

Application Number: 18/11690 Full Planning Permission

Site: CLUB HOUSE, NEW FOREST WATER PARK, RINGWOOD ROAD, FORDINGBRIDGE SP6 2EY
Development: Three-storey extension; extend side dormers; balcony; rooflights; garage/store
Applicant: Mr Jury
Target Date: 08/03/2019
Extension Date: 12/04/2019
Link to case file: [view online here](#)

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 of this report after which a conclusion on the planning balance is reached.
- 1) Principle of residential development in the countryside including sustainability of the proposal
 - 2) Design considerations
- 1.2 This matter was considered by the Committee at the June Committee Members resolved to defer consideration of the application to seek further information to clarify with the applicant exactly how the additional accommodation was being used.
- 1.3 The previous report presented to Members has now been updated it includes comments made by the planning consultant acting on behalf of the applicant. These comments were made prior to the June Committee meeting and were reported as late correspondence. An assessment of those comments is included below. The applicant's agent has now made further comments responding to the deferral and a summary of those comments and assessment is made below and a set of amended plans has also now been received.

The amended plans identify a use for each area of the building and have been submitted to give members a better perspective of the building. In the letter that accompanies the plans the agent has stated that there was never a danger of going against the 30% policy. This is for the simple reasons that there is not an existing dwelling which can be recognised as such and that there can be no baseline for the measurement on which the policy relies. The origins of there being some residential use made of this building stems from the granting of planning permission for the Clubhouse to be extended in a way that specifically allowed the owner/managers family to live in the building. The agent's position is that there is one planning unit i.e the Clubhouse that includes residential living accommodation. The agent in his further letter goes on to reflect on why there is seen to be a policy need to have a specific limit on the amount of residential accommodation in the countryside.

The agent goes on to say that the policy restriction in question is rooted only

in the need to control the cumulative effect of what would be an unknown quantity of similar proposals for extending existing dwellings generally. He states *to approve this proposal could not ever be seen to assess that cumulative effect as the additional living accommodation would be a factor unique to this site and can be taken entirely on its own merits.*

The agents points are noted and have been considered in the context of the current application. Your officers remain of the view that the grant of planning permission for the managers accommodation created a residential use in the form of accommodation that could be used as a self contained unit of accommodation and what is proposed in this application is an extension of this residential accommodation. It is therefore necessary to consider the proposed increase in residential accommodation against Policy DM20.

Amended plans have been received that show the following changes to the earlier plans

- Proposed kitchen/family room now shown as kitchen/meeting room
- Proposed bedroom 4 now shown as office
- Proposed residential garage/store now shown as store
- As existing plans also changed to show lounge now shown as lounge/meeting room, bedroom 2 now shown as office and hall now shown as office

2 THE SITE

- 2.1 The New Forest Water Park is situated at Hucklesbrook Lakes in the open countryside, and comprises a collection of three lakes on the west side of the A338 Ringwood to Fordingbridge Road, between this highway and the River Avon. The Water Park specifically occupies the two northern lakes. The southern lake is used for fishing and is in separate ownership. The northern lake is now used for water sports whilst the middle lake is used for fishing purposes. The lakes were formed over 20 years ago from old gravel extraction pits, and they are surrounded by banks of maturing deciduous vegetation. There is an existing clubhouse building adjacent to the north-western corner of the northern lake (referred to as the main site). The land to the west of the lakes is within the Avon valley flood plain and is a designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).
- 2.2 Since their formation in the early 1990s, the lakes have been used for water based recreation. The original 1990 planning permission restricted noise generating water based activities (water skiing and jet skiing) to just the northernmost lake. A subsequent application in 1995 permitted the middle lake to be used for jet skiing providing that jet skiing on the middle lake does not take place at the same time as upon the northern lake. This 1995 permission also precluded jet skiing taking place on the western part of the middle lake, primarily for nature conservation reasons. At present the Water Park is only open from Easter to early November.
- 2.3 The main site has a collection of buildings as follows
- A large two/three storey building including manager's accommodation on first and second floor with changing rooms, commercial storage, boat shed, lockers, workshop, kit store and shop on the ground floor. This building includes a customer reception, bar, commercial kitchen, eating facilities, toilets, and family room on the first floor. This building also has a large outdoor amenity area for customers overlooking the

northern lake.

- Within the grounds of the main site are a collection of three mobile homes used for staff accommodation, as well as another building which includes a residential flat, and another large garage/storage building with what appears to be residential accommodation on the first floor. One static caravan is used by the site caretaker and this together with the other two caravans are either immune from enforcement action or are occupied as seasonal staff accommodation considered at the time as not needing planning permission. A residential flat created in one of the outbuildings has become immune over the passage of time.
- The main site is served by its own access road and large customer car park.

2.4 The current site manager accommodation floorspace comprises a lounge, bathroom, 2 offices, and 3 no. bedrooms with one en-suite on the second floor. The accommodation is arranged over two floors and is in line with permission 53713 noted above granted in March 1994. The accommodation has an internal floorspace excluding any stairwell of 110 square metres (1184 square feet). There is no kitchen in the current accommodation, at the June Committee the applicant advised the Committee that the kitchen in the Clubhouse was used as the kitchen for the manager.

3 THE PROPOSED DEVELOPMENT

3.1 The proposal is to extend the existing manager's accommodation at the rear of the clubhouse to provide improvements to bedroom accommodation and kitchen facilities, as well as a further en-suite facility to one of the bedrooms. The existing clubhouse has its own kitchen facility and this is at present also being used by the manager for their own personal needs. The number of bedrooms on the plans that were originally submitted showed 4 bedrooms the amended plans that have been submitted show one of the bedrooms as a second office.

