

**Application Number:** 16/10121 Full Planning Permission

**Site:** 232 GORE ROAD, NEW MILTON BH25 5NQ

**Development:** Outbuilding for use as ancillary living accommodation

**Applicant:** Ms Farr

**Target Date:** 29/03/2016

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary view to Town Council

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside outside the New Forest  
Green Belt

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

Core Strategy

Objectives

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

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM20: Residential development in the countryside

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework  
NPPF Ch. 7 - Requiring good design

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Residential Design Guide for Rural Areas of the New Forest District

**6 RELEVANT PLANNING HISTORY**

02/75270	Ground floor addition	19/07/2002	Granted Subject to Conditions
----------	-----------------------	------------	-------------------------------

89/43525	Construction of new vehicular access	21/12/1989	Granted
----------	--------------------------------------	------------	---------

## **7 PARISH / TOWN COUNCIL COMMENTS**

New Milton Town Council recommend refusal:-

1. Potential for sub-division
2. Back land development
3. Poor attempt to circumvent Local Plan Part 2 DM20 regarding development in the Countryside

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

Land Drainage - Have requested that a condition is applied in respect of details of surface water drainage being submitted. However as this outbuilding would replace an existing structure it would not be justified to attach this condition.

## **10 REPRESENTATIONS RECEIVED**

None received

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant implications

## **12 LOCAL FINANCE CONSIDERATIONS**

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

## **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.

An additional block plan was requested to show the existing structure which is to be replaced. Therefore 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 property is a cottage positioned within an area designated within the countryside and Green Belt. The position of the property is elevated with the level of the land increasing from the road to the dwelling. There is a mixture of styles and sizes of properties along the row, including some more modern dwellings. To the rear of the property is a detached outbuilding with a small shed beyond. High hedges and shrubs form the boundaries to the rear and there are trees along the front boundary which are protected with Tree Preservation Orders.
- 14.2 The main considerations when assessing this proposal are the impact on the neighbouring property along with the effect on the Countryside and Green Belt.
- 14.3 The neighbouring property to the east, 230a Gore Road, is a two storey dwelling with high hedges on the shared boundary. The proposed outbuilding with its limited height and roof pitched away from the shared boundary, would not have an adverse impact on this neighbour's amenity.
- 14.4 There are trees to the front of the site which are protected by a Tree Preservation Orders but they are a sufficient distance from the proposed outbuilding not to be a constraint to development.
- 14.5 New Milton Town Council have objected to the proposal and one of the objections is that the plot could be sub-divided. The proposed outbuilding would be used as living accommodation as part of the residential use of the site. The limited size of the structure and the layout shown on the floor plans demonstrate that it is unlikely that it could be used as a separate unit of accommodation. Furthermore, the applicant has stated that the proposed building would be used as an annex for use in connection with the main property.
- 14.6 The proposed outbuilding would have dimensions similar to the existing garage on the site which it would replace. This size of outbuilding is therefore in scale with the existing property and, being used in conjunction with the main dwelling, cannot be considered as "back land development" in that it is not a separate dwelling.

- 14.7 The Town Council have also objected as the outbuilding would be used for additional floorspace to the main dwelling and should therefore be constrained under the same policies for the Countryside within the Local Plan Part, Policy DM-20. It should be noted that the use of an existing outbuilding to form accommodation, ancillary part and to the main dwelling would not require planning consent. Furthermore, as this proposed structure is not linked to the main dwelling it does not need to comply with the floor space limitations under Policy DM-20 which relate to attached structures and extensions only.
- 14.8 The applicant's son has written in support of the application to confirm that there is no intention to sub divide the plot and that the outbuilding would be used by himself as part of the family home.
- 14.9 The proposed outbuilding would be in keeping with the property and as a replacement of similar sized building within the rear garden, would not have a detrimental impact on the openness of the Green Belt or the Countryside outside the New Forest. Being to the rear of the property there would not be an adverse impact on the street scene.
- 14.10 The proposed development would be consistent with Core Strategy policies and objectives and, as such, the application is recommended for permission.
- 14.11 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 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: submitted block plan existing and proposed, and drawing number GOR 001/P

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the main dwelling.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

**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.

**Further Information:**

Householder Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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

Chris Elliott  
Head of Planning & Transportation  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
**April 2016**

**Item No: 3i**  
**232**  
Gore Road  
New Milton  
16/10121  
SZ2294

Scale 1:1250

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

