

Application Number: 15/11440 Full Planning Permission

Site: NEW FARM, MIDGHAM ROAD, FORDINGBRIDGE SP6 3BX

Development: Retention of dwelling

Applicant: Mr R Huzzey

Target Date: 10/12/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of Impacts on European Sites

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 relevant

6 RELEVANT PLANNING HISTORY

6.1 12/98872 - (LDCEP) replacement of mobile home. Was lawful 17.1.13

6.2 11/98074 - (LDCE) continued siting of mobile home in breach of conditions 1 and 2 of 61447. Was lawful 20.3.12

6.3 11/96873 - (LDCE) continued use of mobile home and outbuilding as dwelling. Was not lawful 23.8.11, appeal withdrawn.

6.4 07/89663 - retention of mobile home and continued use of outbuilding for ancillary residential use as agricultural workers dwelling. Refused 23.4.07

6.5 The temporary siting of a mobile home on this site has been renewed several times since it was initially approved in July 1980.

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council - recommend permission and would not accept a delegated refusal. The proposal is a visual improvement to the permitted mobile home.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Drainage Engineer - recommend approval subject to condition

9.2 Southern Gas - no mains in area

9.3 Ministry of Defence - no safeguarding objections

9.4 Environmental Health (Contamination) - no concerns

9.5 Planning Policy - support

10 REPRESENTATIONS RECEIVED

Three responses have been received in support of the proposal as it is more attractive than a mobile home would be and it would be ridiculous to consider removing the existing structure and replacing it with a mobile home.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £9,360.00.

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

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 other than a correction to the porch element of the building.

14 ASSESSMENT

- 14.1 The site lies within the countryside in a relatively rural area although there are flats close by and other farms further south along the lane. The existing buildings on site are relatively well screened from the road due to mature, high hedges along Midgham Lane and Fordingbridge Road. Following the granting of a lawful development certificate (LDC) relating to the residential use of the site which is now permanent, a further LDC was issued in order to allow the previous mobile home to be replaced. The proposal now entails the retention of the structure which replaced the previous mobile home as it is not considered to be mobile.
- 14.2 While the proposal amounts to a new dwelling in the countryside, the site does now benefit from a permanent residential use without the need to comply with an agricultural occupancy condition and which is a material consideration in this case. Replacement mobile homes could be provided on site without the need for planning permission and could be more intrusive than the structure now in place. The building has been timber clad which will weather further over time and is considered to be more in keeping with this rural area than a potentially stark mobile home.
- 14.3 Local residents and the Town Council all consider the proposal to be an improvement on the alternative situation which would involve the removal of the existing structure and its replacement with a mobile home. It is not considered that this approach is sustainable or appropriate.

- 14.4 The site benefits from access and adequate parking for the dwelling and it would not give rise to overlooking or noise and disturbance to adjoining occupiers having regard to the significant distances involved.
- 14.5 As there is a lawful permanent residential use on this site, affordable housing and habitat mitigation contributions are not relevant for this proposal which does not involve any additional residential units, although a CIL payment as detailed below would be a requirement should permission be granted.
- 14.6 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	N/A		
Financial Contribution	N/A		
Habitats Mitigation			
Financial Contribution	N/A		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	117	0	117	£9,360.00

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

2. The development permitted shall be carried out in accordance with the following approved plans: location plan, site plan, 2013-6-01 Rev P1

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

1. 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 other than a correction to the porch element of the building.

2. This permission does not relate to the brick built structure attached to the dwelling hereby permitted.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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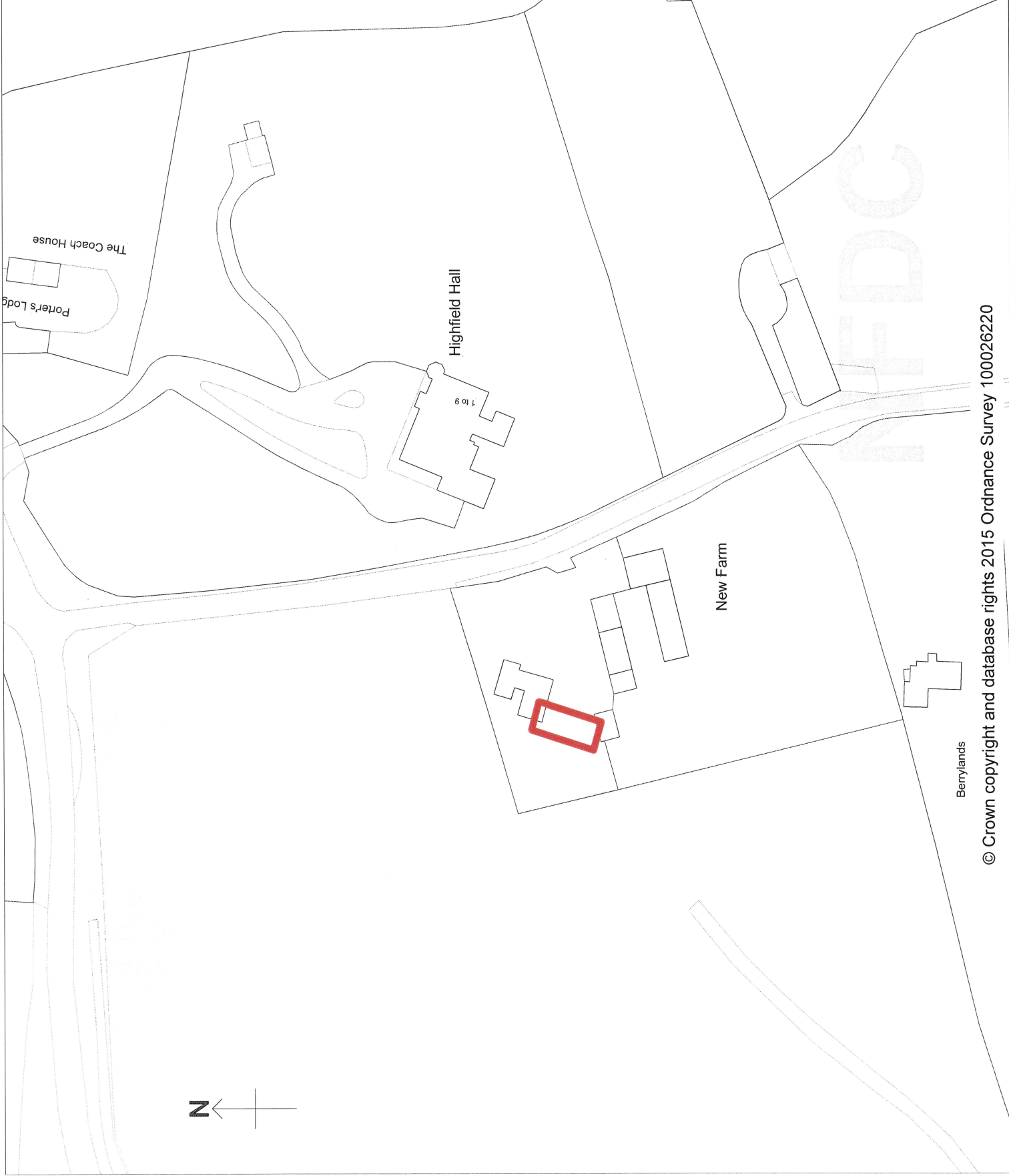
**Planning Development
Control Committee**
January 2016

Item No: 3i

New Farm
Midgham Road
Fordingbridge
15/11440
SU1313

Scale 1:1250

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



Berrylands

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