3.2 The plans indicate a building clad in brick and timber under a slated roof to match the existing. The new extension would extend the building by 5 metres in length. The existing single dormer window on each elevation will be subsumed into a new triple dormer on each side elevation. A new balcony area with an extended roof over will be formed at 2nd floor level.

3.3 The extended floorspace over two floors measures some 66 square metres (710 square feet). This would if permitted result in manager's accommodation of some 174 square metres (1894 square feet). This equates to a 60% increase in the accommodation floorspace. This does not include the large new domestic garage/store at ground level which measures an additional 43 square metres (462 square feet).

3.4 The plans as submitted also are inaccurate in a number of areas particularly in relation to the labelling of rooms within the building and some minor elevational details which do not tie up with floor plans. These points have been made to the applicant but with no corrected plans submitted.

3.5 This application has been submitted without the benefit of any pre application advice.

4 PLANNING HISTORY AND NOTES OF AN PRE APPLICATION DISCUSSIONS

- 4.1 **18/11130** - Clubhouse and additional accommodation for fishery manager -refused 09/01/19 (middle lake - Committee report January 2019 refers)
- This refusal is now the subject of an appeal
- 4.2 **16/10025** - Clubhouse with additional use for fishery manager accommodation refused 13/03/16 – appeal dismissed 19/01/17 (middle lake)
- 4.3 **15/11649** – Single storey extension to clubhouse with balcony over – approved 28/01/16 (main site)
- 4.4 **13/10191** - Clubhouse - granted 13/05/13 (middle lake)
- 4.5 **10/96273** - Clubhouse - granted outline planning permission 1/06/11 (middle lake)
- 4.6 **99/67058** – Garage/store building – approved 24/09/99 (main site - limited use by condition)
- 4.7 **57062** - Vary Condition 9 on 41232 (jet & water skiing use) – granted 09/08/95
- 4.8 **53713** – 1st floor addition with rooms in roof to form owner’s accommodation – approved 09/03/94 (main site)
- 4.9 **52288** - Vary Condition 9 on 41232 to allow jet skiing - granted 14/7/93
- 4.10 **51715** – 1st floor addition to clubhouse to form owner’s accommodation – approved 04/01/94 (main site - approved subject to supplemental S106 restricting occupation of flat)
- 4.11 **44205** – Erect two storey water sports clubhouse, parking and landscaping – approved 04/03/91 (Reserved Matters) (main site on northern lake)
- 4.12 **41232** – Change of use of former gravel pits to water based recreation and erection of clubhouse - granted 13/12/90 (Parent outline permission) (main site on northern lake – approved subject to S106 agreement on use of lakes)
- 4.13 The applicant did not enter into any pre application discussions with the Council prior to the submission of the current application.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

- CS1 – Sustainable development principle
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS19; Tourism
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 - presumption in favour of sustainable development
DM2: Nature conservation, biodiversity and geodiversity
Dm13 Tourism and visitor facilities
DM20 Residential accommodation in the countryside

The Emerging Local Plan

The National Planning Policy Framework 2019 states:

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Advice on Emerging Development Plan Documents

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making.

The following extracts from the Emerging Local Plan are considered to be material considerations in this case.

Key issue 10

The rural economy and tourism - how can the Local Plan encourage sustainable rural enterprise and tourism that will benefit the local economy without harming the environmental and landscape qualities of the area.

Strategic Objective SO8

Sets out support for the rural economy including tourism in ways compatible with and environmental and landscape objectives.

Policy 1 Achieving sustainable development

Directing development to within settlement boundaries with new residential development located in sustainable locations

Policy 3 Strategy for locating new development

To locate new development to accessible locations. Countryside development

generally restricted unless policy 28 supports it.

Policy 28 Rural Economy (saved policy CS21 from current plan)

- d) support local business development through the conversion of existing buildings
- g) allow developments essential to support a rural workforce, including agricultural workers dwellings and rural community facilities.

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Relevant Advice

National Planning Policy Framework 2019

Section 2 - Achieving sustainable development

Paras 77-79 - Housing in rural areas and sustainability

Section 6 - Supporting a prosperous rural economy

Section 12 - Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend that permission is granted under PAR3 as there is a benefit for local jobs and the economy. Fordingbridge Town Council recommend the enhanced accommodation should be tied to use by staff.

8 COUNCILLOR COMMENTS

None received.

9 CONSULTEE COMMENTS

9.1 Natural England

No objection subject to mitigation and relevant conditions. Their comment in relation to the previous application also apply to this application as follows:

Response to 18/11130 - Note the site lies immediately adjacent to the Avon Valley Special Protection Area (SPA) and Ramsar and in close proximity to the New Forest SPA, Ramsar and Special Area of Conservation. Natural England are satisfied with the Council's mitigation strategy and Habitat Regulations Assessment.

On other matters Natural England notes the presence of an one SSSI

adjacent to the site but is satisfied that the development will not be harmful provided a condition is imposed regarding any percussive piling operations. Natural England recommend that due regard is also taken in respect of biodiversity net gain and advice set out as well as Standing Advice dealing with protected species.

