operated as an 'employment use' in policy terms for some time. The proposed Class E(d) gym use is likewise a non-B-class use. As such, the proposal does not result in the loss of employment land, as that loss had already occurred under the former use. Instead, the development secures the ongoing commercial use of the unit, maintains economic activity on the site, and brings a previously under-utilised building back into productive use. The applicant has confirmed that the gym employs

1 full time employee/owner, 3 part time contracted employee class instructors and 1 cleaner.

On this basis, the proposal can be justified against ECON2, notwithstanding that it does not re-provide a employment function as expected in the local plan.

Suitability and viability for continued employment use

The unit sits within an established mixed-use commercial frontage on Milford Road and remains in commercial use under Class E(d). The gym has been operating since May 2025, generating ongoing economic activity and employment. The proposal therefore does not represent the loss of an employment-generating use, but rather the continuation of a viable, active commercial operation within the existing floorspace and built envelope.

(ii) Consideration of alternative uses

Policy ECON2 supports alternative, non-employment uses (as defined by paragraph 7.5 of the Local Plan) where proposals deliver community benefit and can be satisfactorily integrated without unacceptable impacts. In this case, the existing unit was previously in a sui generis car showroom use, which did not constitute an “employment use” for the purposes of ECON2, as the policy defines employment uses as those falling in the former B-class uses (now use class Eg alongside B2 and B8). The proposed Class E(d) gym use is a non-B-class use.

Given that the site was not in employment use, as defined by the development plan, prior to this application, the proposal does not involve the loss of employment land. Accordingly, although ECON2(ii) ordinarily requires marketing evidence where non-employment uses are proposed on an employment site, that requirement is not engaged here, as the site had already transitioned away from employment uses as defined in paragraph 7.5 of the Local Plan under its previous sui generis use. Notwithstanding this, the proposed gym delivers clear community benefit supporting health and wellbeing in line with STR8 and is located within the built-up area with good accessibility by walking, cycling and public transport. Subject to the recommended conditions, the use would not give rise to unacceptable amenity or highway impacts, as confirmed by Environmental Health and the Highway Authority

(iii) Safeguarding the overall employment land supply and the role of the site within the local employment hierarchy

Criterion (iii) is satisfied for the following reasons:

- Criterion (iii) concerns the safeguarding of employment land and the role of sites within the wider employment land supply. As set out above, the previous lawful use of the unit as a car showroom (sui generis) did not fall within a use class employment category as defined in the supporting text to the policy and therefore the site has not functioned as ‘employment land’ in policy terms for some time. The proposed gym use is similarly a non-employment use. Accordingly, the proposal does not result in the loss of employment floorspace and does not prejudice the overall supply of employment land the policy seeks to protect.

While the gym generates only a modest level of employment typically one staff member per class, with limited instances of dual-running sessions this does not materially affect the assessment under ECON2(iii). The policy is concerned with the strategic employment land resource. The key consideration is that the proposal does not displace or erode employment

land, and that the site remains in productive commercial use rather than becoming under-used or vacant. The continuation of an active commercial function in this location therefore aligns with the broader economic aims of the Local Plan and satisfies criterion (iii).

- Scale and context:

The unit is small and located within the LYM5 mixed-use allocation, which anticipates a flexible range of commercial uses along the Milford Road frontage. The gym is consistent with that commercial role and does not constrain the planned residential development to the rear. It therefore does not undermine the intended mix of uses or the strategic supply of employment opportunities envisaged by the allocation.

- Efficient reuse of existing stock:

The proposal occupies an existing unit without external enlargement, supporting the ongoing vitality of the frontage and avoiding pressure to release additional employment land elsewhere. This is consistent with maintaining the overall employment land resource.

When read against the evidence, the proposal complies with Policy ECON2. It retains an active, employment-generating use within an existing commercial unit, delivers community and health benefits consistent with the role of the settlement, and does not prejudice the strategic supply or function of employment land within the District or the delivery intent of Policy LYM5.

iv. Policy LYM5 – Mixed-Use Allocation (Milford Road)

The site lies within the LYM5 allocation in Local Plan Part 2, which anticipates commercial uses along the Milford Road frontage with residential development to the rear (approximately 14 dwellings). The proposal relates solely to the reuse of the existing commercial unit. It introduces no new built form and does not constrain the delivery of the residential element of the wider allocation. LYM5 anticipates a flexible mix of commercial uses along the frontage, and the proposed Class E(d) gym is compatible with that expectation. The proposal is therefore acceptable when assessed against Policy LYM5.

