

**Application Number: 19/10990** Full Planning Permission

**Site:** CROSS COTTAGE, SALISBURY ROAD, BURGATE,  
FORDINGBRIDGE SP6 1LX

**Development:** Car port

**Applicant:** Mr Etherington

**Target Date:** 01/11/2019

**Extension Date:** 13/12/2019

---

**UPDATE REPORT**

This application was considered by the Planning Committee at the meeting of the 8th January 2020. The application was deferred to seek amended plans showing the carport in a location further from Cross Cottages as the Committee was concerned about the impact of the proposed development on the setting of the listed building. The application has been amended re-located the building further from Cross Cottage and amending the design to propose a smaller more traditionally designed building. The original Committee report is re-produced below.

The proposed building has been moved away from Cross Cottage in its amended location the proposed building would respect the setting of the listed building.

Whilst the application was not deferred to seek amendments to the design of the building the applicant has amended the design to address the issues identified in the original reason for refusal. The design is now a more traditional design The entrance has been reversed and the roofline has been broken which has addressed concerns about its bulk, scale and mass adjacent to the listed building. Although some very limited harm may result to the setting of the listed building, given the amended location and design the proposed development is now considered to be acceptable.

The recommendation is now to grant planning permission subject to conditions.

**REVISED RECOMMENDATION**

**Grant Subject to Conditions**

**Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Site location plan, other plans dated the 24th January 2020, elevations and floor plans, block plan, 1:250 scale plan and section plan.

Reason: To ensure satisfactory provision of the development.

3. No development shall take place above slab level until the samples or exact details of the facing and roofing materials, the stone bases and the top brackets for the supporting posts to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

4. No development shall take place above slab level until a sample panel of Hampshire overlap boarding showing the design and joint details of the boarding has been made available on site for the inspection and approval by the Local Planning Authority. Development shall only take place in accordance with those details that have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

## **ORIGINAL REPORT TO JANUARY 2020 PLANNING COMMITTEE**

---

### **1 SUMMARY OF THE MAIN ISSUES**

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) The impact of the development on the character and appearance of the area
- 2) The effect of the proposal on the setting of the listed building and adjoining listed buildings
- 3) The impact of the development on neighbour amenity

This matter is being considered by Committee due to a contrary view expressed by the Parish Council

### **2 THE SITE**

The application site falls within the countryside and the area covered by the Fordingbridge Village Design Statement. The property is a Grade II Listed detached thatched cottage which is situated close to the busy main through road, which is rural in character with fields opposite and farm buildings to the side (also a Listed Building) and rear.

### **3 THE PROPOSED DEVELOPMENT**

Detached garage and log/tool store

### **4 PLANNING HISTORY**

None relevant to this proposal

### **5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

#### **Core Strategy**

CS2: Design quality

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

#### **Local Plan Part 2 Sites and Development Management Development Plan Document**

DM1: Heritage and Conservation

DM20: Residential development in the countryside

#### **The Emerging Local Plan**

Policy 13: Design Quality and Local Distinctiveness

S03: Built Environment and Heritage

#### **Supplementary Planning Guidance and Documents**

SPD - Fordingbridge Town Design Statement

#### **Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

#### **Relevant Advice**

National Planning Policy Framework (2019)  
Chapter 12: Achieving well-designed places

### **6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

#### **Relevant Legislation**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

#### **Relevant Advice**

National Planning Policy Framework (2019)  
Chapter 12: Achieving well-designed places

## 7. PARISH / TOWN COUNCIL COMMENTS

### Fordingbridge Town Council

Recommend permission under PAR 3 as it is in keeping with the house.

## 8. COUNCILLOR COMMENTS

No comments received

## 9. CONSULTEE COMMENTS

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

Environmental Health Contaminated Land, Appletree Court - no concerns

NFDC Conservation - objection- visually harmful

***Comments in full are available on website.***

## 10. REPRESENTATIONS RECEIVED

No comments received

## 11. OFFICER COMMENTS

### Introduction

The main issues for consideration for this application are as follows:

#### 1). The impact of the development on the character and appearance of the area

Cross Cottage appears on a historic map dated 1872 and has a possible association with Burgate Cross Farm, it could be likely that Cross Cottage could have been the earlier farmhouse for the farm. Viewed from the road, the cottage and the barn are the most visible aspects within the street scene, the cottage is currently screened by a hedge which is a soft boundary between the house and the farm and makes a positive contribution to the street scene. The relationship between the two buildings is important to the character of this small hamlet and therefore retaining the visual link without hindrance is important to the character of the area.

There is currently a leylandii hedge which provides a level of screening although these trees would assist in screening the proposed garage to a degree, views of the proposal would still be apparent from the road. Furthermore, the planting could not be guaranteed to remain in place and the imposition of a planning condition to retain and maintain the existing trees would not be reasonable.

#### 2). The effect of the proposal on the setting of the listed building and adjoining listed buildings

The proposed garage would be situated in a highly visible position, the space between the cottage and the barn has a key role to play in creating the setting to the listed building and its historic context. The proposed development will interrupt the relationship of the cottage with the barn which is considered to be unacceptable.

The proposed garage will lead to less than substantial harm to the character of the designated heritage asset, the harm has been weighed against the public benefits of the proposal, as an alternative location has been suggested which is less harmful to the setting of the listed buildings and their visual importance, it would appear that in this case the public benefit does not outweigh the harm.

Amended plans were requested to move the proposed garage to the side of the cottage or to the rear and reduce the overall height in order to overcome initial concerns. Amended plans have been received and while the proposed plans have reduced the overall height, the footprint has been enlarged and the position remains the same. The amended plans have not overcome the initial concerns and therefore the application is recommended for refusal.

### 3). The impact on neighbour amenity

Due to the spatial characteristics of the site and the adjacent properties, the garage and log/tool store design, location and positioning in relation to the common boundaries and the neighbouring properties, the proposal would cause no material detriment to the privacy, light and outlook available to the adjacent neighbours.

## 12 CONCLUSION ON THE PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of consultees and interested 3<sup>rd</sup> parties. On this occasion, having taken all these matters into account, it is considered that there are significant issues raised which leads to a recommendation of refusal for the reasons set out above.

## 13. OTHER CONSIDERATIONS

### Crime and Disorder

No relevant implications

### 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. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

### 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.

## **14. Refuse**

### **Reason(s) for Refusal:**

1. By reason of its forward position, scale and form, the proposed garage would be an unduly prominent feature and intrusive form of development in the street scene which would erode the spatial characteristics of the site to the detriment of the character and appearance of the area. In addition, the proposals would adversely affect the relationship of this cottage with the neighbouring listed barn. While the level of harm would be less than substantial, it is considered that the scale of harm would not be outweighed by any public benefit. As such it would be contrary to Policy CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, DM1 of the Local Plan Part 2: Sites and Development Management Plan and the Core Planning principles of Chapter 12 and 16 of the National Planning Policy Framework.

### **Notes for inclusion on certificate:**

- 1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 2 In this case all the above apply, the application was acceptable as submitted, negotiation have resulted in amended plans having been submitted in order to try and overcome initial concerns
- 3 This decision relates to amended/additional plans received by the Local Planning Authority on 13th November 2019

### **Further Information:**

Jacky Dawe  
Telephone: 023 8028 5588



# New Forest DISTRICT COUNCIL

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

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

March 2020

Item No: 2g  
Cross Cottage  
Salisbury Road  
Fordingbridge SP6 1LX  
19/10990

Scale 1:1250

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

