

Application Number: 19/10378 Full Planning Permission

Site: FLANDERS FARM, SILVER STREET, SWAY, HORDLE
SO41 6DF

Development: Erection of a dwelling with detached garage; office with staff accommodation in association with private equestrian centre; livery barn with tack/wash & feed store; private stables; stables; indoor & outdoor riding school; demolition of existing

Applicant: Mr McCarthy

Target Date: 24/06/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following matters 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, of this report after which a conclusion on the planning balance is reached.

- (1) Principle of the proposed development within the countryside and Green Belt
- (2) Impact on residential amenity
- (3) Impact on trees
- (4) Traffic generation and impact on highway safety
- (5) Visual impact resulting from the development
- (6) Appropriateness of the Replacement Dwelling

This matter is being reported to Committee due to the contrary view expressed by the Parish Council.

2 THE SITE

The site lies within the countryside outside the New Forest close to the village of Hordle. It is an equestrian site comprising several large barn/arena structures, stables, grooms accommodation, other outbuildings, car parking and a dwelling of a temporary nature albeit on land with a permanent residential use, for which there is an extant permission for it to be replaced with a permanent structure. The lawful residential curtilage also includes a large man made pond. The site was in use for many years as a riding school and livery (both self and full) together with a stud and training business for dressage horses until it was sold to the applicant in April 2018. Prior to its closure, there were approximately 28 horses utilised for the riding school, 21 in self livery, 5 owners horses, 2 brood mares and 2 foals.

The site is accessed from Silver Street to the north by a central vehicular access which extends beyond the main courtyard into the paddocks to the rear of the building cluster. There are dwellings either side of the site and two between the site and road in the north western corner, one of which is listed Grade II (Orchard Cottage). The western boundary consists of a row of mature trees whilst the eastern boundary contains fewer trees but more hedging. To the south it is relatively open towards land in the applicants ownership, edged blue.

Since the closure of the business, many buildings within the site have been vandalised and their remains subsequently removed for safety purposes. These buildings include the grooms accommodation and adjacent stables and the mobile home.

3 THE PROPOSED DEVELOPMENT

The proposal entails the demolition/removal of all structures and facilities on site and their replacement with a livery barn (containing 20 stables, a washing area, feed and tack stores and 2 WCs), an office building with 2 small (1-bed) units for grooms accommodation, a small stable building comprising 3 stables and an attached muck enclosure, an indoor arena, an outdoor arena, a horse walker, a muck enclosure and a private barn (containing 10 stables, tack and feed stores, a dry area and wash area). The car park would remain in a similar location to the existing with further hard surfacing proposed across the extended central courtyard and within a new residential courtyard.

In addition to this, a replacement dwelling is proposed with a detached triple garage. The dwelling comprises lounge/dining room, kitchen/family room and WC at ground floor level with three bedrooms (one with ensuite and walk-in wardrobe) and a family bathroom at first floor level. It also has a small utility/WC attached at ground floor level for use in association with the private barn. The proposed floor space would amount to 156.5m². The large pond within its curtilage would be filled in.

It is intended that the site would accommodate 10 horses belonging to the owner together with training and livery for 20 horses to be maintained by yard staff and undergo dressage training by professional riders. Stabling of 5 broodmares and foals would also be provided. Use as a riding school would cease.

4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

18/11528 - continued use of 3 chalet cabins as residential accommodation (LDCE). Was not lawful 25.3.19. These buildings have now been removed.

18/10846 - house, detached garage, office with staff accommodation in association with private equestrian centre, livery barn with tack/wash & feed store, private stables, stables, indoor & outdoor riding school, demolition of existing. Refused 16.1.19, an appeal, to be determined by written representations, has been lodged but there is no start date at present.

17/11622 - continued use of 3 chalet cabins as residential accommodation (LDCE). Was not lawful 9.2.18, appeal dismissed. These buildings have now been removed as per 18/11528.

17/10904 - house, demolition of log cabin. Granted 14.8.17. Demolished following vandalism in 2018.

08/93464 - extension to indoor riding school. Granted 13.2.09

A pre-application enquiry was considered in 2019 for a house, detached garage, office with staff accommodation in association with private equestrian centre, livery barn with tack/wash & feed store, private stables, stables, indoor & outdoor riding school, demolition of existing all remaining buildings on site.