The proposal also broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP1. It uses brownfield land and provides a facility in proximity to Pennington centre.

The proposal also broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP5 which identifies Lower Pennington as a broad location. In each broad location, proposals comprising uses to meet the local communities day-to-day needs will be supported in principle. The proposed use is considered to address local needs for a gym.

To conclude, although the proposal represents a departure from traditional B-class employment uses, it maintains an active commercial role within an existing unit and continues to contribute to the local economy. The use delivers clear community and health benefits while retaining the site in productive economic use, and it does not compromise the availability or strategic function of employment land within the District. The site's position within the built-up area ensures good accessibility by sustainable modes, and the proposal provides a community facility that supports wellbeing objectives.

Accordingly, the development accords with Policies STR4, STR6, STR8(ii)(c–d) and ECON2, including criterion (iii) relating to the safeguarding of the District’s wider employment land supply, and LYM5 and Neighbourhood Plan Policies LP1 and LP5.

For clarity, this conclusion relies on the preceding explanation of how the Local Plan defines “employment uses” for the purposes of ECON2 namely, that only the former B-class uses fall within this definition (Local Plan para. 7.5). As the site has not been in a B-class use for some time, the assessment above explains why the proposal can be considered compliant with ECON2 despite not re-providing a B-class employment function.

B - HIGHWAYS, ACCESS and PARKING

Local Plan Policy CCC2 – Safe and sustainable travel requires sufficient, well-designed car and cycle parking and safe access arrangements. Policy ENV3 – Design quality and local distinctiveness expects layouts that integrate adequate parking and circulation so realistic needs are met without prejudicing highway safety or local character. The Parking Standards SPD (April 2022) provides detailed non-residential standards and the framework for any justified departures (Section 15, Principle PS13).

Lymington and Pennington Neighbourhood Plan Policy LP10: Active and Healthy Travel sets out

- A. The Neighbourhood Plan identifies the existing Sustainable Travel Network and opportunities for improvements, as shown on the Lymington and Pennington Active Travel Plan, for the purpose of supporting healthy and safe active travel opportunities in the Parish.
- B. Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout and means of access and landscape treatment.
- C. Proposals that avoid harm to the functioning or connectivity of the Network, or opportunities for improvements to the Network, will be supported.

i. Access and local movement network

The unit sits within a mixed-use parcel served by two established accesses: a southeastern bell mouth to Milford Road (A337) and an eastern access from South Street. No alterations to these access points are proposed. Internal estate roads operate at low speeds with shared use typical of such estates. Footways run along Milford Road and on both sides of South Street (generally c. 1.8–2.0 m), giving safe pedestrian connectivity to nearby residential streets and the adjacent bus stops (“South Street” on Milford Road and “Milford Road” on South Street).

ii. Public transport and active travel

Both accesses are within a very short walk of frequent Morebus X1/X2 services. The Transport Statement records, for example, X1 Monday–Friday departures including 06:42 and then roughly hourly from 08:37–13:38 with later services at 14:03, 15:40 and 17:47; Saturdays run every 30–60 minutes between 07:00–14:10 with further runs at 15:43 and 17:47, and Sundays at 09:25, 11:25, 14:00 and 16:00. X2 operates every 60–90 minutes Monday–Friday between 06:09–16:47, and on Saturdays between 07:57–16:49 (no Sunday service). The surrounding street network is flat and conducive to cycling; while there are no formal cycle lanes on the

estate accesses, the wider network (e.g., Lower Pennington Lane) forms part of the local New Forest cycle network.

Walking catchment: The site is about 1.5 km from Lymington town centre and sits within a broad 1–2 km walking/cycling isochrone to nearby neighbourhoods, supporting short, local trips on foot or by cycle.