9.2 Environmental Health: no concerns

10 REPRESENTATIONS RECEIVED

One letter has been received from a planning consultant acting on behalf of the applicant who makes the following points in summary;

1. Emphasises the importance of the site as a recreational venue.
2. Considers there was a need for a clubhouse and other facilities to support the use
3. Approved plans showed living accommodation followed by another permission for an extension to that accommodation
4. Manager accommodations not a separate dwelling so Policy DM20 is not relevant
5. Site as a whole is a single planning unit with a S106 Agreement restricting the residential accommodation element. Envisaged that accommodation would be for manager and family
6. Confirms that children have now grown up and are paid managers in their own right
7. Extended family wish to stay together under one roof and need more space but purpose of building remain the same
8. Two planning issues are impact of building and if it complies with local policy
9. Considers design is acceptable and blends well with existing building
10. Site is in the countryside and is a tourist facility with policy DM13 on tourism and visitor facilities more relevant. Requires development to be appropriate in design and scale and in keeping with the rural character with no significant harmful impacts. Considers proposal complies with this policy
11. Also considers that development complies with policy CS3 and CS5
12. Report refers to flat above garage is incorrect
13. Floorplans are not considered to be inaccurate as stated.
Accommodation has a degree of being interchangeable with other functions of the building
14. Using DM29 is the wrong approach. No original size accommodation and this was never intended DM20 is used to control the size of dwellings in the countryside as part of a housing stock
15. Considers that extension does not need to be justified as stated
16. No impact on wider landscape is acknowledged only impact is on applicant's view of the site
17. Building is for accommodation for a recreational use with no impact on the public

11 OFFICER COMMENTS

11.1 Introduction

11.1.1 The key issues with this application are the principle of development for such residential development in the countryside taking into account sustainability issues; and the design issues of the new extension together with its local impact. The applicants planning consultant also refers to policy DM13 and consideration of this is included in the report.

11.2 Relevant Considerations

Principle of development and sustainability

a) Policy considerations

11.2.1 The 2019 NPPF sets out the following advice regarding development in rural areas.

Section 2. Achieving sustainable development with regard to economic, social and environmental objectives with a presumption in favour of sustainable development.

Paras 77-79 Encourage housing in rural areas to be responsive to local need, reflecting sustainability and to avoid isolated homes unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside

Section 6 Supporting a prosperous rural economy encourages sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.

11.2.2 With regard to the principle of development the site is in the countryside where normal policies of restraint on development apply. DM20 allows for residential accommodation in the countryside in certain circumstances such as for agricultural, affordable housing, replacement dwelling or the limited extension of an existing dwelling. The policy is set out below.

Policy DM20: Residential development in the countryside will only be permitted where it is:

- a) a limited extension to an existing dwelling; or*
- b) the replacement of an existing dwelling, except where it:
 - (i) is the result of a temporary permission(s); and/or*
 - (ii) is an unauthorised use; and/or*
 - (iii) it has been abandoned; or**
- c) affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or*
- d) an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21.*

In all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.

Replacement dwellings and dwelling extensions should not normally provide for an increase in floorspace of more than 30%. A dwelling may be permitted to exceed the 30% limit provided the increased floorspace will not result in a dwelling in excess of 100 sq. metres floorspace. In all

cases proposals should be designed to respect the character and scale of the existing dwelling, and not significantly alter the impact of built development on the site within its setting.

The 30% limit is applied as a limit to all cumulative extensions since 1 July 1982. In exceptional circumstances, a larger extension may be permitted to:

- (i) meet the genuine family needs of an occupier who works in the immediate locality; or*
- (ii) meet the design considerations relating to the special character of the building e.g. listed buildings.*

11.2.3 Officers consider that the proposal as now presented represents a substantial 60% increase in the existing manager accommodation without any submitted justification. Design issues are dealt with below but it is clear from the above that the proposal does not comply with the relevant development plan policy. Whilst it is noted that the manager's flat does not currently have its own dedicated kitchen this could be provided by re-jigging the available floorspace without needing an extension.

11.2.4 The applicant at the June Committee meeting made comment that the accommodation is used flexibly for both residential and commercial purposes. The accommodation is set out as residential accommodation and whilst the existing plans have now been amended to label a second room for office use this floorspace is residential floorspace. In planning terms this accommodation was considered to be a dwelling under the relevant planning permission and was conditioned to only be residential accommodation for the manager/owner of the Waterpark and their dependants. The reason why it was necessary to have such a condition is that without this condition planning permission for a new dwelling in the countryside would not have been granted. To further strengthen the position there was a Section 106 Agreement which specifically restricted the residential accommodation to occupation by the owner or manager of the Waterpark as it was considered to be capable of being a standalone dwelling. The purpose of the agreement was to prevent any separation of this dwelling by selling off. The original permission showed a kitchen within the accommodation. Based on the details and intent of the original permission and Section 106 Agreement your officers consider this accommodation to be residential and therefore do not support the agents position with regard to the relevance of Policy DM20.

The agent has suggested that DM13 Tourism and Visitor facilities is the relevant Policy as what is being proposed is an extension of the Clubhouse which is a tourism and visitor facility. This position is not supported by your officers for the reasons set out above.

Policy DM13 and CS19 seeks to support existing tourism operations and to allow for sensitive improvements but stress the importance particularly in the countryside of ensuring any new development is appropriate and sensitive to environmental considerations. The policy makes no reference to residential accommodation being provided as part of that tourism venture.

In this case the development of a water based recreational facility when originally granted had no manager accommodation within the building. Indeed the original plans showed a large restaurant instead. That idea was later changed in favour of a dedicated area of floorspace to be clearly set aside for manager accommodation. As already set out the permission was subject to restrictions on the residential accommodation.

The planning consultant contends that the whole building forms one planning unit and the interior can be used for whatever purpose necessary in connection with the leisure based use. This position is not supported by your officers for the reasons set out above.

b) Occupation of manager accommodation

11.2.4 The Town Council recommend permission is granted to the application provided that the unit as enlarged is tied by condition to staff. Officers would agree that there is a need to do so in an open countryside location such as this.