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)
CS7: Open spaces, sport and recreation
CS10: The spatial strategy
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
DM1: Heritage and Conservation
DM20: Residential development in the countryside
DM25: Recreational uses in the countryside - including horse-keeping/riding

The Emerging Local Plan

Policy 6 - Sustainable economic growth
Policy 12 - The South West Hampshire Green Belt
Policy 13 - Design quality and local distinctiveness
Policy 14 - Landscape character and quality
Policy 34 - Developer contributions
Policy 35 - Development standards

Supplementary Planning Guidance and other Documents

SPD - Hordle Village Design Statement
SPG - Landscape Character Assessment
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch.2 - Achieving sustainable development (paras. 8 & 11)
NPPF Ch. 4 - Decision-making (paras. 47-50)
NPPF Ch.9 - Promoting sustainable transport (para. 102 a))
NPPF Ch.12 - Achieving well-designed places (paras. 127-130)
NPPF Ch.13 - Protecting Green Belt land (paras. 141 & 145)

Section 197 Trees
Town and Country Planning Act 1990

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council

Parish 3 We recommend Permission. Resolved Unanimous

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

The following is a summary of the comments received which can be read in full via the link set out at the head of this report.

New Forest National Park Authority - no comment

Southern Water - no objection but request informative

HCC Highways - No objection subject to conditions. This remains unchanged from the previous application.

NFDC Conservation - No objection

Southern Gas Networks - offer advice

NFDC Landscape - revised scheme is an improvement, apply standard landscape conditions if permission is granted.

Scottish and Southern Electricity Networks - removal or diversion of the existing electricity supply will require a job to be raised

NFDC Trees - no objection subject to conditions relating to tree protection and details of service routes and cellular confinement

Environmental Health (Pollution) - comments awaited

NPA Ecology - comments awaited

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received they can be read in full via the link set out at the head of this report.

Objections have been received from 3 local residents concerned with the following:

- location of muck heap close to residential boundary
- some vegetation removal has already occurred
- impact on neighbouring water treatment plant and drainage in general
- potential for additional noise and disturbance
- existing buildings may contain asbestos
- impact of the removal of concrete (noise, dust, etc.)
- conditions should restrict lighting, music and commercial use of site

One objection does state that the proposed buildings are a vast improvement over the existing situation. A further objection welcomes the continued use of the site as an equestrian centre.

11 OFFICER COMMENTS

- 11.1 The application follows a previously refused scheme which is currently at appeal. The proposal has been amended in order to try and address the concerns raised which were as follows:

By reason of the increased bulk and massing of the proposed new built form, together with their more solid appearance and encroachment into the Green Belt from the existing cluster of buildings, it is considered that the proposed redevelopment of the equestrian buildings as proposed would have a greater impact on, and therefore result in unacceptable harm to, the openness of the Green Belt, would not safeguard the countryside from encroachment or contribute positively to the landscape character of the area. As such the proposals would be contrary to policies CS3 and CS10(o) of the Core Strategy for the New Forest District outside of the National Park and Paragraphs 145b) and g) of the National Planning Policy Framework (2018).

The proposed replacement dwelling would, by virtue of its size, scale and design, be an inappropriate form of development within the Green Belt and countryside. It would affect the openness the Green Belt and be harmful within the countryside as it would significantly alter the impact of the built development on this part of the site within its sensitive context. As such it would be contrary to Policy DM20 of the Local Plan Part II for the New Forest District outside of the National Park and Paragraph 145d) of the National Planning Policy Framework (2018).

The proposal no longer extends away from the main cluster of buildings as significantly into the Green Belt as the previous scheme and the proposed dwelling has been reduced in size and improved in design. The main issues for consideration are the principle of the development in this location, the impact on residential amenity and trees, traffic generation and impact on highway safety, the appropriateness of the replacement dwelling and visual impact resulting for the development.

Principle of the proposed development

- 11.2 Paragraph 145 of the National Planning Policy Framework states that the construction of new buildings should be regarded as inappropriate within the Green Belt. Certain exceptions are however identified. These include provision of facilities for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (b); the replacement of buildings provided they are the same use and not materially larger (d); or the limited infill, partial or complete redevelopment of previously developed land (g). Within this policy context given the site's location within the Green Belt and its existing use combining livery, training and riding facilities, its complete redevelopment could be acceptable in policy terms providing it does not have a greater impact than the existing on the openness of the Green Belt.
- 11.3 Having regard to policy DM25 which includes horse-keeping/riding, such development can be permitted provided the scale is appropriate to the rural setting and character and it will not result in harmful increases in riding pressures on sensitive parts of the New Forest.
- 11.4 As well as Green Belt policy, as the site is located in the countryside, the replacement dwelling falls to be considered under a specific policy (DM20) which would limit the size of the proposed dwelling in the interests of limiting new housing within the countryside to that of an appropriate scale to ensure that the character of the rural area is not adversely affected.