As such, the proposal broadly accords with the objectives of Policy LP10 of the Lymington and Pennington Neighbourhood Plan.

iii. Parking provision (cars and cycles)

Under the NFDC Parking Standards SPD for health/fitness uses (1 car/10 m² open hall; 1 cycle/40 m²), the 130 m² open hall requires 13 car spaces and 3 cycle spaces. The revised Transport Statement confirms provision as follows:

- 3 spaces in the informal gravel area immediately west/left of the unit; and
- 10 allocated spaces within the courtyard to the northwest of the building

This provides a total of 13 car parking spaces and 3 cycle spaces, thereby meeting the Parking Standards SPD requirement in full. The parking arrangement will be secured through a planning obligation to ensure that the spaces remain available for use in association with the development.

iv. Early morning protocol (pre-08:00)

To address Environmental Health's recommendations regarding early-morning noise, the gravel parking area will be physically closed from 06:00 until 08:00 each day, reflecting the period when the noise of vehicle movements over the gravel surface would be most sensitive. The operator will secure the gravel area using a simple and robust barrier system (such as a lockable chain or bollards), preventing any client access before 08:00. To avoid customers gaining access shortly before 08:00, the barrier will remain in place until after 08:00, once the first wave of morning arrivals has parked in the courtyard area. The gravel area will then remain available for use from 08:00 until the end of the gym's operating day at 20:00, after which no further customer arrivals occur.

During the 06:00–08:00 period, staff will direct all clients to the hard-surfaced courtyard parking area, where 10 marked spaces are available together with three additional visitor spaces. This maintains the full parking requirement of 13 spaces while eliminating early-morning traffic noise on the gravel surface. Vehicle manoeuvring has been reviewed using swept-path analysis undertaken by the applicant's transport consultant, which confirms that cars can enter, park and leave the courtyard parking area without needing to reverse onto the public highway. This means that all turning movements take place safely within the low-speed internal access road that serves the wider commercial group of units, and not on Milford Road itself. The analysis demonstrates that typical private cars can be accommodated safely within the layout, ensuring that the parking area can operate effectively without reliance on the appendices referred to in earlier versions of the Transport Statement.

The amended scheme (TS Rev. 6) now:

- Meets the full SPD requirement: 13 car and 3 cycle spaces;
- Provides vehicle tracking to demonstrate practical operation; and
- Implements an early-morning management protocol to prevent gravel area use before 08:00.

v. *Trip generation and peak effect*

As the application is retrospective, the Transport Statement is based on what actually happens at the gym. A typical weekday generates around 124 trips in total, with roughly half of these made by car. The busiest times are when a class overlaps with the morning or evening peak hour, but even then the maximum expected movement is around five cars arriving and five cars leaving during the peak. At weekends, the gym only operates in the mornings, generating fewer trips overall. Given the small size of the gym and the capacity of the A337, these vehicle numbers are very low and would not have any noticeable effect on how the local road network operates.

vi. *Safety (collision data)*

A five-year review (01/01/2020–31/12/2024) of Personal Injury Accident data identifies seven incidents on the A337 in the vicinity (five slight, one serious, one fatal). Two slight collisions occurred at/near the site's southern access (24/10/2022 and 19/06/2024). The serious (19/12/2020, 40 m NE of the access) and the fatal incident (between the site access and South Street) did not occur at the site accesses; the fatality was attributed to dangerous driving rather than junction design.

No pattern suggests an existing highway design deficiency that would be exacerbated by the proposal.

Hampshire County Council highways (27/10/2025) previously cited a parking shortfall as the only outstanding matter. The amended layout now accords with the NFDC SPD parking standard subject to a suitable planning obligation. To conclude, with 3 on-site car parking spaces, 10 spaces in the adjacent land parcel and 3 cycle spaces provided, and with the early-morning management protocol ensuring that the gravel area remains closed before 08:00, the development achieves full compliance with the Parking Standards SPD and meets the requirements of Policies CCC2 and ENV3. The updated parking arrangement will also be secured through a planning obligation to ensure that adequate provision is retained for the life of the development. Trip generation remains low and directly linked to the class timetable, and the personal injury accident data shows no pattern of highway risk that would be made worse by the proposal.