11.2.5 Members are also asked to note the current quantum of available residential and staff accommodation on the site. It is clear that there is a substantial amount of current accommodation. The justification for such a large increase in floorspace to the manager's maisonette accommodation is therefore questionable.

11.2.6 These points have been addressed to the applicant but no further justification has been provided at the time of writing this report.

11.2.7 . The original permission granted in January 1994 was for accommodation only at first floor level and was tied by a supplemental S106 agreement added to the original agreement signed under the original outline permission. The agreement tied the accommodation to the manager of the site and any dependants **or** [my emphasis] such person employed (and their partner and dependants) by the owner. That permission however was not implemented and was supplanted by the later permission referred to above which was not subject to any S106 agreement. It is clear that it was the later permission that was built not the earlier.

11.2.8 Both permissions had a planning condition applied which reads as follows -

"The residential accommodation hereby approved shall only be used by the owner/manager of the New Forest Water Park and their dependents whilst it is in operation

Reason – The site lies in an area where additional units of residential accommodation are not normally permitted"

The latest comments and amended plans now submitted do not change the size of the extension proposed. They relabel the use of rooms but do not change the self contained nature of the accommodation.

11.2.9 With regard to application 99/67058 (Garage/store building – approved 24/09/99 - main site - limited use by condition), this appears to have accommodation within it . This matter has been referred to the applicant for clarification. He state sthrough his planning ocnsltatn that thsiis incorrect but he does not specially confirm what the building is used for.

c) Sustainability issues

11.2.10 With regard to the overall sustainability of the proposal it appears that there are a number of family units now residing at the site. It has always been recognised that there is a need for an on-site manager presence but in reality this now exceeds that essential requirement recognised in both local and national guidance. There appears no essential need for a

significant large extension of the manager accommodation to allow two family units to occupy the building. The site does not lie in a sustainable location and any occupiers will need to travel to access essential services. Whilst it may be more convenient for the second family unit to occupy the site where they work it is not essential they do so. In addition to the applicant who is the original Director of the business who lives on site there is also a live in caretaker on site and other seasonal staff through the open period for the water park. 11.2.14 In this regard it is considered that the first reason for refusal needs to reflect the principles of sustainable development as set out in the NPPF and local policy.

Design Considerations

11.2.11 The 2019 NPPF sets out the following design advice

Section 12 Achieving well designed places encourages high quality buildings and places and good design is a key aspect of sustainable development. Planning decisions should ensure developments are inter alia visually attractive and sympathetic to local character. Para 130 states that permission should be refused for development of poor design

11.2.12 Policy CS2 of the Core Strategy states the following -

New development will be required to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. All new development will be required to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

11.2.13 The current proposal is visible from the car park and its position towards the rear of the site should not be used to allow poor design. The plans indicate a large bulky extension which will considerably increase the mass of the building. The extension will unbalance this side elevation view and when combined with the inappropriate roof feature of a triple dormer on two elevations is considered to be poor design inconsistent with policy. The site does benefit from a backdrop of trees and so in the wider landscape context there will be no harmful impact. Whilst the impact on local character and appearance is therefore limited to that closer to the building this in itself should not be used as a reason to support poor design which degrades the local environment.

11.2.14 Concerns have been initially expressed to the applicant regarding the triple dormers but no substantive response has been received. On further reflection officers consider that the overall mass and bulk of the extension is not acceptable and consequently that design objections should be raised.

12 CONCLUSION ON THE PLANNING BALANCE

12.1 The applicants have applied for a large extension to an existing manager accommodation unit in the open countryside. The proposed building is considered harmful in design terms. The proposed building will continue

the likely accommodation of a further family unit which is not considered to be sustainable.. It is considered that the business is already well catered for by on site staff and there is no essential need for new accommodation floorspace.

- 12.2 This application raises issues relating to the principle of further residential and built development in the countryside which in all cases should be properly justified. The site already benefits from a considerable amount of staff and manager accommodation and there is no overriding reason for allowing a substantial further increase in the manager's accommodation. Secondly, the mass and bulk of the extension with its detailing exhibits poor design quality contrary to stated policies.
- 12.3 The proposal has been the subject of a recommendation of approval by the Town Council. The comments they make in support of this rural business are worthy of support if there was no current staff or manager accommodation.
- 12.4 It is considered given the harmful impact of the development the balance in this case should be to refuse the application.

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. The applicant did not avail himself of the Council's pre application advice service. The Council has sought further justification for the proposal as well as further consideration of design matters but this has not resulted in any information forthcoming from the applicant to set aside the reasons for refusal as set out.

Local Finance

- 13.3 Local finance considerations are not relevant to this application

Human Rights

- 13.4 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 can only be safeguarded by the refusal of permission.

Equality

13.5 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:

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

14 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal is for a 60% floorspace increase to an existing manager's accommodation unit within this rural business based in the open countryside. Special consideration of any residential accommodation in the countryside is required to ensure that any development is sustainable as required by the National Planning Policy Framework 2019 (NPPF), Core Strategy policy CS1, and Local Plan part 2 policy NPPF1 and DM20. In this case the site already benefits from a significant amount of staff and manager accommodation and it is considered that there is no overriding justification or essential need to support such a large percentage increase in accommodation at this site. Occupation of the manager accommodation by a second family unit is not considered to constitute sustainable development
2. The proposal by virtue of its size, design, bulk and mass is considered to represent poor design that detracts from the character and appearance of the existing building and the rural character of the area, inconsistent with NPPF section 12, policy CS2 of the New Forest Core Strategy and Policy DM20 of the New Forest Local Plan part 2, which 'inter alia' requires development proposals to be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.

