

Application Number: 22/10936 Full Planning Permission
Site: Land adj. to OAKBRIDGE HOUSE, LYMORE VALLEY,
MILFORD-ON-SEA SO41 0TW
Development: Retention of log store (retrospective); completion of pole barn.
Applicant: Mr Chamberlain
Agent: Draycott Chartered Surveyors
Target Date: 03/10/2022
Case Officer: Jessica Cooke
Officer Recommendation: Refuse
Reason for Referral to Committee: Parish Council contrary view.

UPDATE REPORT TO COMMITTEE MEMBERS

Members will recall that this application was previously considered at the February 2023 Planning Committee.

The original Officer Report is set out in full at the end of this Update Report which described and assessed all of the main planning considerations for this application.

February 2023 Committee

A verbal update was provided at the February 2023 Planning Committee whereby 3 letters of objection were received from the closest neighbouring properties and 16 letters of support were received for the application.

Members voted to defer this application in order for the applicant to provide their agricultural information and justification for the structures. The applicant agreed to provide this information during the Committee.

Post February 2023 Committee actions and developments

The following information was requested:

- Official County Parish Holding documentation;
- Livestock in ownership of the applicants and all evidence of ownership and registration of the livestock to the land in question;
- Official documentation of flock or herd mark registration to the Animal and Plant Health Agency (APHA) and movement records of all stock that has been purchased;
- Evidence of accounts relating to the agricultural business and evidence of the registration of the business.

The applicants have not submitted any of the requested information. However, an amended plan was received removing the containers from the proposal and the

description of the works have been amended to reflect this, and now is '*Retention of log store (retrospective); completion of pole barn.*'

Milford on Sea Parish Council were reconsulted on the amended plans and description and raised the following comment: '*PAR 3 Recommend Permission.*' No further representations were made.

Policy Considerations

An updated version of the National Planning Policy Framework was published in September 2023, though all paragraph numbers referenced in the original officer report below remain the same.

Planning Assessment

Following the February Planning Committee, the Council requested documentation to demonstrate the agricultural justification at the request of Members. However, none of the requested information was forthcoming and the proposed agricultural and forestry activities have not therefore been substantiated. Officers therefore maintain that the proposal does not accord with national and local planning policy and constitutes inappropriate development within the sensitive countryside location designated as Green Belt.

Whilst the containers have been removed from the plans, the remaining log store and pole barn with concrete slab are still subject to the same national and local policies which seek to protect the Green Belt from inappropriate development.

As previously set out, no justification has been provided to demonstrate that the structures are necessary for the purposes of agriculture and forestry and therefore, none of the exception criteria for development within the Green Belt in NPPF para 149 apply.

As such, officers maintain that the proposal does not accord with national and local planning policy within the sensitive countryside location designated as Green Belt. It is considered that the proposals constitute inappropriate development in the Green Belt and no very special circumstances (including agriculture and forestry) have been demonstrated to justify an exception to established policy to outweigh this harm.

Conclusion

The proposal fails to comply with Policy ENV2 and Policy ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2, 'saved policy' CS21 of the Core Strategy and Chapter 13 of the NPPF. The proposal is therefore considered to be contrary to both the Development Plan and NPPF.

Recommendation

The original recommendation remains to refuse the application for the reasons as stated below.

ORIGINAL REPORT FEBRUARY 2023

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development outside the defined built-up area
- 2) South West Hampshire Green Belt
- 3) Design, layout and impact upon the character and appearance of the area

This application is to be considered by Committee due to a Parish Council contrary view.

2 SITE DESCRIPTION

The application site comprises a piece of land adjacent to and associated with the dwelling, Oakbridge House. It is located within the open countryside and the South West Hampshire Green Belt.

The application site is accessed via Oakbridge House which abuts Lymore Valley and lies adjacent to Lymore Lane. Lymore Valley has a rural character although this character has been impacted upon by a number of recent works.