In addition, the proposal aligns with Policy STR8, which requires community facilities to be accessible and well-located. The gym benefits from safe pedestrian links, nearby bus services, and sufficient on-site parking to accommodate peak demand, ensuring that it can be accessed by a range of sustainable transport modes. Taken together, and subject to the recommended conditions and planning obligation, the development is acceptable in highway and accessibility terms.

C - Residential Amenity

Local Plan Policy ENV3 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. It specifically states that new development should avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on the local character or residential amenity.

Local Plan Policy CCC1 (i) Development should not result in pollution or hazards which prejudice the health and safety of communities and their environments.

The NPPF Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive safe places which enable and support healthy lives, through promoting good health and preventing ill-health. Advice in the NPPF also sets out that decisions should aim to "...avoid noise giving rise to significant adverse impacts on health and quality of life" (para 198(a)). Footnote 72 of the NPPF cross refers to the Explanatory Note - Noise Policy Statement for England. This provides further guidance on managing noise from development.

NFDC Environmental Protection has commented that the noise associated with the change of the use to a fitness studio/gym is a material concern given the residential setting of the development.

A Noise Impact Assessment has been submitted, undertaken by ISVR Consulting (Ref: 11995-R01B).

The assessment considers the primary noise sources associated with the development and includes observations made during two exercise classes. The key points from the assessment include:

- Classes commence as early as 06:00 hrs, with clients arriving shortly beforehand.
- The main sound sources identified include equipment within the gym, accompanying music from classes, and the early arrival of clients using the gravel car park and walkway.
- No mechanical ventilation plant is used; vocal instructions are unamplified
- No exercises are conducted outdoors, except for the start and finish of group runs.
- The management has implemented mitigation measures to minimise noise (e.g., keeping doors and windows closed, using single-speaker sound systems etc.).
- The landowner has imposed restrictions on the use of the parking area prior to 08:00 hrs,

Further mitigation measures outlined in the Noise Impact Assessment are as follows:

1. Maintain the existing quiet policy for clients;
2. Restrict use of the gravel car park before 08:00 hrs;
The main noise issue comes from vehicles driving over the gravel surface and, to a lesser extent, car doors closing. The site owner has addressed this by ensuring the gravel parking area is not used prior to 08:00 hrs.
3. Continue indoor-only fitness activities;
No outdoor classes should be introduced, except for the occasional running sessions already noted.
4. Keep windows and doors closed during classes
This measure helps maintain low noise transmission to the outside
5. Following the above assessment, NFDC Environmental Protection has been provided with video evidence from an objector who lives adjacent to the site indicating that noise from classes can have a negative impact, with intrusive sound clearly audible beyond the site boundary.

As set out, Lyminster and Pennington Town Council set out in their response that the proposal would give rise to unacceptable impact upon neighbouring residential

amenity.

However, NFDC Environmental Protection has not raised an objection subject to the imposition of suitable conditions (as set out). As such, NFDC Officers consider, in line with the professional advice from Environmental Protection colleagues, that subject to suitable conditions, the proposal would be acceptable in terms of local amenity and would accord with Policy ENV3 criterion (ii).

In summary, the fitness studio operates within a sensitive residential context where noise has the potential to affect neighbouring properties. The submitted Noise Impact Assessment identifies the main sources of noise and outlines a series of mitigation measures, and further evidence from a neighbouring resident demonstrates that some disturbance has occurred historically. While the Town Council considers the impact to be unacceptable, Environmental Protection has advised that the noise issues can be satisfactorily addressed through a comprehensive and enforceable set of conditions. These conditions include the requirement for a formal Noise Management Plan, keeping all doors and windows closed during classes, restricting early-morning use of the gravel parking area, and applying clear limits on music and other internal activities. Officers consider that, with these measures in place, the development can operate without giving rise to significant or harmful levels of noise affecting nearby occupiers.

On this basis, and in line with the professional advice of Environmental Protection officers, it is concluded that the proposal subject to the recommended conditions would not result in an unacceptable impact on residential amenity. The development therefore accords subject to suitable conditions with Local Plan Policies ENV3(ii) and CCC1(i).

