

**Application Number:** 24/10788 Full Planning Permission  
**Site:** KENNELMANS COTTAGE, WINDMILL FARM, HARPWAY  
LANE, SOPLEY BH23 7BU  
**Development:** Use of existing holiday let as dwelling  
**Applicant:** Mr & Mrs Emmel  
**Agent:** Jerry Davies Planning Consultancy  
**Target Date:** 08/11/2024  
**Case Officer:** Vivienne Baxter  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Contrary to Policy DM20

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## 24/10788

### 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Green Belt
- 2) Impact on the character and appearance of the Conservation Area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking

### 2 SITE DESCRIPTION

The site forms part of the wider Kennelmans Farm close to the village of Sopley and within the Sopley Conservation Area. It is accessed from the southern part of Harpway Lane which is outside the NFDC area and surrounded by farmland and other residential properties to the north.

The site contains a single storey former kennels which was granted planning permission in 2013 for use as a holiday let and the holiday let was subsequently extended into the dog runs in 2016. The building also contains an office from where the surrounding Kennelmans Farm small holding is run.

Adjoining the building to the rear is a small enclosed patio garden area with a small lawn to the front, bound by post and rail fencing to the open farmland. The access leads to a gravelled parking area.

### 3 PROPOSED DEVELOPMENT

The proposal entails the use of the property as a residential dwelling rather than maintaining it as a holiday let. There are no physical alterations proposed to the property or access provisions.

#### 4 PLANNING HISTORY

| Proposal   | Decision Date | Decision Description          | Status    |
|--|---------------|-------------------------------|-----------|
| 16/10018 Single-storey rear extension incorporating existing run & railings; additional parking for 2 cars | 21/03/2016    | Granted Subject to Conditions | Decided   |
| 12/99560 Use of kennel building as holiday let; single-storey extension to form farm office                | 13/02/2013    | Granted Subject to Conditions | Decided   |
| 12/98656 Extension & alterations to create bungalow; bin/cycle store                                       | 17/07/2012    | Withdrawn by Applicant        | Withdrawn |

#### 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

##### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM20: Residential development in the countryside

##### **Supplementary Planning Guidance And Documents**

SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

##### **Neighbourhood Plan**

N/A

##### **National Planning Policy Framework**

NPPF Ch. 5 - Delivering a sufficient supply of homes  
NPPF Ch.11 - Making effective use of land  
NPPF Ch.13 - Protecting Green Belt land  
NPPF Ch.16 - Conserving and enhancing the historic environment

##### **National Planning Policy Guidance**

##### **Plan Policy Designations**

Green Belt  
Countryside

#### 6 PARISH / TOWN COUNCIL COMMENTS

##### **Sopley Parish Council**

Sopley Parish Council recommends:

PAR1: We recommend PERMISSION, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **HCC Rights of Way**

No comments

### **Ecologist**

No objections

### **Conservation Officer**

Comment only

## **9 REPRESENTATIONS RECEIVED**

None

## **10 PLANNING ASSESSMENT**

The property was first granted planning permission for use as a holiday let in 2013 with conditions restricting occupancy to no more than 4 weeks at a time and that it should remain for holiday purposes only as a new dwelling would be contrary to policy. Permission has now been sought to allow permanent occupation of the property although this would also not preclude continued use as a holiday let.

### Principle of Development

The site lies within the countryside where new residential development is not acceptable apart from where the proposals meet a number of limited exceptions specified under Policy DM20 of the Local Plan Part 2. Policy DM20 allows new residential development under the following instances only:

- a) a limited extension to an existing dwelling; or
- b) the replacement of an existing dwelling, except where it:
  - (i) is the result of a temporary permission(s); and/or
  - (ii) is an unauthorised use; and/or
  - (iii) it has been abandoned; or
- c) affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or
- d) an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21

However, whilst the proposal does not fall within any of these criteria and is therefore contrary to this policy, holiday lets fall under the same use class (C3) as the proposed dwelling. Although the property is restricted in terms of how long individual occupants can stay, its use as a holiday let is not seasonal and so it could be occupied all year round, meaning there is little material difference in the planning character of the property. The current proposal would simply be allowing occupants to spend more than 4 weeks at any one time in the property. As such in the absence of any demonstrable harm a departure from the development plan is considered acceptable.

## South West Hampshire Green Belt

Policy ENV2 of the Local Plan Part 1 states that development within the Green Belt will be considered in accordance with national policy. Paragraph 155 of the NPPF allows for the reuse of buildings within the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. Given that the property already has permission to be used year round as a holiday let and there are no physical alterations proposed to the site, it is not considered that the proposal would have any further impact on the openness of the Green Belt than the existing situation.

With regard to the purposes of including land within the Green Belt, one of these is to preserve the setting and special character of historic towns. Whilst this part of the District is not a historic town, the site does lie within a Conservation Area and contains a non-designated heritage asset and the proposal would ensure its preservation.

The proposal is therefore compliant with Policy ENV2 of the Local Plan Part 1 and is considered to be acceptable in the Green Belt

## Impact on the character and appearance of the Conservation Area

At the time of the building's conversion to a holiday let, it was considered to be a non-designated heritage asset within the Sopley Park Estate. The proposal would not alter or adversely affect the historic interest of the kennel runs which remain in tact. The proposal would therefore enable the preservation of the property and its historic interest whilst preserving the character and appearance of the Conservation Area and would therefore comply with Policy DM1 of the Local Plan Part 2.

## Residential amenity

Whilst unrestricted use as a dwelling could intensify activity to the property, it benefits from an adequate level of amenity space and parking and is fully separated from the adjoining farmland by fencing. It is not considered that the adjoining use would be harmful to the future amenity levels of the dwelling.