The application site is not part of the residential curtilage of Oakbridge House, although there are various items of residential paraphernalia sited on the land including a significant number of plant pots, ornamental boats and domestic storage. The site has a somewhat wooded character although a significant amount of tree clearance has recently been undertaken on the site.

3 PROPOSED DEVELOPMENT

This is a retrospective application for the use of the structures which are subject to ongoing enforcement investigation relating to a material change of use of the land, siting of 3no. storage containers, pole barn and log store, operational development to lay concrete hardstanding and engineering works and installation of access bridges without planning permission. This planning application was submitted to regularise the structures.

The proposal comprises 3no elements:

- A log store which is filled with chopped timber;
- A pole barn with existing concrete hardstanding and an existing timber frame to be completed with the addition of a roof.
- 3no. existing storage containers for land-management purposes and agricultural / forestry land management storage proposed to be clad in natural timber.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
17/11798 Two-storey rear extension; conservatory	20/02/2018	Granted Subject to Conditions	Decided
17/11206 Two-storey rear extension; Conservatory	08/11/2017	Refused	Decided
17/10316 Two-storey side extension	09/05/2017	Withdrawn by Applicant	Withdrawn
94/NFDC/54523 Two-storey addition (demolish existing conservatory)	28/06/1994	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy STR1: Achieving sustainable development

Local Plan Part 2: Sites and Development Management 2014

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

Policy DM22: Employment development in the countryside

Core Strategy

Saved Policy CS21 Rural Economy

Relevant Advice

NPPF Chapter 12: Achieving well designed places

NPPF Chapter 13: Protecting Green Belt Land

Constraints

NFSFRA Fluvial

NFSFRA Surface Water

SSSI IRZ Wind and Solar Energy

SSSI IRZ Rural Residential

SSSI IRZ Waste

SSSI IRZ Water Supply

SSSI IRZ Rural Non Residential

Aerodrome Safeguarding Zone

SSSI IRZ Air Pollution

Small Sewage Discharge Risk Zone - RED

Plan Area

SSSI IRZ All Consultations

SSSI IRZ Infrastructure

SSSI IRZ Minerals Oil and Gas

SSSI IRZ Residential

SSSI IRZ Combustion

SSSI IRZ Compost

SSSI IRZ Discharges

Plan Policy Designations

Green Belt

Countryside

Group TPO TPO/0026/22

6 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: PAR 3: We recommend PERMISSION

7 COUNCILLOR COMMENTS

No comments received

8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

Tree Officer

The site is fairly rural in character and has a mix of trees and shrubs within and around the periphery of the site. The nature of the proposal itself is fairly low impact in terms of trees. The pole barn is sited on a concrete pad which is not close to any important trees, equally the log store. The containers are close to a group of trees but will be of low impact being sited above ground level and not likely to cause adverse impact.

I am satisfied this proposal will not adversely impact on trees within the site I therefore have no objections on tree grounds.

9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- No objection to the proposal, support for previous improvements made to the application site.

For: 1

Against: 0

10 **PLANNING ASSESSMENT**

Principle of Development

The site lies outside any established settlement boundary and within the open countryside which is also designated as part of the South West Hampshire Green Belt. Policy STR1 points to such area being protected from any harmful development.

Guidance in relation to development within the Green Belt is contained within Chapter 13 of the NPPF, the advice of which is broadly echoed within Policy ENV2 of the Local Plan Part 1. These policies attach great importance to protecting the Green Belt. NPPF Paragraph 137 advises that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristic of the Green Belt being of openness and permanence. National policy further requires local planning authorities to ensure substantial weight is given to any harm to the Green Belt.

Within the Green Belt, NPPF Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except if it can be demonstrated that very special circumstances exist.

NPPF Paragraph 149, subparagraph (a)-(g) sets out very specific, limited criteria where exceptions to inappropriate development in the Green Belt can be accepted. Whilst these very special circumstances do include agriculture and forestry, there must be a clear agricultural and forestry need to justify such development in this sensitive location.

