

Application Number: 17/10958 Full Planning Permission

Site: Field Adjacent COLBURY COTTAGE, HILL STREET, CALMORE,
NETLEY MARSH SO40 2RX

Development: Tractor shed

Applicant: Mr Smith

Target Date: 28/08/2017

RECOMMENDATION: Refuse
Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

Adjacent to Site of Importance for Nature Conservation (SINC)

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

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

Policies

Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS10: The spatial strategy

CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM22: Employment development in the countryside

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 Implement barn, access track, ground excavations (17/10107)
Withdrawn by applicant on the 6th June 2017.

7 PARISH / TOWN COUNCIL COMMENTS

Netley Marsh Parish Council: Recommend approval. No objection to the location of the shed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Tree Officer: No objections
- 9.2 Natural England: No comment
- 9.3 Hampshire and Isle of Wight Wildlife Trust: No ecological information has been submitted with the application and therefore it is not possible to assess the impacts of the proposals on the natural environment. Impact on the adjacent Testwood Lakes SINC such as disturbance to nesting and or over wintering birds during the construction and operational phase. In addition appropriate mitigation measures must be included to address any identified ecological impacts.
- 9.4 National Grid: No objection
- 9.5 Ecology: In the absence of any relevant ecological information produced by a suitably experienced person, the fact the likely presence of priority habitat has been raised and an area would be lost to the proposed development, the proposal is not policy compliant.
- 9.6 Hampshire County Council Highway Engineer: No objection

10 REPRESENTATIONS RECEIVED

- 10.1 5 letters of objection concerned that the site is unsuitable for growing trees and there is no reason to build a storage shed for associated equipment. The proposed barn will be disproportionate to the size of the site and detrimental to the character of the area. There are scrap and materials stored on the land which should be removed. Impact on landscape and wildlife. There is no evidence to justify such a large building for agricultural purposes. Impact on neighbouring properties. Concerns over the close proximity of the pylons which form part of national grid. Impact on Colbury Cottage.

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.

No pre application advice was sought and although Officers advised the applicant following the withdrawal of planning application 17/10107, the guidance given was to fully justify the proposed building, reduce its size and scale, and consider its siting close to the existing entrance to reduce the need for a long access drive running through the site. The proposed building has been re-sited and slightly reduced in size but is still not considered acceptable.

14 ASSESSMENT

- 14.1 This planning application proposes a single building to be used for the storage of tractors on an existing field lying between the M27 and a residential dwelling known as Colbury Cottage. It should be noted that the application site is not connected to or has any relationship with Colbury Cottage. Part of the site lies adjacent to Hill Street with the

northern boundary bounded by an existing private access road that leads to Broadland Lakes (which lie just beyond Testwood Lakes). Testwood Lakes lie on the eastern boundary and there is a cluster of dwellings located along Hill Street. An overhead electricity line runs through the central part of the site. The land extends to some 0.8 hectares in size and is a steeply sloping site from north to south. The site was previously an open field bounded by hedgerows with good sized trees, however on part of the land there is the storage of building materials and a container, which are not authorised and have not received the benefit of planning permission.

- 14.2 The proposed building would be located on the northern boundary of the field, close to the existing access from Hill Street. Constructed from timber and measuring 12 metres by 10 metres in plan and 4 metres to the ridge, the proposed building would effectively be 'sunk' into part of the sloping land. In support of the application, the applicant states that the land will be used for agricultural purposes, in particular planting and growing a variety of trees including Christmas trees and fruit trees. The proposed building would be used to accommodate machinery in association with the use of the land, to include a tractor, dumper, grass topper and other implements such as hand tools for land maintenance. Presently it should be noted that there is little evidence of Christmas or fruit trees being grown on the land.
- 14.3 In policy terms, the site lies outside the built up area and within the countryside. Local plan policies are supportive of new buildings for agricultural purposes provided that they are justified for the efficient use of the land. Policies also seek to protect the countryside and landscape from inappropriate development. The site is currently an open field and there is little evidence of agricultural activity taking place on the site. The area of land is very small equating to less than 1 hectare in size and is steeply sloping, which is likely to make it difficult for more intensive agricultural activity. While it is the applicant's intention to use the land for growing Christmas and fruit trees, the proposal would result in a large building in this sensitive rural location which would not be reasonably justified for the working of the land for agriculture. Accordingly, given the very modest size of the land, it is considered that the building is too large for the working of the land and it is considered that insufficient evidence has been provided to justify the proposed building.
- 14.4 The site lies within a prominent location and given the sloping land levels, trees, hedgerows and lakes in the backdrop, the site makes a positive contribution to the rural character of the area. Given the constraints on the site, the proposed siting of the building positioned against the dense screening of trees and hedgerows on the northern boundary is considered to be the most appropriate location for the building.
- 14.5 However, this does not override the principle concern that the proposed building is too large and has not been justified and would result in an inappropriate new building in the countryside which would adversely impact on the landscape and appear visually intrusive in its setting to the detriment of the character and appearance of this sensitive countryside location.

- 14.6 In terms of ecology matters, the application has not been supported by any ecological information and accordingly without such information, it will not be possible to assess the impacts of the proposal on protected species which, given the surrounding habitat are likely to be present. Moreover, any assessment should consider the impacts on the adjacent Testwood Lake Site of Importance for Nature Conservation, such as disturbance to nesting and/or over wintering birds during construction and the operational phase. Moreover the site is steeply sloping and there is the potential for run off from the site entering and polluting or increasing nutrient levels in the Meadow Lake SINC.
- 14.7 With regard to other matters, the proposed building is sited a sufficient distance away from neighbouring properties not to impact on their living conditions. The proposal would not result in any adverse impact on public highway safety. National Grid do not raise any objections in relation to the proximity of the proposed building to the high voltage power line.
- 14.8 In conclusion, it is considered that the proposal would result in a disproportionate building for the size of the land, for which there has been no justification. While policies seek to support agricultural activity, any proposed building would have to be more modest and this would involve a significant reduction in the size of the building together with sufficient justification as to exactly how the building and land would be used and worked. The ecological concerns should be addressed through the submission of an ecological report carried out by an ecological consultant.
- 14.9 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 site lies within the countryside where buildings for agriculture are permitted provided that they are necessary for the efficient working of land under that use and do not result in an adverse impact on the character of the area. In this case, by virtue of its size and siting, the proposal would result in a significant new building that would be visually imposing and intrusive in its setting to the detriment of the landscape setting and character and appearance of this sensitive countryside location for which there is no overriding justification. For this reason the proposal is contrary to Policies CS2 of the Core Strategy for the new Forest District Council outside the National Park and Policy DM22 of the Local Plan Part 2 Sites and Development Management Document.
2. In the absence of an appropriate biodiversity survey / ecological assessment, it has not been adequately demonstrated that the proposed development could be implemented without adversely affecting protected species, biodiversity interests, and the ecological interest of the land and adjacent Site of Importance for Nature Conservation. As such, the proposal would be contrary to Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM2 of the Local Plan Part 2: Sites and Development Management.

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.

No pre application advice was sought and although Officers advised the applicant following the withdrawal of planning application 17/10107, the guidance given was to fully justify the proposed building, reduce its size and scale, and consider its siting close to the existing entrance to reduce the need for a long access drive running through the site.

Further Information:

Richard Natt

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
September 2017**

Item No: 3a

Field adj. Colbury Cottage
Hill Street
Calmore Netley Marsh
17/10958

Scale 1:5000

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