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. The applicant did not avail himself of the Council's pre application advice service. The Council has sought further justification for the proposal as well as further consideration of design matters but this has not resulted in any information forthcoming from the applicant to set aside the reasons for refusal as set out.

2. The proposal by virtue of its size, design, bulk and mass is considered to represent poor design that detracts from the character and appearance of the existing building and the rural character of the area, inconsistent with NPPF section 12, policy CS2 of the New Forest Core Strategy and Policy DM20 of the New Forest Local Plan part 2, which 'inter alia' requires development proposals to be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.

Further Information:

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PLANNING COMMITTEE

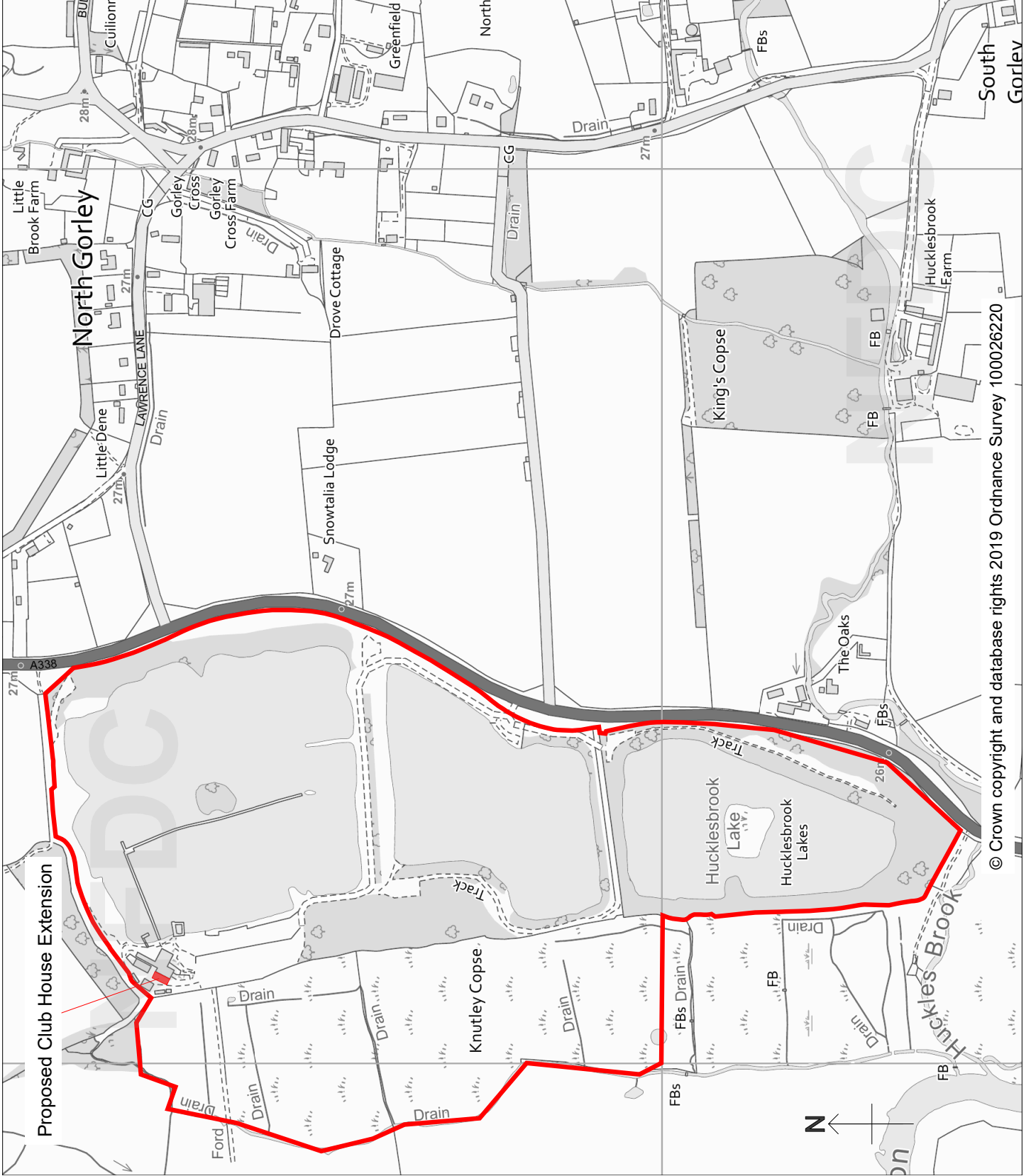
June 2019

Item No: 3c

Club House
New Forest Water Park
Fordingbridge
18/11690

Scale 1:6000

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Development: Three-storey extension; extend side dormers; balcony; rooflights; garage/store

Applicant: Mr Jury

Target Date: 08/03/2019

Extension Date: 12/04/2019

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 of this report after which a conclusion on the planning balance is reached.
- 1) Principle of residential development in the countryside including sustainability of the proposal
 - 2) Design considerations
- 1.2 This matter is before Committee as the application was reported to the April Planning Committee at which time Members resolved to defer consideration following a request from the applicant who was not able to attend. The applicant wished to provide updated information setting out a justification and background information relating to the business use.
- 1.3 The previous report presented to Members is appended.