Throughout this application and prior Enforcement investigation, the site appears to the case officers to have been in use by the applicants as residential garden and contains various residential paraphernalia and domestic storage. The Council does not consider the site to be residential curtilage and it forms a separate piece of land.

It is understood the log store is used for both commercial and residential purposes which, would constitute a material change of use of the land and is contrary to local and national policy within the Green Belt. However, this is disputed by the agent/applicant who have stated no change of use has occurred. The applicant has confirmed that the log store is used as a side line business. The case officer has observed that the storage containers on the site contained domestic gardening equipment, domestic storage, furniture and fixtures/fittings. The timber pole barn is partially complete, with concrete hardstanding and timber frame.

The agent stated that the log store and containers are immune, however, the Council has not received any evidence to support this view and aerial imagery demonstrates otherwise.

Whilst the applicants Planning Statement states that '*it is concluded that the structures serve sound agricultural/forestry/land management purposes*', no agricultural or forestry use has been demonstrated on the site and so in the absence of evidence demonstrating these very special circumstances, it is not considered that the structures are necessary for the purposes of agriculture or forestry on that land. Accordingly, the proposal would constitute inappropriate development in the Green Belt and a principal objection is raised.

Agriculture

In support of the application, it is stated that the applicant owns a small holding of 2.3ha. Aerial screenshots were provided to show the extent of this land ownership. It should be noted, however, that 1.2ha of this small holding comprises land of the applicant's holiday let, which lies 5.3 miles away in Boldre and outside of the New Forest District area. The submitted Planning Statement notes the applicant is using the property in Boldre as a main base for storing agricultural equipment and will be moving this equipment to the application site, although no evidence has been provided of this equipment or its storage at this land.

Evidence has not been provided to demonstrate that the structures are required for the purposes of agriculture and forestry and the agricultural activities outlined in the Planning Statement have not been substantiated by the applicant.

During a number of site visits, no evidence of agricultural activities on the site were observed and it is concluded on the basis of this that there is no farming or agricultural business associated with the application site or the associated dwelling, Oakbridge House. Therefore, in the officer's assessment the current proposals fundamentally change the use of the site to a mixed use including residential and commercial purposes and that these activities are ongoing on the site. It is considered that a change of use of the land has occurred. However, the current application should be determined on its merits based on the proposed development as described and the information provided.

The application site and adjacent field equate to 1.1ha in size. When assessing the application and the small size of the small holding immediately associated with the land, is not considered to be proportionate to the scale of agricultural activities. In the absence of sufficient agricultural justification, the proposal does not comply with Chapter 13 of the NPPF, Policies ENV2 and ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2 and 'saved policy' CS21 of the Core Strategy.

Forestry & Trees

The proposals include a log store which is filled with chopped timber and storage containers which are stated to be necessary for forestry and land management purposes. The applicant has confirmed in writing that the log store is used for a side line business.

The submitted Planning Statement states *'It is not the applicant's intention to run a formalised, new 'business' from the site; this is a smallholding which involves selective tree felling and tree removal to allow light into site, as well as to allow a small supply of logs, and the applicant intends to re-plant trees to replenish his stock in future via tree planting, as part of an on-going cycle.'*

The Council questions this statement. However, the current application needs to be determined on its merits.

The applicant does not have a Woodland Management Plan agreed with the Forestry Commission to undertake felling activities on this site. Whilst this is not a planning matter in itself, it is not considered there is a forestry justification on the site and there is no evidence of planting at the site or a planting schedule to support the proposed forestry. However, extensive tree felling has been undertaken on the site to the extent that it is considered that the applicant no longer has a woodland to manage.

On the basis of the risk to the remaining trees on the site as identified in the submitted Planning Statement, a number of Tree Preservation Orders have been served on trees on the application site and Lymore Valley in the interests of protecting amenities of the area.

