

Application Number:	24/10176 Full Planning Permission
Site:	COURTVALE FARM, COURT HILL, DAMERHAM SP6 3HL
Development:	Storage container and fuel tanks (Retrospective)
Applicant:	D R Smith Properties Ltd
Agent:	Jerry Davies Planning Consultancy
Target Date:	08/05/2024
Case Officer:	Vivienne Baxter
Officer Recommendation:	Grant Subject to Conditions
Reason for Referral to Committee:	Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on residential amenity
- 4) Impact on the SINC and trees

2 SITE DESCRIPTION

The site lies within the countryside outside the New Forest National Park between the villages of Sandleheath and Damerham. It is an established commercial use lying between two large detached houses. Part of the blue land is within the Higher Court Wood Site of Interest for Nature Conservation (SINC) and is also covered by a woodland Tree Preservation Order, which have been damaged through encroachment of the business in recent years.

The application site is comprised of two areas - one to the north-eastern boundary around an existing metal container and the other around diesel and ancillary additive tanks. Both red edged areas are surrounded by the land edged blue.

3 PROPOSED DEVELOPMENT

Background

An area of land at Courtvale Farm has had a lawful use for civil engineering purposes since 1993. More recently, planning permission was refused for the retrospective extension of the site, under application 21/11036 (May 2022 Planning Committee).

An Enforcement Notice was subsequently served on 23 August 2022 requiring the following steps to be taken within 3 months of the Notice taking effect:

- i) remove all vehicles and materials from the unauthorised areas of the site
- ii) following compliance with step i) above, cease the use of the land in connection with a contractor's yard.

The Notice was due to take effect on 30 September 2022, but an appeal was submitted, resulting in the time for compliance (29 December 2022) being put in abeyance. Further to the appeal being withdrawn, the Enforcement Notice became effective on January 31st 2024. A site visit took place in late January 2024 to check that the requirements of the Notice had been complied with, and at that time it was determined that the Notice had indeed been complied with.

However, during the site visit, the installation of the diesel tanks and retention of the metal container were noted. Whilst the comments made by the Parish Council in respect of non-compliance with enforcement orders and previous breaches being regularised are noted, the diesel tanks did not form part of the Enforcement Notice.

The Council's Enforcement team are satisfied that the metal container which partly falls within the site area of the Enforcement Notice and part outside has been in situ in excess of 10 years and that the Local Planning Authority is unable to enforce against its presence as a building. The Enforcement Notice required the cessation of the use of that part of the container within the Enforcement Notice plan area, meaning that essentially half the container can be used and one half cannot.

The Enforcement Notice did not require any new planting to take place.

The proposal

Therefore, the application is, firstly, for the retention of the diesel tanks which have not formed part of any previous application or been the subject of any Enforcement Notice; and, secondly, for the continuation of use for that part of the container within the Enforcement Notice site area, thus allowing continued use of the whole of the container to the boundary of the site.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11036 Proposed erection of a 2m high close boarded fence; part change of use of land to civil engineering depot; landscaping	18/05/2022	Refused	Decided
17/10510 Removal of Condition 1 of Planning Permission 92/50671 to allow use for civil engineering business including ancillary office, covered stores, open storage and vehicle parking, workshop without any personal restriction	26/05/2017	Granted Subject to Conditions	Decided
14/10517 Retention of single-storey office extension	28/05/2014	Granted	Decided
92/NFDC/50671 Use of land & bldgs as head office/workshop/storage/parking:	20/04/1993	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR4: The settlement hierarchy
 Policy ENV3: Design quality and local distinctiveness
 Policy ECON1: Employment land and development

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Core Strategy

CS21: Rural economy

Supplementary Planning Guidance And Documents

Neighbourhood Plan

N/A

National Planning Policy Framework

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council:

At the parish council meeting on 15th April, the council voted all in favour of recommending refusal for the following reasons:

- Previous enforcement orders have not been complied with
- The items are moveable and not buildings. Therefore, they do not qualify under time limits.
- There seems to be an attempt to regularise previous planning breaches
- The container is visible from the road
- This would not be approved if it was a new application as it is in an area that is part of National Landscapes, SINC and a designated ancient woodland that has already been noticeably decimated over a number of years

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health (contaminated land)

No concerns

Ecology

No objections

9 REPRESENTATIONS RECEIVED

2 letters of objection received from local residents:

- diesel tanks do not appear to be bunded and lie at the top of a slope in a designated groundwater zone

- no spillage capture for tanks while being filled
- the container can be moved
- the Enforcement Notice has not been complied with
- previous planning consents have not been adhered to
- the ecologist appears unaware of the history

10 PLANNING ASSESSMENT

Principle of Development

Policy ECON1 supports development of existing employment sites and new employment development outside of built-up areas subject to consideration of the following criteria:

- Safe and suitable access can be provided for pedestrians, cyclists and for the types of vehicles likely to visit the site;* In this case, there are no alterations proposed to the existing site access (shared with the adjacent residential property), parking or turning facilities which can be accessed by all relevant vehicles.
- The proposal would not unacceptably impact on the environment, the landscape, or on the amenity of nearby residents;* This is discussed below.
- The proposal would not have a significant detrimental impact on the operation of other businesses in the locality;* It is not considered that the retention of a container which has been in situ for many years or retention of the diesel tanks required for the business' vehicles would have any impact on other businesses in the area.

