

**NEW FOREST DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015**

Mrs Pourebrahimi
Thrive Architects
Building 300
The Grange
Romsey Road
Michelmersh, Romsey
SO51 0AE

Application Number: **17/10606**

Applicant: Pennyfarthing Homes

Date of Application: 26 April 2017

THE NEW FOREST DISTRICT COUNCIL as the Local Planning Authority **REFUSES TO GRANT PERMISSION** for the following development:

Development: **Development of 42 dwellings comprised: 17 detached houses; 8 semi-detached houses; 11 terraced houses; 6 flats; garages; parking; landscaping; estate roads; junction access; footpaths; open space, play area; 5 allotments; cycleway**

Site Address: **Land North Of School Lane, Milford-On-Sea**

This decision has been taken in respect of the plans and particulars which were submitted with the application and numbered as follows:

LP.01 REV B, SL01 REV G, DBML01 REV G, CSE.01 REV B2, HT.403-A.e REV C, HT.403-A.p REV C, HT.403-B.e REV C, HT.403-B.p REV C, HT.1650.e.1 REV C, HT.1650.e.2 REV C, HT.1650.p REV C, HT.AND-A.e REV C, HT.AND-A.p REV C, HT.AND-H-A.e REV B, HT.AND-H-A.p REV B, HT.FLET.H.e REV C, HT.FLET.H.p REV C, HT.NORTH.e REV C, HT.NORTH.p REV C, HT.NORTH-H.e REV A, HT.NORTH-H.p REV A, S-GAR.01.pe REV C, D-GAR.02.pe REV C, T-GAR.03.pe REV B, SHED.pe REV C, CAR PORT.pe REV A, P.5.e REV B, P.5.p REV A, P.6-7.e REV A, P.6-7.p REV A, P.8.e REV A, P.8.p REV A, P.9-10.p REV C, P.9-10.e REV C, P.11-14.e REV A, P.11-14.p REV A, P.15-17.e REV B, P.15-17.p REV B, P.18-23.pe REV G, P.24-27.e1 REV D, P.24-27.e2 REV D, P.24-27.p REV D, P.28-29.p REV B, P.28-29.e REV B, P.30.e REV B, P.30.p REV B, P.38-39.p REV B, P.38-39.e REV B

Reason(s) for Refusal:

- 1 The proportion of affordable housing proposed falls significantly below that specified in Policy CS15 of the Local Plan Part 1 (Core Strategy 2009) and Policy MOS1 of the Local Plan Part 2 (Sites and Development Management Plan 2014). Additionally the remainder is not wholly low cost market housing as required by Policy CS15. The site was only released from the Green Belt and allocated for housing on the basis that its development would meet local housing needs which would not

otherwise be provided for and this alone provided the exceptional circumstances which justified the alteration of the Green Belt boundary. Having regard to the exceptional circumstances which underlie the site's allocation for development, it would not be appropriate to allow such a limited provision of affordable housing and low cost market housing. The proposal is considered to be an unsustainable form of development which would seriously prejudice the objectives of the Development Plan.

Notes to applicant

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.
2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
3. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, the application proposals have been the subject of negotiations both before the application was submitted and during the application process. The applicant sought pre-application advice on the form of development proposed however, while development of the site was discussed, the enquiry was not formally concluded prior to the submission of the current planning application. The proposal remains for a development in exceed of the policy requirement of 30 dwellings on the site, but the applicants have worked positively with Council officers to respond to the concerns expressed. Most specifically revisions have been made to reduce the size of the drop off area within the Green Belt, reduce the number of units proposed on the site to 42 dwellings and revised the layout. This achieves a better balance of development on the site and proposes a layout that seeks to address the sensitive rural edge to Lymington Road as well as including the provision of a cycle path link along both Lymington Road and through the site.

Although the Officer's recommendation was for approval, Members of the Planning Committee determined that the application was unacceptable for the reason for refusal as set out above.

4. This decision relates to amended / additional plans and documents received by the Local Planning Authority on Amended plans received on 23 May 2018; 25 May 2018; 04 June 2018; 08 June 2018; 12 June 2018 and 28 June 2018.

D. Groom

Date: 19 July 2018

D Groom
Service Manager
Planning Development Control
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice online at <https://www.gov.uk/planning-inspectorate> or if you are unable to access the on line appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

(2) Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.