Appropriateness of the Replacement Dwelling

- 11.5 In the countryside, Policy DM20 applies strict limitations on the size of replacement dwellings. The principle of replacing the mobile home style dwelling previously in situ has already been found acceptable and there is an extant permission for its replacement. The approved replacement dwelling included sitting room, kitchen, utility, hall, cloakroom and en-suite bedroom at ground floor level with an office, bathroom and gallery space at first floor level. The land on which the mobile home was sited has a permanent residential use. However, this approved scheme restricted the floorspace, tied it to be in association with the riding school and most specifically, removed permitted development rights and restricted internal alterations to the fabric of the approved structure. In addition, the occupation of the dwelling was limited to a person solely or mainly working at Flanders Farm. It is considered that the principle of the need for the former equestrian centre to have an associated dwelling in view of the safety and security of the horses would be the same for the current proposal.
- 11.6 Furthermore, within the Green Belt new buildings are inappropriate, the exception being replacement buildings that are in the same use but materially larger.
- 11.7 The proposed dwelling would provide a hall, dining/living room, kitchen/family room and WC at ground floor level with 3 bedrooms (one with ensuite and walk in wardrobe) and a family bathroom at first floor level. There is also a small utility room/WC attached to the side of the property for use by those working at the private barn. A triple garage would also be sited within the existing lawful residential enclosure and the large man made pond would be filled in.
- 11.8 The proposed dwelling has been reduced in size since the previous application which was refused due partly to the size and design of that dwelling. That scheme had a floor space of around 222m² compared to the existing mobile home size of 88m², amounting to an increase of over 150%. Policy DM20 allows dwellings in the countryside to be replaced subject to them being of an appropriate design, scale and appearance for the rural area and providing the increase in floorspace does not exceed more than 30% of the original dwelling (as on 1st July 1982). The extant permission maximised the floorspace increase using the 30% allowance (a total of 114m²). The proposed dwelling clearly exceeds the permitted size for replacement dwellings having a floorspace of around 156.5m² compared to the existing floorspace of 88m² and extant approval of 114m². This represents an increase of over 77%.
- 11.9 The supporting information submitted with the application suggests that there are very special circumstances which should be considered in the determination of the scheme. Firstly, that the proposal as a whole represents a decrease in the overall footprint of built form which is of benefit in terms of the proposal's impact on the Green Belt, consolidating the built form into fewer buildings. The design of the proposed dwelling is also a significant improvement on the previous design and that whilst having a larger footprint than the existing dwelling, the proposal is not substantially larger than any other dwellings in the immediate area and would not appear out of context in this location. The planning statement goes on to say that approval of a previous replacement dwelling, last renewed in 2017 identified a need for a dwelling in order to maintain the

security and safety of the horses. At the time of the original permission for a replacement dwelling, the site accommodated around 50 horses, many of which were trained and used for national and international dressage competitions by the then applicant and resident of the site. It was considered that live in accommodation was a requirement in order that the applicants could maintain the welfare of the animals and provide security given their value. The proposed dwelling would accommodate a family member of the applicant for similar purposes to the previous occupant together with dressage training and livery for privately owned horses, all managed by the occupant of the dwelling. The applicant would be happy to accept a condition restricting occupancy of the dwelling.