2 THE SITE

- 2.1 The New Forest Water Park is situated at Hucklesbrook Lakes in the open countryside, and comprises a collection of three lakes on the west side of the A338 Ringwood to Fordingbridge Road, between this highway and the River Avon. The Water Park specifically occupies the two northern lakes. The southern lake is used for fishing and is in separate ownership. The northern lake is now used for water sports whilst the middle lake is used for fishing purposes. The lakes were formed over 20 years ago from old gravel extraction pits, and they are surrounded by banks of maturing deciduous vegetation. There is an existing clubhouse building adjacent to the north-western corner of the northern lake (referred to as the main site). The land to the west of the lakes is within the Avon valley flood plain and is a designated Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

- 2.2 Since their formation in the early 1990s, the lakes have been used for water based recreation. The original 1990 planning permission restricted noise generating water based activities (water skiing and jet skiing) to just the northernmost lake. A subsequent application in 1995 permitted the middle lake to be used for jet skiing providing that jet skiing on the middle lake does not take place at the same time as upon the northern lake. This 1995 permission also precluded jet skiing taking place on the western part of the middle lake, primarily for nature conservation reasons. At present the Water Park is only open from Easter to early November.
- 2.3 The main site has a collection of buildings as follows
- A large two/three storey building including manager's accommodation on first and second floor with changing rooms, commercial storage, boat shed, lockers, workshop, kit store and shop on the ground floor. This building includes a customer reception, bar, commercial kitchen, eating facilities, toilets, and family room on the first floor. This building also has a large outdoor amenity area for customers overlooking the northern lake.
 - Within the grounds of the main site are a collection of three mobile homes used for staff accommodation, as well as another building which includes a residential flat, and another large garage/storage building with residential accommodation on the first floor. One static caravan is used by the site caretaker and this together with the other two caravans are either immune from enforcement action or are occupied as seasonal staff accommodation considered at the time as not needing planning permission. A residential flat created in one of the outbuildings has become immune over the passage of time. The flat above the garage and store building is also occupied and it is not clear if there is a planning permission for this residential unit.
 - The main site is served by its own access road and large customer car park.
- 2.4 The current site manager accommodation floorspace comprises a lounge, bathroom, study, and 4 no. bedrooms with one en-suite on the second floor. The accommodation is arranged over two floors and is in line with permission 53713 noted above granted in March 1994. The accommodation has an internal floorspace excluding any stairwell of 110 square metres (1184 square feet).

3 THE PROPOSED DEVELOPMENT

- 3.1 The proposal is to extend the existing manager's accommodation at the rear of the clubhouse to provide improvements to bedroom accommodation and kitchen facilities, as well as a further en-suite facility to one of the bedrooms. The existing clubhouse has its own kitchen facility and this is at present also being used by the manager for their own personal needs. The number of bedrooms overall stays at four.
- 3.2 The plans indicate a building clad in brick and timber under a slated roof to match the existing. The new extension would extend the building by 5 metres in length. The existing single dormer window on each elevation will be subsumed into a new triple dormer on each side elevation. A new balcony area with an extended roof over will be formed at 2nd floor level.

- 3.3 The extended floorspace over two floors measures some 66 square metres (710 square feet). This would if permitted result in manager's accommodation of some 174 square metres (1894 square feet). This equates to a 60% increase in the accommodation floorspace. This does not include the large new domestic garage/store at ground level which measures an additional 43 square metres (462 square feet).
- 3.4 The plans as submitted also are inaccurate in a number of areas particularly in relation to the labelling of rooms within the building and some minor elevational details which do not tie up with floor plans. These points have been made to the applicant but with no corrected plans submitted.
- 3.5 This application has been submitted without the benefit of any pre application advice.

4 PLANNING HISTORY AND NOTES OF AN PRE APPLICATION DISCUSSIONS

- 4.1 **18/11130** - Clubhouse and additional accommodation for fishery manager - refused 09/01/19 (middle lake - Committee report January 2019 refers)
- This refusal is now the subject of an appeal
- 4.2 **16/10025** - Clubhouse with additional use for fishery manager accommodation refused 13/03/16 – appeal dismissed 19/01/17 (middle lake)
- 4.3 **15/11649** – Single storey extension to clubhouse with balcony over – approved 28/01/16 (main site)
- 4.4 **13/10191** - Clubhouse - granted 13/05/13 (middle lake)
- 4.5 **10/96273** - Clubhouse - granted outline planning permission 1/06/11 (middle lake)
- 4.6 **99/67058** – Garage/store building – approved 24/09/99 (main site - limited use by condition)
- 4.7 **57062** - Vary Condition 9 on 41232 (jet & water skiing use) – granted 09/08/95
- 4.8 **53713** – 1st floor addition with rooms in roof to form owner's accommodation – approved 09/03/94 (main site)
- 4.9 **52288** - Vary Condition 9 on 41232 to allow jet skiing - granted 14/7/93
- 4.10 **51715** – 1st floor addition to clubhouse to form owner's accommodation – approved 04/01/94 (main site - approved subject to supplemental S106 restricting occupation of flat)
- 4.11 **44205** – Erect two storey water sports clubhouse, parking and landscaping – approved 04/03/91 (Reserved Matters) (main site on northern lake)
- 4.12 **41232** – Change of use of former gravel pits to water based recreation and erection of clubhouse - granted 13/12/90 (Parent outline permission) (main site on northern lake – approved subject to S106 agreement on use of lakes)

4.13 The applicant did not enter into any pre application discussions with the Council prior to the submission of the current application.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

CS1 – Sustainable development principle
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage Nature Conservation)
CS6: Flood risk
CS10: The spatial strategy
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 - presumption in favour of sustainable development
DM2: Nature conservation, biodiversity and geodiversity
DM20 Residential accommodation in the countryside

The Emerging Local Plan

The National Planning Policy Framework 2019 states:

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Advice on Emerging Development Plan Documents

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making.