(Parts d and e of the policy are not relevant here.)

- The proposal is in accordance with Saved Policy CS21 Rural Economy; or*
- To enable the establishment or growth of a high value-added or knowledge-based business proposal that can demonstrate a specific need for the location and that it would have a low environmental impact.*

Policy CS21 allows improvements and redevelopments of existing employment sites where they help to maintain and enhance the environment and contribute to local distinctiveness. As with part b, this is discussed in more detail below. Part g is not considered to apply to this particular site because the use does not fall within either category.

Having regard to the above points, the proposal is considered to comply with policy and to be acceptable in principle, subject to there being no material adverse impact on the environment, or on visual or residential amenity; matters which are assessed further below.

Impact on the character and appearance of the area (including National Landscape)

Policy ENV3 of the Local Plan seeks to ensure that new developments are of a high quality design and appropriate to the local context.

The site is within a National Landscape (formerly known as Areas of Outstanding Natural Beauty) and a Dark Sky Reserve. As a small addition to the main use of the site, it is not considered that the diesel tanks would adversely affect the landscape

character of the area. They are not visible from the public highway and there are no public rights of way which would offer views into this part of the site.

The Parish Council has noted that the container is visible from the road. In this location, the road is approximately 17m from the site's boundary which is largely defined with a close-boarded fence. The container forms part of that front boundary, albeit that it is slightly taller than the close boarded fence. Between the container and road is a grass verge with roadside ditch and several trees. In the area immediately adjacent to the container there is also a substantial amount of vegetation which exceeds the height of the container. It is not considered that the retention of the container, a light buff colour, would be harmful to the character or appearance of the National Landscape. Its use would have a limited impact on the character and appearance of the area given the uses within the wider civil engineering site.

The proposal does not include any lighting and, as such, would not adversely impact on the Dark Sky Reserve.

Overall, the retention and use of the container and diesel tanks would not have a harmful impact on the area and would comply with policy ENV3 of the Local Plan Part 1.

Residential amenity

Although there are residential properties either side of the site, Yafflewood to the north is some 17m from the blue edged land area, with the diesel tanks a further 27m away from the residential boundary, with the woodland TPO/SINC between. Whilst an objection received advises that the tanks can be seen from an adjoining property, it is not considered that a distance in excess of 40m between a residential property and a structure 2.5m wide and tall would cause significant harm to amenity.

To the south, Court Vale is around 20m from the site boundary, with workshop/office buildings between the residential curtilage and tanks.

The container is in excess of 65m from either dwelling. As such, it is considered that the proposal would comply with policy ENV3 of the Local Plan Part 1 in that it would not adversely affect residential amenity.

Impact on the SINC and protected trees

Although the siting of the structures is within the area covered by a woodland TPO, the proposal does not include the removal of any further trees and the retention of the structures would not put future pressure on the safe retention of nearby trees.

The siting is also within the area designated as a SINC. The applicant advises that this location was chosen in order that tankers could pull up adjacent to the tank in order to fuel without obstructing other operatives within the site. The type of tank installed does not require any additional bunding and, having regard to the representations received, the proposal would not have any adverse impact on the groundwater. The tank is also fitted with a valve to prevent accidents with filling/fuelling. The Council's Environmental Health Officer dealing with Contamination has not raised any concerns with the proposal.

From an ecological point of view, although the tanks are located within the SINC, designated as ancient woodland, the installation of the structures has not resulted in the further loss or degradation of the surrounding habitat or the loss of trees, and therefore, there are no objections from an ecological perspective.

The comments made by the Parish Council suggesting the application 'would not be approved if it was a new application' due to its sensitive location are noted. However, through the Enforcement Notice, measures have been taken to address the harm caused previously and a barrier erected in order to prevent further degradation of the environment through encroachment. Since the barrier has been placed on the land, vegetation cover in the cleared area has increased. Whilst it is unfortunate that harm occurred in the first instance, the retention of the proposed structures within the sensitive area does not cause further harm.

The proposal is not considered to have further adverse impact on the SINC or Woodland TPO and as such, complies with policy DM2 of the Local Plan Part 2.

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

The application seeks to retain modest structures with a limited site area. It is recognised that the fuel tanks do encroach marginally outside the lawful employment area of the site and into an area affected by the recent enforcement notice. The metal container is also partly within the area affected by the recent enforcement notice. However, every proposal must be judged on its individual merits. In this case, noting the size and specific location of development, it is considered that the retrospective application complies with relevant employment policies (ECON1 and CS21) and does not give rise to unacceptable impacts on the environment, the character and appearance of the area or residential amenity (policies DM2 and ENV3). Permission is therefore recommended.

13 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

- Location plan
- Block plan
- JDPC.01 - container plans
- JDPC.02 - diesel tank plans

Reason: To ensure satisfactory provision of the development.

Further Information:

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New Forest

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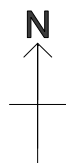
PLANNING COMMITTEE

June 2024

Courtvale Farm
Court Hill
Damerham
24/10176

Scale 1:2000

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



NFDC