- 11.10 Their final comment refers to the Council's five year land supply. The applicant also refers to policy DM21 (Agricultural or forestry workers dwellings) although equestrian uses are not agricultural or forestry based.
- 11.11 Having regard to these points, it is accepted that the redevelopment of the site does require someone to live there. It is also noted that the proposed design of the dwelling is a significant improvement on the previous scheme and it would not appear out of context having regard to the variety of dwellings in the immediate area. It could also be argued that the proposal as a whole would not significantly alter the impact of built development on the site within its setting within the countryside but also Green Belt. Para.145(d) of the NPPF states that replacement buildings should not be materially larger than those they replace. With regard to the five year land supply, whilst this is relevant, it should be noted that the proposed would be a dwelling specifically in association with the redeveloped site as a whole rather than contributing to the general housing stock, in addition to which, the proposal is for a replacement dwelling rather than a new one.
- 11.12 However, although the proposed new dwelling is around 68m² smaller than the previous scheme, it still amounts to a significant increase over and above the permitted allowance stated in policy DM20. The circumstances referred to above do not meet the exceptions referred to within the supporting text to the policy which includes the family needs of an occupier who works in the immediate locality, or to meet design considerations relating to the special character of the building. The latter is not relevant in this case, being a replacement dwelling and there have been no details submitted in respect of the future occupiers family circumstances or current location.
- 11.13 Overall there are no exceptional circumstances to justify the proposed replacement dwelling of such an excessive floorspace which would be contrary to Policy DM20. Furthermore it would be inappropriate development in the Green Belt contrary to guidance in the NPPF.

Residential Amenity

- 11.14 At present, and complying with para.102a) of the NPPF, the Transport Statement advises that the lawful use of the site (as a riding school, livery and training/stud facility) could result in a little under 57,000 trips to and from the site per year, averaging at around 156 trips per day. The proposed private use of the site would more than half the level of traffic movements associated with the site to 60 trips per day. In terms of

noise and disturbance, having regard to the fact that the parking area is immediately adjacent to residential properties, the proposal is considered likely to have less of an impact than the existing activities on the site.

- 11.15 The outlook from the adjoining cottages to the north west would be improved by virtue of the built form of the livery building being moved further away from their boundaries in combination with it being around 6m narrow where it is located closest to these dwellings. This would result in the livery barn being at least 11.2m from the nearest residential curtilage (Orchard Cottage) whereas at present, it is just 7.2m away. It is not considered that the change of this building from self livery to private livery would adversely affect the living conditions of the nearest neighbours.
- 11.16 The approved replacement dwelling included sitting room, kitchen, utility, hall, cloakroom and en-suite bedroom at ground floor level with an office, bathroom and gallery space at first floor level. Its orientation and low key nature did not adversely affect residential amenity. The proposed dwelling is sited to face the access road into the site with the rear elevation facing the boundary with Flanders House to the east. The proposed dwelling would be 19.2m from the boundary with this property with the adjacent dwelling a further 11m from the boundary. The provision of bedroom, landing, wardrobe and ensuite windows to the first floor is not considered to give rise to unacceptable impacts on residential amenity to this property, particularly in view of the mature boundary vegetation. The proposed private barn would be located approximately 2.8m closer to the residential boundary with this property although there would remain a separation of around 35m between the dwelling and the proposed structure, which is considered acceptable. It is not considered that the proposed private use of this building would significantly impact on the amenities of the adjoining occupants given the current lawful use. It is therefore considered that the proposal would not have a harmful effect on residential amenity.

Trees

- 11.17 The site contains statutorily protected trees, either side of the access point and along the front boundary to the north of the residential element of the site. Those to the entrance are a key part of the visual amenity in this part of Silver Street and as such, should be protected during any construction works. It is noted that the revised parking layout is closer to their root protection zones although given the existing surface and details shown in the submitted documentation, it is considered that the application is an improvement with regard to these particular trees. There are also mature, statutorily protected trees along the western boundary. They are outside of the site area, separated by a ditch and the proposed replacement livery building would be relocated a further 7m away (9m in total). Although there would be a minor incursion into the root protection zone, given the existing situation, this is considered acceptable.
- 11.18 Aside from providing the necessary protection during demolition and construction, it is requested that some additional details are provided prior to the commencement of development. These details relate to the location of any new services to the site which are not presently shown on the submitted documentation. The type of cellular confinement to be used would also be required prior to works commencing.

Highway Safety

- 11.19 The Transport Statement advises that the existing daily number of movements is 156 compared to a proposed level of 60. There are no proposals at this stage to make any alterations to the access point and the plans indicate adequate space to allow vehicles, both HGVs and cars, to turn on site.
- 11.20 With regard to the proposed parking provision, the plans show a similar area to that used at present although this is currently informal and not laid out. The Transport Statement advises that the site is expected to generate an average of 40 daily movements by cars, equating to 20 vehicles. The car park would accommodate 15 cars at any one time and on the basis that not all 20 cars would be on site at the same time, it is considered that this is an adequate level of car parking provision.