As such, based on the above assessment and in the absence of a Woodland Management Plan, it is not considered that the structures are necessary for the purposes of forestry and in the absence of sufficient forestry justification, the proposal does not comply with Chapter 13 of the NPPF, Policies ENV2 and ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2 and 'saved policy' CS21 of the Core Strategy.

Design, Site Layout and Impact on the character of the area including the Green Belt

Notwithstanding the principal objections set out above, the visual impact of the proposals needs to be assessed.

The containers on site are proposed to be clad in timber which would be appropriate in this rural location and preferable to their current incongruous appearance. This could be secured by planning condition. Furthermore, the roof of the log store comprises a large area of metal sheeting which is not of an appropriate appearance within its setting. The pole barn comprises a large area of concrete hardstanding which has already been laid, and a partially completed structure. A large area of corrugated metal roofing is proposed to complete the pole barn, which is not of an appropriate appearance for its location. The structures appear industrial and are not sympathetic to the rural character of the area.

Whilst there are other outbuildings and domestic paraphernalia on the adjacent land within the residential curtilage, the introduction of the proposed buildings within the countryside and Green Belt is considered to be harmful to the rural character and appearance of the area and the retrospective structures appear out of keeping within this rural area and sensitive area designated as Green Belt. As such, is considered contrary to Chapter 13 of the NPPF and Policy ENV2 and Policy ENV3 of the Local Plan.

Residential amenity

The Development Plan policies ENV3 seek to protect residential amenity, including noise disturbance.

Whilst it is recognised that if the structures were used for agricultural purposes, this would be unlikely to impact upon noise disturbance. However, the processing of timber on the land could impact upon residential amenity through noise disturbance in this tranquil countryside location. However, if the application was for the use of this land for commercial logging purposes and this was considered otherwise acceptable these amenity impacts could be mitigated by planning conditions.

The proposed structures are not considered to impact upon residential amenity in respect of loss of privacy, visual intrusion or loss of light.

11 CONCLUSION

The site lies within a sensitive open countryside setting designated as Green Belt. The proposal fails to comply with policy and would constitute inappropriate development within the Green Belt, affecting its character.

No justification has been provided that the structures are necessary for the purposes of agriculture and forestry. The proposed agricultural and forestry activities have not been substantiated and as such it is considered the proposals constitute inappropriate development in the Green Belt and no very special circumstances have been demonstrated to justify an exception to established policy to outweigh this harm.

As such, the proposal fails to comply with Policy ENV2 and Policy ENV3 of the Local Plan Part 1, Policy DM22 of the Local Plan Part 2, 'saved policy' CS21 of the Core Strategy and Chapter 13 of the NPPF. The proposal is therefore considered to be contrary to both the Development Plan and NPPF, and the recommendation is one of refusal.

