

Application Number: 19/10230 Full Planning Permission

Site: BEACH HUT 6A, HORDLE CLIFF BEACH HUTS, CLIFF ROAD,
MILFORD-ON-SEA SO41 0NW

Development: Change of use of beach for the relocation of existing beach hut
on plot 286 to plot 6a

Applicant: Miss Rowland

Target Date: 15/04/2019

RECOMMENDATION: Refuse

Case Officer: Kate Cattermole

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area
Aerodrome Safeguarding Zone
Site of Special Scientific Interest

Plan Policy Designations

Green Belt
Countryside

National Planning Policy Framework

Chap 12: Achieving well designed places
NPPF Ch.13 - Protecting Green Belt land

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

None relevant

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

None relevant

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: recommend permission

7 CONSULTEE COMMENTS

7.1 Natural England: no objection The temporary nature of the hut's positioning on sleepers, and that it is not located on the cliff face but in front of it, sufficiently mitigates for any potential influence on the coastal natural processes within this SSSI. In addition the application does not represent an increased development footprint on the SSSI as a whole, because the original site is close to , or within, an eroding section of coast, and no new hut will be allowed to be located there.

7.2 NFDC Landscape: no objection There is no objection to this application as an individual, but it may open the door to ad hoc and random proposals for the re siting of the remaining condemned beach huts, which should be resisting. A better approach would be to collectively consider the matter to bring a larger scheme forward together that properly considers landscape (seascape) and visual character, and potential impacts of the SSSI interest, with the knowledge that the potential relocation is a short term solution anyway, given the expected natural coastal changes.

7.3 Coastal Protection: the applicant should be aware that there is always an inherent risk to any beach hut located in this vicinity from inundation by the sea or damage from ground movement. The Council will not undertake coast protection works to protect beach huts.

7.4 Hampshire & IOW Wildlife Trust: no objection The Trust is satisfied that the vacated plot would not be reused and on this additional information have removed their original objection

8 REPRESENTATIONS RECEIVED

36 Representations have been received:14 in favour: and 22 against:

8.1 Objection:

- on a section of undeveloped beach contrary to DW-C9
- would stand out being only hut on beach whereas others in this group are in elevated position, would detract from Green Belt

- would prevent natural erosion of the cliffs to detriment of SSSI
- would create precedent for similar development
- would relocate hut from NFDC land to Barker Mill owned beach
- adverse impact upon wildlife
- creation of new plot as opposed to a replacement hut
- NFDC supplementary planning guidance for beach huts only allows for huts in defined locations
- contrary to previous advice that no new huts will be allowed
- change view
- site is currently an open area of beach
- hut would be prominent by its siting, within group of elevated huts
- plots available on NFDC land
- NFDC responsibility to find alternative locations for huts lost to the erosion of the beach
- no justification to extend beach hut 'estate', taking into account the restrictions placed on alterations and improvements to existing huts
- if erosion of beach continues, could push huts further west along the beach
- destroy the quiet and tranquil area of the beach and change the character of this section of beach
- due to tranquility of this part of beach, huts sell for a premium
- would occupy a natural gap and jut out on the beach
- there is an appropriate site on NFDC land between numbers 38 and 40
- number of derelict huts and others in poor condition and a further 6 vacant plots, therefore 13 locations within designated hut area where NFDC could accommodate the applicant and other owners who find themselves within the same position of losing their huts

8.2 Support:

- would not harm view of other huts
- hut is small and would not interfere with bank
- no impact on neighbouring huts
- no detrimental impact on area
- applicant takes great pride in her current hut and it is well maintained, relocation would enhance that area of the beach
- beach huts integral part of character of the beach and encourage tourists
- would not impact on landscape
- existing huts on cliff face more intrusive to area than one hut on the shingle beach
- proposed siting unique, so would not set a precedent as no similar location available
- given number of huts lost on wider beach/cliff frontage since change in sea defence policy in 2011, relocation of one hut is insignificant
- beach is there for all to enjoy

8.3 The applicant has commented in support of the application as follows:

- visits hut several times a week and reports vandalism and other problems to Coastal, therefore would provide a regular presence and extra security that would benefit other owners on the Barker Mill land
- would not impact upon openness of the area, as would not interfere with the cliff face between beach huts 6 and 7
- would be sited on the widest stretch of shingle in the beach and there is no current marine erosion, therefore no exposure to fossils, no effect on vegetation and associated species

- The condition of the SSSI in this location is unfavourable due to the existence of the beach huts along the beach and cliff face, which restricts natural coastal processes
- Should sea levels rise flooding the entire beach, would gladly remove hut

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

11 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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.

Consideration has been given to all the comments received both from Statutory consultees, third parties and the applicant. However, the development is inappropriate development in the Green Belt, and the harm that would arise from the siting of the proposed beach hut would not be outweighed by any other circumstances and as such refusal is recommended in this instance.

12 ASSESSMENT

- 12.1 An existing hut has been removed from its current position on NFDC land (away from the application site), which has been cordoned off due to the ongoing situation with regard to the erosion of the beach. Huts in this location are being removed, and there is no intention to replace them. The hut is a modest gable fronted dual pitched timber hut, in keeping with other huts in its previous location.
- 12.2 This planning application is for the relocation of this existing beach hut to the western end of the beach, onto land which is within the designated Green Belt. There are a group of approximately 20 huts on this section of beach, but these are all set up on the cliff and accessed by steps, and not on the beach as now proposed.
- 12.3 The plot to be vacated will not be reused, due to the condition of the beach. Therefore, the relocation of this hut will not result in the cumulative increase of huts across the overall beach at Hordle Cliff. However the proposal will involve a change of use of land which would result in the effective loss of part of the beach. Whilst the area involved is modest in size and the beach in this location is relatively wide there is a concerns about the principle of this and associated cumulative impact that could result. The Coastal team have reiterated that it will not undertake coast protection works to protect beach huts.
- 12.4 The main issues in this case are whether the development is appropriate within the Green Belt, its visual impact and affect on nature conservation designations, specifically the SSSI.