11 CONCLUSION / PLANNING BALANCE

The application site lies within the defined built-up area of Lymington and Pennington, where Policy STR4 establishes that development is acceptable in principle. The proposal involves the reuse of an existing commercial unit and represents an efficient use of previously developed land. The use as a Class E(d) fitness studio generates ongoing economic activity, supports local employment, and contributes positively to community health and wellbeing, thereby aligning with Policies STR6 (sustainable economic growth) and STR8 (community services, infrastructure and facilities).

The site also falls within the Policy LYM5 allocation, which seeks mixed-use redevelopment comprising commercial uses along the Milford Road frontage with residential development to the rear. The continued commercial use of this frontage unit is fully compatible with the allocation and does not prejudice the ability of the wider site to come forward for mixed-use development in accordance with the Policy's objectives.

The proposal broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP1. It uses brownfield land and provides a facility in proximity to Pennington centre.

The proposal also broadly accords with the Lymington and Pennington Neighbourhood Plan Policy LP5 which identifies Lower Pennington as a broad location. In each broad location, proposals comprising uses to meet the local communities day-to-day needs will be supported in principle. The proposed use is considered to address local needs for a gym

In respect of employment policy, the proposal remains compliant with Policy ECON2 when read in the context of paragraph 7.5 of the Local Plan, which defines “employment uses” specifically as the former B-class uses. The previous lawful use of the unit as a car showroom (sui generis) did not constitute an employment use, and therefore the site has not formed part of the District’s employment land supply for some time. The proposed Class E(d) gym use is a non-employment use, and therefore the development does not result in the loss of any employment land or floorspace that the policy seeks to protect. While the gym provides only a modest level of employment, the key ECON2 consideration is that the proposal does not erode the strategic employment land resource and instead ensures the ongoing productive commercial use of the unit. On this basis, the scheme represents an appropriate alternative commercial use within an established commercial frontage. Previous concerns regarding parking provision, manoeuvring and early-morning vehicle noise have been satisfactorily resolved through the revised Transport Statement and the revised parking layout. The scheme now achieves full compliance with the Parking Standards SPD and is supported by swept-path analysis. The early-morning parking protocol prevents use of the gravel area before 08:00 while maintaining on-site capacity, and Hampshire County Council Highways raises no objection. Subject to appropriate conditions and a planning obligation securing the necessary parking spaces, the proposal complies with Policies CCC2 and ENV3 and Neighbourhood Plan Policy LP10

With regard to residential amenity, the Noise Impact Assessment identifies the key noise sources and sets out a robust suite of mitigation measures. Although evidence suggests that management practices were not always consistently implemented in the past, Environmental Protection officers are satisfied that the impacts can be appropriately controlled through enforceable conditions, including a Noise Management Plan, restrictions on early-morning use of the gravel parking area, quantified noise limits, and requirements to keep windows and doors closed during classes. Subject to these safeguards, the proposal would not have an unacceptable impact on neighbouring occupiers and therefore accords with Policies ENV3 and CCC1.

Overall, the development secures the effective reuse of a previously under-utilised commercial unit, supports local employment and community wellbeing, is located within a sustainable and accessible settlement, and can be satisfactorily mitigated in respect of highways and amenity impacts. When taken as a whole, the proposal is compliant with the Development Plan including STR4, STR6, STR8, ECON2 and LYM5 and with Neighbourhood Plan Policies LP1, LP5 and LP10, the with the National Planning Policy Framework. The balance of considerations therefore weighs decisively in favour of granting planning permission.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the prior completion of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure suitable off-site vehicular parking for patrons of the gym; and then
- ii) The imposition of the Conditions as set out below and any additional / amended conditions or variation to the heads of terms or conditions as deemed necessary by the Service Manager (Development Management),

Proposed Conditions:

1. Approved Plans

The development shall be carried out in accordance with the approved plans and documents:

- parking layout (Appendix A); and
- vehicle tracking (Appendix B) contained in Transport Statement Rev. 6.

Reason: For the avoidance of doubt and in the interests of proper planning

2. Restriction of Use (Class E(d) only)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order and/or the Town and Country Planning (Use Classes) Order (as amended), the premises shall be used only as an indoor sport, recreation or fitness facility (Class E(d)) and for no other purpose within Class E without express planning permission having first been granted.

Reason: To control intensity of use in the interests of highway safety and residential amenity (Policies CCC2, ENV3).