The following extracts from the Emerging Local Plan are considered to be material considerations in this case.

Key issue 10

The rural economy and tourism - how can the Local Plan encourage sustainable rural enterprise and tourism that will benefit the local economy without harming the environmental and landscape qualities of the area.

Strategic Objective SO8

Sets out support for the rural economy including tourism in ways compatible with and environmental and landscape objectives.

Policy 1 Achieving sustainable development

Directing development to within settlement boundaries with new residential development located in sustainable locations

Policy 3 Strategy for locating new development

To locate new development to accessible locations. Countryside development generally restricted unless policy 28 supports it.

Policy 28 Rural Economy (saved policy CS21 from current plan)

- d) support local business development through the conversion of existing buildings
- g) allow developments essential to support a rural workforce, including agricultural workers dwellings and rural community facilities.

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Relevant Advice

National Planning Policy Framework 2019

Section 2 - Achieving sustainable development

Paras 77-79 - Housing in rural areas and sustainability

Section 6 - Supporting a prosperous rural economy

Section 12 - Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: recommend that permission is granted under PAR3 as there is a benefit for local jobs and the economy. Fordingbridge Town Council recommend the enhanced accommodation should be tied to use by staff.

8 COUNCILLOR COMMENTS

None received.

9 CONSULTEE COMMENTS

9.1 Natural England

No objection subject to mitigation and relevant conditions. Their comment in relation to the previous application also apply to this application as follows:

Response to 18/11130 - Note the site lies immediately adjacent to the Avon Valley Special Protection Area (SPA) and Ramsar and in close proximity to the New Forest SPA, Ramsar and Special Area of Conservation. Natural England are satisfied with the Council's mitigation strategy and Habitat Regulations Assessment.

On other matters Natural England notes the presence of an SSSI adjacent to the site but is satisfied that the development will not be harmful provided a condition is imposed regarding any percussive piling operations. Natural England recommend that due regard is also taken in respect of biodiversity net gain and advice set out as well as Standing Advice dealing with protected species.

9.2 Environmental Health

No concerns

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

11.1 Introduction

11.1.1 The key issues with this application are the principle of development for such residential development in the countryside taking into account sustainability issues; and the design issues of the new extension together with its local impact.

11.2 Relevant Considerations

Principle of development and sustainability

a) Policy considerations

11.2.1 The 2019 NPPF sets out the following advice regarding development in rural areas.

Section 2. Achieving sustainable development with regard to economic, social and environmental objectives with a presumption in favour of sustainable development.

Paras 77-79 Encourages housing in rural areas to be responsive to local need, reflecting sustainability and to avoid isolated homes unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside

Section 6 Supporting a prosperous rural economy encourages sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.

11.2.2 With regard to the principle of development the site is in the countryside where normal policies of restraint on development apply. DM20 allows for residential accommodation in the countryside in certain circumstances such as for agricultural, affordable housing, replacement dwelling or the limited extension of an existing dwelling. The policy is set out below.

Policy DM20: Residential development in the countryside will only be permitted where it is:

- a) *a limited extension to an existing dwelling; or*
- b) *the replacement of an existing dwelling, except where it:*
 - (i) is the result of a temporary permission(s); and/or*
 - (ii) is an unauthorised use; and/or*
 - (iii) it has been abandoned; or*
- c) *affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or*
- d) *an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21.*

In all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.

Replacement dwellings and dwelling extensions should not normally provide for an increase in floorspace of more than 30%. A dwelling may be permitted to exceed the 30% limit provided the increased floorspace will not result in a dwelling in excess of 100 sq. metres floorspace. In all cases proposals should be designed to respect the character and scale of the existing dwelling, and not significantly alter the impact of built development on the site within its setting.

The 30% limit is applied as a limit to all cumulative extensions since 1 July 1982. In exceptional circumstances, a larger extension may be permitted to:

- (i) meet the genuine family needs of an occupier who works in the immediate locality; or*
- (ii) meet the design considerations relating to the special character of the building e.g. listed buildings.*

11.2.3 Officers consider that the proposal as now presented represents a substantial 60% increase in the existing manager accommodation without any submitted justification. Design issues are dealt with below but it is clear from the above that the proposal does not comply with the relevant development plan policy. Whilst it is noted that the flat does not currently have its own dedicated kitchen this could be provided by re-jigging the available floorspace without needing an extension.

b) Occupation of manager accommodation

- 11.2.4 The Town Council raise no objection to the application provided that the unit as enlarged is tied by condition to staff. Officers would agree that there is a need to do so in an open countryside location such as this.
- 11.2.5 Members are also asked to note the current quantum of available residential and staff accommodation on the site. It is clear that there is a substantial amount of current accommodation. The justification for such a large increase in floorspace to the manager's maisonette accommodation is therefore questionable.
- 11.2.6 These points have been addressed to the applicant but no further justification has been provided at the time of writing this report.
- 11.2.7 In addition the following matters have come to light in the processing and assessment of this application.
- 11.2.8 There are considered to be current issues relating to occupancy of the manager accommodation. The earlier permission granted in January 1994 was for accommodation only at first floor level and was tied by a supplemental S106 agreement added to the original agreement signed under the original outline permission. The agreement tied the accommodation to the manager of the site and any dependants **or** [my emphasis] such person employed (and their partner and dependants) by the owner. That permission however was not implemented and was supplanted by the later permission referred to above which was not subject to any S106 agreement. It is clear that it was the later permission that was built not the earlier.
- 11.2.9 However, both permissions had a planning condition applied which reads as follows -
- “The residential accommodation hereby approved shall only be used by the owner/manager of the New Forest Water Park and their dependents whilst it is in operation*
- Reason – The site lies in an area where additional units of residential accommodation are not normally permitted”*
- 11.2.10 It appears to officers that at the present time the current occupation of the manager accommodation by the manager and his adult son and their respective partners is not strictly in compliance as the son and his partner are not dependants of the owner as is required by the condition. The supplemental S106 agreement referred to above and the condition therefore have the same thrust of allowing one family unit rather than two managers or staff members with their respective family units.
- 11.2.11 In addition to the above points it has also come to light that a building the subject of application 99/67058 (Garage/store building – approved 24/09/99 - main site - limited use by condition), appears to have accommodation at first floor level. This matter has been referred to the applicant for clarification.
- 11.2.12 A search of the electoral roll for this site has revealed that at the present time six adults reside at New Forest Water Park, or another property known as The Barn at the site and within the red line application boundary.