The nearest residential properties are to the north of the site behind a tall garden wall and as such, they would not be affected by the proposal. The property offers a small level of amenity space to both front and rear which is considered to be adequate for a dwelling of this size.

## Highway safety, access and parking

There are no proposed changes to the access provisions for the property and the site contains adequate space for the parking and turning of vehicles.

## **Habitat Mitigation and off-site recreational impact**

### Habitat Mitigation

As the property is an existing holiday let and could be occupied all year round, it is not considered that there would be a net increase in residential use which would generate a requirement for Habitat Mitigation.

## Phosphate neutrality and impact on River Avon SAC

As with the paragraph above, as the property could be occupied all year round, it is not considered that this proposal would result in any harmful increase in phosphate loading to the River Avon and mitigation is therefore not required.

### **11 OTHER MATTERS**

In view of the lack of physical alterations, there are no ecological concerns with the proposed development.

### **12 CONCLUSION / PLANNING BALANCE**

The proposal would not have any adverse impact on the character or appearance of the Conservation Area or residential amenity whilst enabling the preservation of a non-designated heritage asset. Whilst strictly contrary to Policy DM20, given the existing use of the building as a holiday let (which also falls within the C3 use class) and the fact that the development is acceptable in Green Belt terms, permission is therefore recommended.

### **13 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.

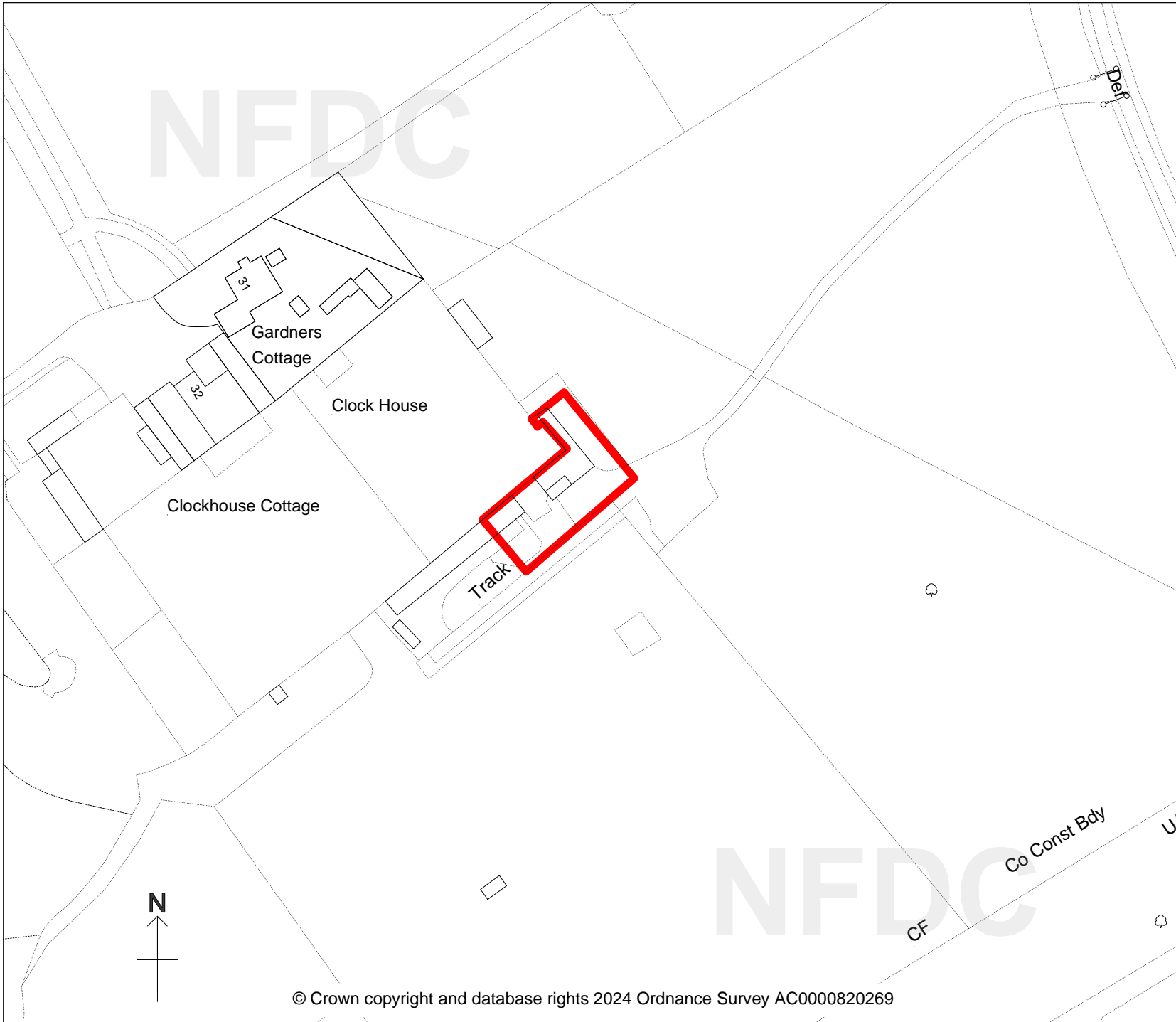
2. The development permitted shall be carried out in accordance with the following approved plans:

Site location plan  
Block plan  
JDPC/01 - existing floor plan  
JDPC/02 - existing elevations

Reason: To ensure satisfactory provision of the development.

#### **Further Information:**

Vivienne Baxter  
Telephone: 023 8028 5442



**New Forest**  
DISTRICT COUNCIL

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

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**December 2024**

Kennelmans Cottage  
Windmill Farm, Harpway Lane  
Sopley  
24/10788

Scale 1:1250

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