Visual Impact

- 11.21 Since the refusal, the proposal has been reduced in size and buildings are now proposed in a more closely arranged layout. Specific changes are the reduction in footprint and associated massing of the proposed dwelling, office/grooms accommodation building, livery barn, both stable buildings and the indoor arena. Additional work on the landscape assessment demonstrates that the site has a very limited zone of visual influence by virtue of its flat nature and vegetation cover and the landscape officer is satisfied that the proposals will not have a greater impact than the current situation. The reduction in the proposed massing of the buildings is helpful in this respect. Although some of the details in respect of boundary treatments and external areas are lacking, these details could be secured through suitably worded conditions.
- 11.22 Of specific concern previously was the solid form of the proposed buildings and their encroachment into the Green Belt in particular, the indoor arena and private barn. In order to address this, the built form of the indoor arena has been reduced by 13.4m to the south through a combination of reducing the size of the building and moving further north within the site. To the east, the private barn has been reduced in size by 6.6m. Again this is due to a combination of moving the building to the west and reducing its footprint. The design of these buildings incorporates timber and corrugated roofing as the main materials, both of which are typical of a rural setting. Overall, the proposed group of buildings would be a more homogenous group than the existing structures which are both in need of refurbishment and comprise a variety of materials. The proposed indoor arena has large areas of glazing to the western and southern elevations to assist with providing a less solid appearance. This is in comparison with the existing structure which is open above 1.5m on three sides.
- 11.23 The proposal indicates some external lighting to the buildings and it is considered appropriate to request more details of these. Given the enclosed nature of the arena compared to the existing, open sided to 3 sides arena, should approval be granted, it would be appropriate to restrict its hours of use in order to prevent light pollution and protect the rural character of the area.

11.24 The proposed livery barn would be further from the listed building (Orchard Cottage) to the north than the current built form, the muck heap relocated away from this boundary and the parking layout has been altered to be further from Orchard Cottage than the existing situation. Subject to appropriate boundary treatment, it is considered that the proposal is a positive one which would not adversely affect the character of any heritage assets.

12 CONCLUSION ON THE PLANNING BALANCE

Since the refusal of planning permission, the proposal has been amended through the reduction in size of the buildings' foot print and overall built form. Combined with the additional detail which has been provided in order to address the concern that it would harm the openness of the Green Belt, it is considered that the non-residential elements of the proposal would not have a greater impact on the character of the area and Green Belt than the existing situation, complying with relevant policy in the local plan and NPPF policy on Green Belt. The uses proposed are similar to the training and stud facilities previously operated at the site and in this respect, the proposal would not conflict with paragraph 145 of the NPPF.

However, in view of the concerns expressed with regard to the proposed 78% increase in the floor space of the dwelling, it is considered that this application should fail.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant concerns

Local Finance

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Based on the information provided at the time of this report this development has a CIL liability of £8,144.75.

Tables setting out all contributions are at the end of this report.

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. 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.

Equality

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.

Other Case Specific Factors

As the proposal includes a replacement dwelling, there is no requirement for habitat mitigation.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	209.06		209.06	83.24	£80/sqm	£8,144.75 *
Sui Generis	2464.43		2464.43	981.25	No charge	£0.00 *

Subtotal:	£8,144.75
Relief:	£0.00
Total Payable:	£8,144.75

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2019 this value is 1.22

14. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed replacement dwelling would, by virtue of its excessive size and scale, be an inappropriate form of development within the Green Belt and countryside. It would be materially larger than the existing and extant dwelling on the site and as such it would be inappropriate development affecting the openness of the Green Belt. It would be harmful within the countryside as it would significantly alter the impact of the built development on this part of the site within its sensitive rural context. As such it would be contrary to Policy DM20 of the Local Plan Part 2 for the New Forest District outside of the National Park and Paragraph 145 of the National Planning Policy Framework (2019).

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.

The application follows pre-application advice which has resulted in addressing some of the outstanding concerns. However, with regard to the proposed replacement dwelling, although the scheme has been reduced in size, it still exceeds the policy limitations and it is not considered that there is sufficient justification to override this policy.

Further Information:

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Planning Committee

July 2019

Item No: 3b

Flanders Farm
Silver Street
Sway Hordle
19/10378

Scale 1:1250

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