c) Sustainability issues

- 11.2.13 With regard to the overall sustainability of the proposal it appears that there are a number of family units now residing at the site. It has always been recognised that there is a need for an on-site manager presence but in reality this now exceeds that essential requirement recognised in both local and national guidance. There appears no essential need for a significant large extension of the manager accommodation to allow two family units to occupy the building. The site does not lie in a sustainable location and any occupiers will need to travel to access essential services. Whilst it may be more convenient for the second family unit to occupy the site where they work it is not essential they do so. In addition to the applicant who is the original Director of the business who lives on site there is also a live in caretaker on site and other seasonal staff through the open period for the water park. There is currently a breach of planning control in relation to the occupation of the manager unit.
- 11.2.14 In this regard it is considered that the first reason for refusal needs to reflect the principles of sustainable development as set out in the NPPF and local policy.

Design Considerations

- 11.2.15 The 2019 NPPF sets out the following design advice

Section 12 Achieving well designed places encourages high quality buildings and places and good design is a key aspect of sustainable development. Planning decisions should ensure developments are inter alia visually attractive and sympathetic to local character. Para 130 states that permission should be refused for development of poor design

- 11.2.16 Policy CS2 of the Core Strategy states the following -

New development will be required to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. All new development will be required to contribute positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities.

- 11.2.17 The current proposal is visible from the car park and its position towards the rear of the site should not be used to allow poor design. The plans indicate a large bulky extension which will considerably increase the mass of the building. The extension will unbalance this side elevation view and when combined with the inappropriate roof feature of a triple dormer on two elevations is considered to be poor design inconsistent with policy. The site does benefit from a backdrop of trees and so in the wider landscape context there will be no harmful impact. Whilst the impact on local character and appearance is therefore limited to that closer to the building this in itself should not be used as a reason to support poor design which degrades the local environment.

11.2.18 Concerns have been initially expressed to the applicant regarding the triple dormers but no substantive response has been received. On further reflection officers consider that the overall mass and bulk of the extension is not acceptable and consequently that design objections should be raised.

12 CONCLUSION ON THE PLANNING BALANCE

12.1 The applicants have applied for a large extension to an existing manager accommodation unit in the open countryside. The proposed building is considered harmful in design terms. The proposed building will continue the likely accommodation of a further family unit which is not considered to be sustainable. This pattern of occupation is in breach of the implemented planning permission. It is considered that the business is already well catered for by on site staff and there is no essential need for new accommodation floorspace.

12.2 This application raises issues relating to the principle of further residential development in the countryside which in all cases should be properly justified. The site already benefits from a considerable amount of staff and manager accommodation and there is no overriding reason for allowing a substantial further increase in the manager's accommodation. Secondly, the mass and bulk of the extension with its detailing exhibits poor design quality contrary to stated policies.

12.3 The proposal has been the subject of a recommendation of approval by the Town Council. The comments they make in support of this rural business are worthy of support if there was no current staff or manager accommodation.

12.4 It is considered given the harmful impact of the development the balance in this case should be to refuse the application.

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. The applicant did not avail himself of the Council's pre application advice service. The Council has sought further justification for the proposal as well as further consideration of design matters but this has not resulted in any information forthcoming from the applicant to set aside the reasons for refusal as set out.

Local Finance

13.3 Local finance considerations are not relevant to this application

Human Rights

- 13.4 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 can only be safeguarded by the refusal of permission.

Equality

- 13.5 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:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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. The applicant did not avail himself of the Council's pre application advice service. The Council has sought further justification for the proposal as well as further consideration of design matters but this has not resulted in any information forthcoming from the applicant to set aside the reasons for refusal as set out.

15. RECOMMENDATION

Refuse

Reasons for refusal:

1. The proposal is for a 60% floorspace increase to an existing manager's accommodation unit within this rural business based in the open countryside. Special consideration of any residential accommodation in the countryside is required to ensure that any development is sustainable as required by the National Planning Policy Framework 2019 (NPPF), Core Strategy policy CS1, and Local Plan part 2 policy NPPF1 and DM20. In this case the site already benefits from a significant amount of staff and manager accommodation and it is considered that there is no overriding justification or essential need to support such a large percentage increase in accommodation at this site. Occupation of the manager accommodation by a second family unit is not considered to constitute sustainable development
2. The proposal by virtue of its size, design, bulk and mass is considered to represent poor design that detracts from the character and appearance of the existing building and the rural character of the area, inconsistent with NPPF section 12, policy CS2 of the New Forest Core Strategy and Policy DM20 of the New Forest Local Plan part 2, which 'inter alia' requires development proposals to be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.

Further Information:

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