3. Hours of Operation

No customers shall be present on the premises outside the following hours: Mon–Fri 06:00–20:00; Sat 07:30–11:00; Sun 08:00–11:00.

Reason: To safeguard residential amenity (ENV3, CCC1).

4. Class Size and Concurrency

Classes shall be limited to a maximum of 10 participants with no more than one class operating at any one time, except for a single overlap period on Fridays 06:00–06:45 as per the observed programme. A schedule of classes (times and participant numbers) shall be maintained and retained for inspection by the Local Planning Authority on request for a period of at least 12 months.

Reason: To manage intensity of the use in the interests of amenity and parking/highway safety (ENV3, CCC2).

5. Car Park Management Plan (CPMP)

Within 4 weeks of the date of this permission, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The CPMP shall include:

- a) Early-morning controls: A clear definition of “early morning” as any time before 08:00, and the physical measures to prevent use of the gravel parking area during this period (e.g. lockable bollards or a chain barrier), including identification of the person(s) responsible for opening and closing the barrier.
- b) Parking allocation: Details of how the 10 courtyard bays and 3 visitor bays will be allocated and signed during early-morning hours (before 08:00), with a simple plan or diagram showing their location.
- c) Circulation and manoeuvring: Arrangements to ensure all vehicle turning and reversing takes place within the internal access road serving the commercial units and not onto the public highway, including any staff instruction required to ensure compliance.
- d) Staff instruction and compliance record: A short staff instruction note describing the required parking and early-morning procedures, together with a simple compliance record (e.g. daily tick-sheet) confirming that the gravel area remained closed before 08:00. The record shall be retained for 12 months and made available to the LPA upon request.

The approved CPMP shall be implemented from the date of approval and shall thereafter be adhered to for the lifetime of the development.

Reason: To ensure adequate on-site parking is provided and managed effectively, and to minimise early-morning noise and disturbance to neighbouring occupiers (Policies CCC2 and ENV3).

6. Provision and Retention of Parking

The on-site parking and manoeuvring areas shown on the approved plans (including 13 car spaces and 3 cycle spaces) shall be provided/retained and kept available for their designated purpose at all times.

Reason: To provide appropriate on-site parking and promote sustainable modes (CCC2; Parking Standards SPD).

7. Noise Management Plan (NMP)

Within 4 weeks of the date of this permission, a Noise Management Plan shall be submitted to and approved in writing by the LPA. The NMP shall include:

- a) Music management, including a calibrated sound-limiting device setting, speaker location(s) and operational controls;
- b) Client arrival/departure protocols (quiet arrival policy; queueing inside only; no waiting on the gravel area before 08:00);
- c) Staff training and a complaints response procedure;
- d) Record-keeping and monitoring arrangements.

The approved NMP shall be implemented at all times while the premises are in use.

Reason: To protect the amenity of neighbouring occupiers (ENV3, CCC1).

8. Doors/Windows Closed During Classes

All external doors and windows shall remain closed during any exercise class, except for ingress/egress.

Reason: To prevent noise breakout (ENV3, CCC1).

9. Noise Compliance Validation

Within 8 weeks of approval of the NMP, a Noise Compliance Validation Report prepared by a suitably qualified person shall be submitted to the LPA confirming:

- a) Door/window management measures are in place;
- b) Sound limiter settings and speaker configuration achieve compliance with Condition 9 (or the alternative “no audible” condition);
- c) Early-morning arrival protocols are effective (including the closure of the gravel area before 08:00).

Thereafter, a short annual compliance statement shall be submitted on each anniversary of the permission for the first two years.

Reason: To evidence sustained compliance and protect residential amenity (ENV3, CCC1)

10. Restriction on Outdoor Activity

No fitness activities, classes, group training or use of amplified sound shall take place outside the building (including the front shingled/gravelled area), save for the start and finish of organised running sessions without music.

Reason: To minimise external noise and disturbance (ENV3, CCC1).

11. Deliveries and Servicing Hours

No deliveries, collections or servicing shall take place before 08:00 or after 20:00 on any day.

Reason: To prevent noise and disturbance at sensitive hours (ENV3, CCC1).