12.5 Green Belt:

- 12.5.1 The beach hut is sited within the designated Green Belt. The National Planning Policy Framework (NPPF) identifies in Para 133 the essential characteristics of the Green Belt as their openness and their permanence. It further states that: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' (para 143). Para 144 goes on to state that when considering any planning application, substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm resulting from the proposal is clearly outweighed by other considerations.
- 12.5.2 The construction of new buildings is considered inappropriate in the Green Belt, although there are exceptions to this including the replacement of a building, providing the building is in the same use and not materially larger than the one it replaces (para 145 (d)).
- 12.5.3 The proposed beach hut would utilise the existing hut and so would not be larger in scale or form, however as the hut would be relocated it would not meet this exception, as the western end of the beach where the beach hut is proposed is less developed and so needs to be considered within this context. By reason of the siting of the beach hut it would impact on the openness of the Green Belt, introducing built form into this currently open area of the beach.
- 12.5.4 The proposed development would constitute inappropriate development within the Green Belt which is by definition harmful and it would adversely impact its openness. As a matter of principle the development is therefore contrary to the purposes of including land within the Green Belt and the policy framework within the NPPF, there are no special circumstances that outweigh the harm to justify any exception and therefore this development cannot be supported.

12.6 Affect on nature conservation designations:

- 12.6.1 The application site is located within the Highcliffe to Milford Cliffs SSSI and in the buffer zones of the Solent and Southampton Water Ramsar, Solent and Isle of Wight Lagoons SAC and Solent Maritime SAC.
- 12.6.2 Policy DM2 of the Local plan part 2 relates to Nature conservation, biodiversity and geodiversity. This policy states that development which would be likely to affect the integrity of a designated SAC, SPA or listed Ramsar site will not be permitted unless there is no alternative solution and there are imperative reasons of overriding public which would justify the development. Development within or outside a SSSI which would be likely to adversely affect the site will not be permitted unless the benefits of the development outweigh both the adverse impacts on the site and any adverse impacts on the wider network of SSSIs.
- 12.6.3 Natural England and the Hampshire & IOW Wildlife Trust have been consulted. They have raised no objection to the proposed beach hut in this location as there would be no cumulative increase in the number of overall huts across the wider beach. Furthermore, by reason of the temporary nature of the hut's positioning on the sleepers and the fact that it is not located on the cliff face this offers sufficient mitigation of any impact on the SSSI.

12.7 Visual Impact:

- 12.7.1 By siting the hut directly on the shingle beach on sleepers, it would not interfere with the cliff face, and therefore would not be visually intrusive on the SSSI. However, the group of huts at the western end of the beach form a cohesive group and are characterised by being in an elevated position. Even though it is a modest sized hut, by reason of its siting directly on the beach, it would be conspicuous in its location and positioned forward of its immediate neighbours. Even though there are beach huts directly on the beach on the NFDC land, these are a reasonable distance away so would not provide immediate context to the siting of this hut. As such the proposed beach hut would appear incongruous in its setting, to the detriment of the character of this part of the beach.
- 12.7.2 The NFDC Landscape Team have noted the ad hoc arrangement of huts in wider beach scene and consider it would be difficult to resist a single hut in this location. However, concern has been expressed in their comments about further applications from other hut owners looking to relocate their condemned huts and the cumulative impact on landscape character of further huts in this location. If this hut were to be allowed, it would make it harder to resist others.

12.8 Other Matters:

- 12.8.1 The proposed beach hut would be sited directly on the beach and therefore lower than neighbouring huts. By reason of its relationship with the neighbouring huts, there would be no adverse impact upon their amenities.
- 12.8.2 A large number of representations have been received objecting and in support of this application. References have been made by objectors to the Beach Hut SPD, which was adopted in 2003, however this became defunct in 2005 and is no longer adopted policy. Furthermore, the policies referred to were in the New Forest District Local Plan First Alteration August 2005, but this plan has been subsequently superseded. There are no specific beach hut policies in the current Local Plan.

12.9 Conclusion

- 12.9.1 The proposed development is inappropriate within the Green Belt and as such is harmful. Furthermore it would be detrimental to the open character within the context of the less developed western end of the beach. All comments have been considered, as well as other material considerations but there are no very special circumstances that exist to outweigh the harm to the Green Belt that would be caused by the proposed inappropriate development. As such the recommendation is to refuse.
- 12.9.2 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. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way

proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal is inappropriate development within the Green Belt and there are no very special circumstances that exist to outweigh the harm to the Green Belt that would result. Furthermore, by reason of its location it would undermine the openness and character within the context of the less developed western end of the beach creating an imposing and dominant form of development that would detract from the immediate cohesive group of existing beach huts and its wider context. As such it would be contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park, and Chap 13 of the National Planning Policy Framework.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 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.

Consideration has been given to all the comments received both from Statutory consultees, third parties and the applicant. However, the development is inappropriate development in the Green Belt, and the harm that would arise from the siting of the proposed beach hut would not be outweighed by any other circumstances and as such refusal is recommended in this instance.

2. The applicant should be aware that there is always an inherent risk to any beach hut located in this vicinity from inundation by the sea or damage from ground movement. The Council will not undertake coast protection works to protect beach huts.

Further Information:

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**Planning Development
Control Committee**
May 2019

Item No: 3b

Beach Hut 6a
Hordle Cliff Beach Huts
Cliff Road Milford on Sea
19/10230

Scale 1:2500

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

