

Application Number: 16/10809 Full Planning Permission

Site: Land west of 19-20 SOPLEY, BH23 7AX

Development: Greenhouse and shed (retrospective)

Applicant: Mr Benton Jones

Target Date: 04/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Countryside
Conservation Area
Adjacent Listed Building

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
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

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

6 RELEVANT PLANNING HISTORY

6.1 Field Shelter - retrospective (10808) Granted on the 3rd August 2016.

7 PARISH / TOWN COUNCIL COMMENTS

Sopley Parish Council: Recommend permission. The Members of Sopley Parish Council have no concerns regarding this Greenhouse, it is a very attractive building completed in an appropriate manner

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Conservation Officer: recommends refusal

10 REPRESENTATIONS RECEIVED

10.1 2 letters of support. The greenhouse and shed are of modest proportions and not easily visible from the road or our property, which is positioned towards the northern boundary of the field. These structures are used for horticultural purposes in association with the running of a hospitality business at Sopley Mill. Historically the field has always supported business at the Mill as it was where the Mill horses, used to bring in grain carts, were kept.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

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.

This application is retrospective. and no pre application advice was sought. The main concern is the siting of the development and accordingly, the only way forward would be to consider an alternative location. Officers have made a suggestion, however, the applicant wishes to retain the structures in their current position.

14 ASSESSMENT

- 14.1 This retrospective planning application seeks permission to retain an existing greenhouse and shed on land to the rear (west) of No 19/20 Sopley. No 19/20 Sopley is a grade 2 listed building used as a detached dwelling house set within its own residential curtilage. The dwelling fronts onto Ringwood Road and has a reasonably sized garden with a large car parking area and garaging to the south. There are two detached outbuildings within the curtilage of 19/20 Sopley. There are existing field shelters within the field which are located closer to Ringwood Road. The two field shelters are used in association with the keeping of horses on the land. The site lies within Sopley Conservation Area, the Green Belt and countryside.
- 14.2 The greenhouse and shed are sited in the central part of a field approximately 25 metres back from the residential curtilage of 19/20 Sopley. These structures are enclosed by post and mesh fencing, which contains some outside plants and pots. The field grass is relatively short due to the horses grazing on the land and planning permission was recently granted on the site to retain a field shelter for the horses. The shed is a conventional timber building measuring 3.2 metres wide, by 3.5 metres long, by 2.1 metres high. The greenhouse has a pitched roof measuring 5.1 metres by 2.5 metres by 3.4 metres high.
- 14.3 In support of the application, it is stated that the greenhouse and shed are part of the horticultural use of the land used to cultivate flowers and plants that are used in connection with the wedding venue at Sopley Mill. The applicant, owns and operates the Mill and has grown plants and flowers on the land for several years, albeit utilising the existing greenhouse and associated land that is located slightly further to the south (to the north of the residential property at Morden). It has been stated that this is not a new activity, but a relocation from a different part of the site. It is intended that the existing green house on land to the south will be removed. The location of the greenhouse and shed now sought has been chosen to maximise light in the open field and it is stated that the land forms part of a much wider agricultural operation in

the Sopley Estate. In summary, the supporting statement considers that the activity occurring at the site is an horticultural operation, which falls under the definition of an agricultural activity.

- 14.4 The site lies within the designated Green Belt, paragraph 87 of the National Planning Policy Framework (NPPF).confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions listed in paragraph 89 of the Framework. These exceptions include the provision of appropriate facilities for agriculture and forestry, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 14.5 In assessing this case against the NPPF, the applicant carries out a plant growing operation on the land which is solely in connection with his business in hiring out the Mill as a wedding venue. The applicant is not growing plants as a business. The hiring of the Mill is either a Class D2 use (Assembly and leisure use) or a sui generis use. On the basis that the greenhouse and shed are used in connection with the hiring of the Mill it is considered that the use of the Mill for wedding venues is the principle use. Accordingly, the application is for the change of use of the land to a Class D2 use, which is not an appropriate use in the Green Belt by definition. Moreover, it cannot be argued that the buildings are an exception. It is considered that the harm that results from the physical impact of the buildings add to the harm to the Green Belt and any benefits of the use are not considered to amount of 'very special circumstances' sufficient to clearly outweigh the harm.
- 14.6 In terms of the impact on the character and appearance of the Sopley Conservation Area and setting of a listed building, the site is between the village and the stream which separates the built environment from the water meadows beyond. Sopley has retained much of its relationship with the rural landscape and the land which is the subject of this application has always been agricultural land of some description, possibly relating to the stream below.
- 14.7 The piece of land upon which the greenhouse and sheds are placed forms an important rural setting for both the village and the water meadows beyond. Although the development is not visible from either the road or the water meadows due to the presence of vegetation, they have been placed in the centre of an important piece of open space that contributes to the character of the Conservation Area by virtue of its rural setting.
- 14.8 The placement of structures in this area needs to be carefully considered in order to minimise the impact upon this open space and it is not considered that, in this case, the balance has been struck correctly. The buildings and area around them appear too domesticated to be placed within an agricultural setting and as a result the field appears as an extension of domestic curtilage. This negatively impacts upon the rural character of the Conservation Area and begins to blur the boundaries between the edge of the village and the agricultural land beyond. Careful consideration has been given to the setting of the listed building, however, the main issue in this case is the effect on the character and appearance of the Conservation Area.

- 14.9 With regard to other matters, the buildings do not result in any adverse impact on residential amenity or give rise to any other detrimental impacts.
- 14.10 In conclusion, it is considered that the development constitutes inappropriate development within the Green Belt, and there are no 'very special circumstances' that outweigh the harm. Moreover, it is considered that by reason of their appearance and siting, the greenhouse and shed unacceptably encroach into the open space of the field and appear as incongruous features in their setting that have a negative impact on the rural character of the Conservation Area. Officers consider that an alternative location should be sought for the development and one possibility would be close to Ringwood Road.
- 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The development would constitute inappropriate development within the Green Belt and would impact upon the openness of the Green Belt contrary to the aims of the National Planning Policy Framework. It is considered that the supporting information provided by the applicant does not amount to the very special circumstances required in order to justify a departure from Green Belt policy. The proposal would also be contrary to Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.
2. The area of open land between the built development of Sopley village and the River Avon with water meadows beyond to the west makes an important and positive contribution to the character and appearance of the Conservation Area by virtue of its rural setting. By reason of their appearance and siting, the greenhouse and shed unacceptably encroach into the open space of the field and appear as incongruous features in their setting that have a negative impact on the rural character of the Conservation Area. As such the proposal would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Document

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.

This application is retrospective and no pre application advice was sought. The main concern was the siting of the development and accordingly, the only way forward would be in an alternative location. Officers have made a suggestion, however, the applicant wished to retain the structures in their current position.

Further Information:

Major Team

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DISTRICT COUNCIL

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**Planning Development
Control Committee
November 2016**

Item No: 3e
Land West of
19-20
Sopley
16/10809
SZ1596

Scale 1:1250

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