12. Lighting

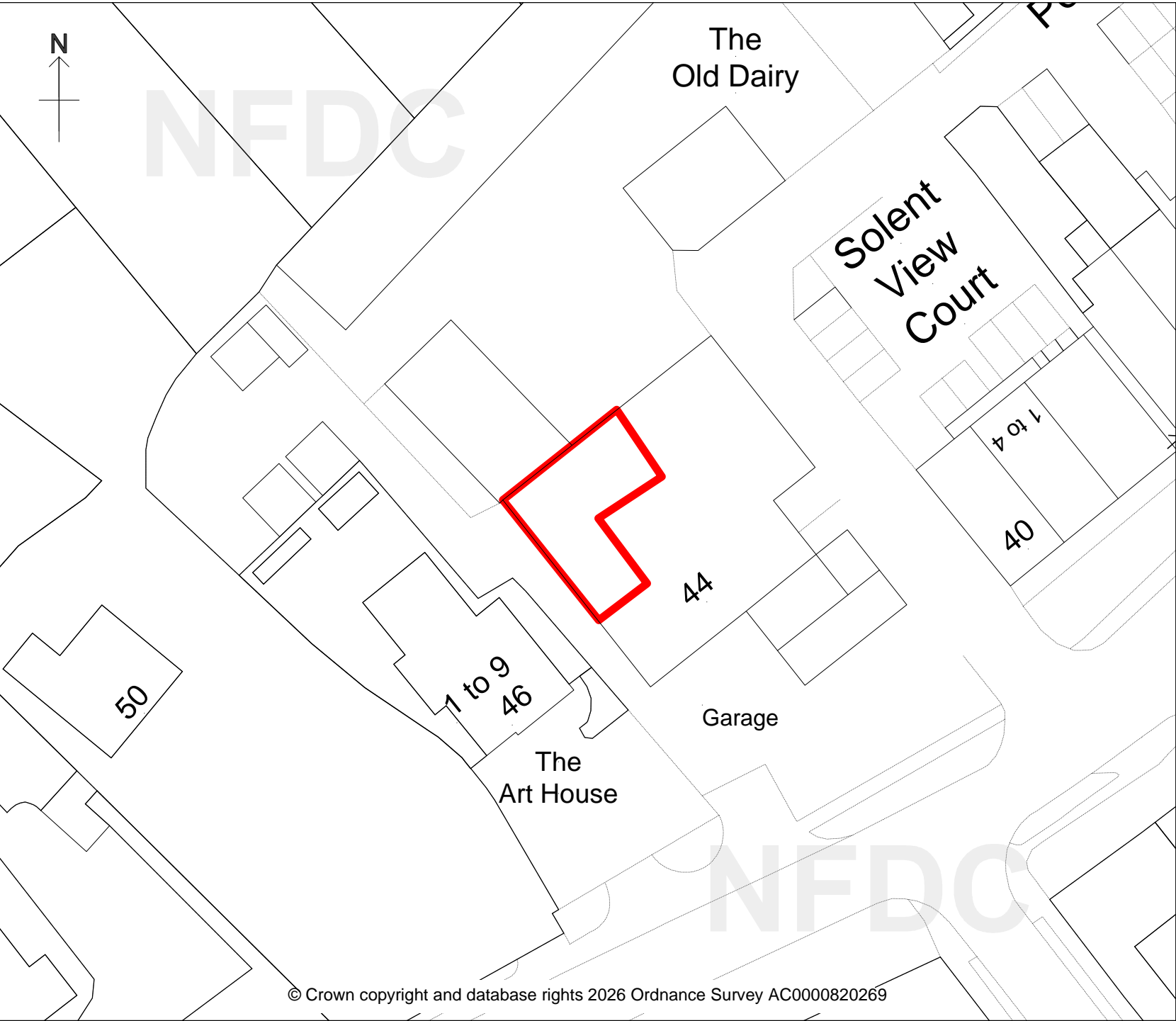
No additional external lighting shall be installed until a lighting scheme (design, luminance, hours of operation and glare control) has been submitted to and approved in writing by the LPA. The scheme shall be implemented and retained as approved.

Reason: To prevent light spill affecting neighbouring occupiers (ENV3).

Further Information:

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PLANNING COMMITTEE

April 2026

44 Milford Road
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25/10726

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