

Application Number: 15/11271 Variation / Removal of Condition

Site: BUTT LAWN FARM, FROG LANE, FORDINGBRIDGE SP6 1BN

Development: Variation of Condition 1 of Planning Permission 12/98711 to allow extension of time until 30th August 2018 for 3 polytunnels and agricultural building

Applicant: Mr Hariento

Target Date: 23/10/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

River Valley
Countryside outside the New Forest
Rights of Way

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
7. The countryside

Policies

CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy
CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

3 polytunnels, retention of existing building for agricultural purposes (98711)
Grant temporary permission 30th August 2012

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend refusal as there is no evidence of existing agricultural development and need.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.

- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

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

14 ASSESSMENT

- 14.1 The site comprises an area of flat predominantly open land, extending to around 7 hectares in size between Frog Lane and Bowerwood Road. There are currently three buildings on the land, which comprise a large pre fabricated barn, a brick building originally used as a stable which is now used as a holiday let (this building has its own curtilage), and a small detached timber building known as 'the restroom'. The building used as a holiday let use and the barn were granted planning permission in the past, to be used for those purposes, however, the smaller building used as a 'restroom', which is subject to this current application is an unauthorised structure. There does not appear to be any agricultural activity on the land or within the existing barn.
- 14.2 The site lies within a rural location with an established farmyard to the south known as Padstow Farm and a residential dwelling to the north at 'The Mallards'. Frog Lane is an unmade track serving several residential properties, a garden nursery, a farm and also a sewage works. The surrounding land is open fields.
- 14.3 In terms of the planning history of the site, temporary planning permission was granted on this site in 2012 under planning reference 98711 for the erection of three polytunnels and the retention of an existing detached timber building to be used as a restroom for farm related activities. The temporary permission has now expired. The three polytunnels have not been erected, but the restroom remains on the site.
- 14.4 This application seeks to vary condition 1 of planning permission 98711 to allow an extension of time until the 30th August 2018. The purpose of the application is to give the applicant additional time to construct the proposed polytunnels.
- 14.5 When temporary consent was granted for the polytunnels in 2012 this was to enable the applicant the opportunity to start a small scale horticultural operation on the site and this was to be run on a part time 'hobby basis'. It was stated that the existing land is in agricultural use and it will remain as pasture and in a small part be used for producing a crop. The applicant previously made the case that permission could be granted on a temporary basis allowing a review in the future.
- 14.6 The three proposed polytunnels would measure 6.7 metres by 20 metres with a 2.5 metre hoop spacing and would be sited at the southern end of the site to the rear of the existing pre fabricated barn. The rest room lies adjacent to Frog Lane and measures 3.8 metres in width and 5.7 metres

in length under a pitched roof rising to 2.6 metres high. The rest room was previously proposed to be used in relation to the farming activities and also to act as an office and storage space for the farm manager who would deal with the day to day running of the farm.

- 14.7 In support of this current application, it is stated that while no agricultural activity has started on the site, the land has been kept in good condition and can be put to productive use in the near future. The applicant is still very keen to start the agricultural operation and the first step would be to erect the polytunnels so that cultivation of the more sensitive plants can start. The applicant has the same objectives that were set out in the previous application which is to provide polytunnels for the propagation and harvesting of plants.
- 14.8 In assessing this application it is considered that the policy position has not changed since the previous application in that there is general support for agricultural development. In addition, there has been no change in circumstances at the site. Officers consider that there is no material reason why a further temporary permission would be unacceptable although it is considered that a two year period would be more appropriate given the failure to start the enterprise so far and would enable the applicant time to carry out the works to support agricultural development. Indeed, the location of the site next to a working farm appears to be an appropriate position for the polytunnels.
- 14.9 However, it is important to point out that the existing 'rest room' building is only justified to remain on the site if the land is actively farmed or used in conjunction with the proposed horticultural use. On this basis, if Members are minded to approve a temporary consent for a further 2 years, and the applicant does not implement the polytunnels, it is unlikely that a further temporary permission would be supported and the existing restroom building should be removed from the land.
- 14.10 With regard to other matters, it is considered that the proposed development is unlikely to have a detrimental effect on the living conditions of the adjoining neighbouring properties given the distances involved and scale. The proposed development is a sufficient distance away from the residential property at Padstow House so as not to adversely affect their light and outlook.
- 14.11 The proposed development would not have a detrimental effect on the public right of way given that the proposed development would result in minimal traffic movements along Frog Lane and that the land is already in agricultural use.
- 14.12 In conclusion, it is considered that the variation of the condition to extend the permission by a further 2 years would be acceptable given that the proposal would support agricultural development and the impact would be minimal in the short term. Should the polytunnels not be implemented within the two years and no agricultural operations take place on the site, the existing 'rest room' building should be removed from the site.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

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

15. RECOMMENDATION

Grant Temporary Permission

Proposed Conditions:

1. The rest room building and three poly tunnels hereby approved shall be removed on or before the 31st December 2017 and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: Planning permission has only been granted for these buildings on the basis that they meet an agricultural need in accordance with policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park and if the buildings and structure are not needed for agricultural purposes, the buildings would be inappropriate to this countryside location.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

Further Information:

Major Team
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**Planning Development
Control Committee**
December 2015

Item No: 3e
Butt Lawn Farm
Frog Lane
Fordingbridge
15/11271
SU1413

Scale 1:3000
N.B. If printing this plan from
the internet, it will not be to
scale.

