

Application Number: 19/10408 Variation / Removal of Condition

Site:	OLD FORGE, SALISBURY ROAD, BREAMORE SP6 2EA
Development:	Variation of condition 3 of Planning Permission 16/10602 to allow longer letting periods
Applicant:	Mr Rickman
Target Date:	23/05/2019
Extension Date:	14/06/2019
Link to case file	http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal

1 SUMMARY OF THE MAIN ISSUES

- 1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, Officer Comments, of this report after which a conclusion on the planning balance is reached.
- 1) Principle of allowing longer lets
 - 2) Impact on the listed building and Conservation Area
- 1.2 This matter is before Committee as there has been a contrary view received from the Parish Council.

2 THE SITE

The site lies within the village of Breamore in the Breamore Conservation Area. It is a Grade II listed building, currently in use as a holiday let with small patio garden to the rear and a parking space to its frontage. There are residential properties either side.

3 THE PROPOSED DEVELOPMENT

- 3.1 The proposal was initially for the removal of condition 3 of the original approval which reads:
- The building hereby approved shall only be used for the purpose of self-catering holiday accommodation and shall not be occupied by the same person or persons for more than one month in any one calendar year, and shall at no time be used as a dwellinghouse falling within Class C3 of the Use Classes Order 1987 (as amended and revised).*
- 3.2 The applicant has subsequently confirmed he would accept a variation of this condition.

4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE-APPLICATION DISCUSSIONS

16/10602 - use as 1 holiday let, retention of first floor side window. Granted 14.6.17

A pre-application enquiry was submitted in October last year requesting advice on a relaxation of the condition subject of this application. Officers advised that there were two options - that the condition could be varied or removed completely.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS19: Tourism

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

DM13: Tourism and visitor facilities

The Emerging Local Plan

Policy 10 - Mitigating the impacts of development on International Nature Conservation sites

Policy 11 - Heritage and Conservation

Supplementary Planning Guidance and other Documents

SPG - Breamore Village Design Statement

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 72 General duty as respects conservation areas in exercise of planning functions

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant Advice

National Planning Policy Framework

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

NPPF Ch.2 - Achieving sustainable development

Para 11

NPPF Ch. 4 - Decision-making

Para 47

NPPF Ch.12 - Achieving well designed places

Para 124 and 127

NPPF Ch.16 - Conserving and enhancing the historic environment

Para 189, 192 and 202

7 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council - PAR 4: We recommend REFUSAL, for the reasons listed:

The need for an extended letting period is unproven

There are multiple locations in village and local area where properties are successfully let on a short term basis

There is a proven demand for holiday lets in the local area

Holiday lets promote local employment (e.g. cleaners)

The members are concerned of creeping changes to original permission granted

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer - no objection

10 REPRESENTATIONS RECEIVED

Three responses have been received from local residents two of whom are in support of the proposal and recent refurbishment of the property. The other raises an objection to the proposed relaxation of the letting period.

11 OFFICER COMMENTS

11.1 The main issues to consider are the principle of allowing longer holiday lets and the impact on the listed building and conservation area.

1 Principle

11.2 Information supporting the application indicates that the level of bookings in the first few months of the use of the property were limited as the type of enquiry was largely for longer letting periods which have been turned down in view of the restrictive planning condition. The details state that the property is predominantly empty out of season and was only occupied for 4 days from the beginning of November to mid-February. It is also noted on the website for the property, that there are limited future bookings over the next few months.

11.3 Policy DM13 relating to tourism allows visitor accommodation outside of defined built up areas to improve the efficiency or maintain the viability of businesses. The proposal would comply with this whilst maintaining the scale and appearance of the listed property. At the time, the last lawful use of the premises was used as lawnmower sales and repairs.

- 11.4 Concerns raised during the original consideration of the change of use application related to the loss of the commercial enterprise. This has been replaced with an alternative business which would not be adversely affected by the proposed change to lettings.

2. Impact on Listed building and Conservation Area

- 11.5 Whilst there could be many reasons for the lack of bookings out of season, it is probably typical of UK holiday cottages. Further to this, the property is listed and has suffered frequent and lengthy vacant periods for many years. The original approval (16/10602) enabled it to be refurbished and used, consistent with para 192a of the NPPF; it is not an ideal situation for it to be vacant for further extended periods. Furthermore Para 202 of the NPPF states that the Local Planning Authority should assess whether the benefits of a proposal for enabling development would secure the future conservation of a heritage asset.
- 11.6 The Conservation Officer has not raised any objections to the proposal which does not involve any physical alterations.

3. Response to comments

- 11.7 Having regard to the objection received, the proposal would not preclude short lets but enable a wider variety of lets. The applicant has stated that it is not their intention to cease letting the property. The other two responses are supportive of the applicant who has significantly improved the property through its reuse and refurbishment.

4. Habitat Mitigation

- 11.8 The original approval required a contribution towards Habitat Mitigation which has now been secured through the completion of a S.106 Agreement. A further agreement is now required in order to ensure that the monies already paid are not clawed back. This agreement needs to be completed before the decision is issued.

12 CONCLUSION ON THE PLANNING BALANCE

- 12.1 These proposals have been considered in the context of the local and national policy framework.
- 12.2 The proposal would enable the continuation of viable enterprise which in turn would have a positive impact on the fabric of the listed building through fewer vacant periods. As the proposal would not have any adverse physical impact on the listed building it is considered that permission should be granted.

13 OTHER CONSIDERATIONS

Proactive Working Statement

- 13.1 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.

- 13.2 In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Crime and Disorder

- 13.3 No relevant considerations

Local Finance

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

Human Rights

- 13.5 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 there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

- 13.6 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, 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.

Habitat Mitigation

- 13.7 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

Nutrient Management

- 13.8 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

14. 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. In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

15. RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion of a S.106 Agreement relating to Habitat Mitigation and
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, Heritage Statement, site location, site layout, existing layout.

Reason: To ensure satisfactory provision of the development.

3. The building hereby approved shall only be used for the purpose of short lets or self-catering holiday accommodation, and shall not be occupied by the same person or persons by more than 6 months in any one calendar year.

Reason: Permission is granted in this case in order to support a sustainable rural business, in an area in which housing would normally be resisted in accordance with Policies CS19 of the New Forest District Council Core Strategy and DM13 of the Local Plan Part 2 and having regard to the objectives of the NPPF.

4. The landscaping of the front of the site shall be as agreed by the Council's discharge of condition decision notice on 16/10602 dated 2.1.18 unless an alternative scheme is previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The first floor window on the side elevation of the approved building shall remain glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring property in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
June 2019

Item No: 3i
Old Forge
Salisbury Road
Breamore
19/10408

Scale 1:1250

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