12 RECOMMENDATION

Refuse

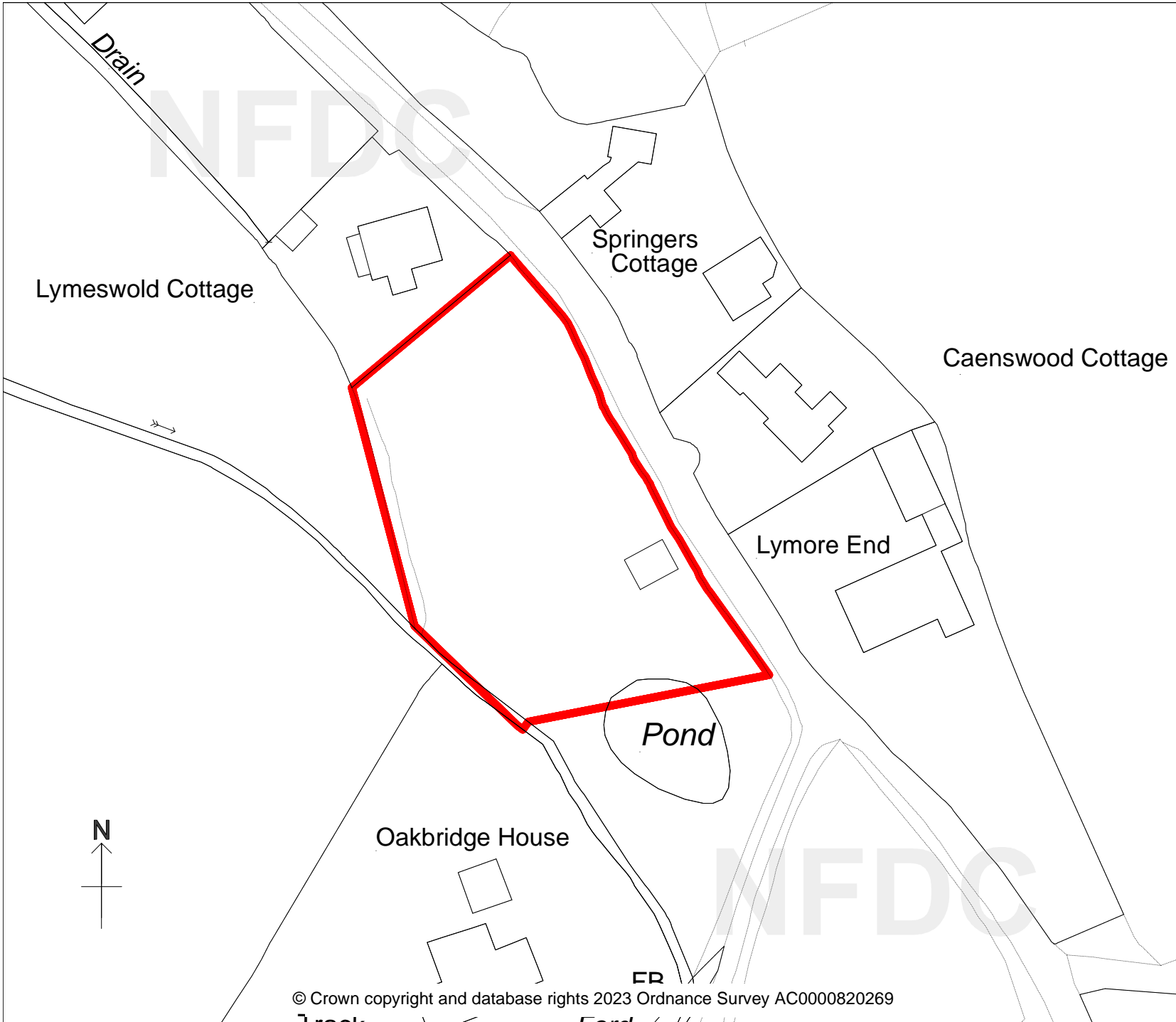
Reason(s) for Refusal:

1. The site lies within a sensitive area of open countryside and within the Green Belt where development for agriculture and forestry can be permitted provided that they are necessary for the purposes of agriculture and forestry and a such uses can be demonstrated. No evidence has been provided to demonstrate that the structures are necessary for agriculture and forestry and the proposal is not considered proportionate to the scale of such activities. No very special circumstances that have been demonstrated in this case to justify an exception to established Green Belt policies. As such, the proposals would be contrary to saved Policy CS21 of the Core Strategy, Policy STR1 and Policy ENV2 of the Local Plan Part 1: Planning Strategy, Policy DM22 of the Local Plan Part 2 for the New Forest outside of the National Park and the NPPF (2021) Section 13 para 147 - 149.

Further Information:

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**PLANNING
COMMITTEE**

October 2023

Land adj to Oakbridge House
Lymore Valley
Milford-on-Sea
22/10936

Scale 1:850

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