

Application Number: 17/11564 Full Planning Permission

Site: GREENBANK FARM HOUSE, LOWER DAGGONS LANE,
SOUTH END, DAMERHAM SP6 3HE

Development: field shelter; replacement timber fencing; gate (retrospective)

Applicant: Ms Stacey

Target Date: 09/01/2018

Extension Date: 14/02/2018

RECOMMENDATION: Refuse

Case Officer: Julie Parry

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Aerodrome Safeguarding Zone
Meteorological Safeguarding
Plan Area
Groundwater Protection Zone
Area of Outstanding Natural Beauty
Conservation Area: Damerham Conservation Area

Plan Policy Designations

Countryside outside the New Forest

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design
NPPF Ch. 12 - Conserving and enhancing the historic environment

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature
Conservation)

**Local Plan Part 2 Sites and Development Management Development Plan
Document**

DM1: Heritage and Conservation
DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

4 RELEVANT SITE HISTORY

| Proposal | Decision Date | Decision Description | Status | Appeal Description |
|--|---------------|-------------------------------|----------------|--------------------|
| 14/10740 Use of outbuilding as ancillary living accommodation (Lawful Development Certificate that permission is not required for proposal) | 04/06/2014 | Was Lawful | Decided | |
| 14/10471 Use of outbuilding as ancillary living accommodation (Lawful Development Certificate that permission is not required for proposal) | 14/05/2014 | Was Not Lawful | Appeal Decided | Appeal Withdrawn |
| 14/10469 Fenestration alterations and refurbishment of outbuilding (Lawful Development Certificate that permission is not required for proposal) | 09/05/2014 | Was Lawful | Decided | |
| 14/10098 Siting of mobile home for temporary period of 1 year | 01/05/2014 | Granted Subject to Conditions | Decided | |
| 84/NFDC/26706 Addition of dormer window and pitched roof to existing dormer. | 25/06/1984 | Granted Subject to Conditions | Decided | |

5 COUNCILLOR COMMENTS

No comments received

6 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council propose to recommend permission to NFDC under option 3 with the following comments:-

- The Parish Council feel the Conservations Officer's comments are not particularly helpful given the support from Hampshire County Council Highways and the Planning Officer for the siting of the field shelter.

7 CONSULTEE COMMENTS

7.1 Conservation Officer: the style of the field shelter along with its form and scale is not appropriate for this location. Even if painted a more recessive colour due to the height of the land and the position of the

building on the site it would still dominate this corner of the land. Therefore they are unable to support the scheme due to the unacceptable visual impact on the character and appearance of the Conservation Area.

7.2 Tree Officer: although the erection of a field shelter in this location is not ideal any further disturbance that may come as a result of re-siting the field shelter in the rooting area of the trees may cause further damage. No objections .

7.3 Hampshire County Council Highway Engineer: the gate is for pedestrian and horse use only and as such will not be used for vehicular access. No detrimental impact either direct or indirect. No objection or conditions.

8 REPRESENTATIONS RECEIVED

8.1 One letter of support from neighbour at Wath Cottage who as immediate neighbours give their full support to the application. The field shelter has been created to provide care and welfare for the horses and the fencing work enhances the appearance of the property.

9 CRIME & DISORDER IMPLICATIONS

None relevant

10 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

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.

11 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 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.

The applicant did not use the pre-application advice service available from the Council. The Officer's initial briefing was published on the Council's website which indicated some of the Case Officer's concerns with the proposal. Given the scale of the proposal and the issues raised there was no opportunity for the applicant to amend the application within the Government's time scale for decisions. No request to withdraw the application was received.

12 ASSESSMENT

12.1 The application site is located within an area designated as Countryside outside the New Forest, an Area of Outstanding Natural Beauty and the Damerham Conservation Area. The field shelter and fence which is the subject of this application has already been erected. The field shelter is

for keeping 2 horses and located within the front corner of the field to the side of the property, close to the vehicle access to the front garden and the Lane. Alongside the field shelter is a large tree which being within the Conservation Area, is protected. A new fence has been erected around the field with a widened access gate for the use of pedestrians and horses. The boundaries to the paddock have been cleared of low level vegetation making the site more open than it used to be. There is an existing garage and other outbuildings set back further on the plot.

- 12.2 The main consideration when assessing this proposal was the impact on the street scene and designated areas. The applicant has advised that the field to the side of the property is used as part of the garden. Old maps appear to show that this area of land was not part of the original curtilage of the property and is therefore likely to be outside of the domestic curtilage, although the applicant has stated that it is located within their garden. The remaining part of this land is used for keeping a variety of livestock, including chickens, ducks, goats and guinea fowl.

There are two distinct parts of this proposal that are considered in turn below:

- 12.3 Field shelter: The field shelter is constructed of timber. It is 6.25 m long and 3.65 m deep with an overhanging roof of 1.13 m (total 4.75m). It is 2.96m high and has been placed on top of a hardcore base which has been used to level the land closest to the road. The field shelter is constructed on skids so could be removed. However, as the applicant does not intend to move the building he wants it to be considered as a permanent structure. It is in a corner location, close to the front boundary and due to the topography of the site, is significantly higher than the road. As such, it is highly visible in the street scene from both the front and the north side (across the access) and it would appear very prominent in its location, as a dominant feature within the street scene.
- 12.4 Furthermore, the style of the building, its form and scale are not appropriate in this location. The site is surrounded by buildings of traditional proportions and materials that contribute positively to the character of the Conservation Area. Even if the building was painted or stained a more recessive colour, due to the height of the land and position of the building on the site it would dominate this corner piece of land that historically has provided an important visual gap.
- 12.5 There is some screening from existing vegetation and while additional planting could be used to provide further mitigation given the close proximity to the front boundary and its location under a large protected tree any additional planting is unlikely to be substantial enough to offer an effective screen to overcome this identified visual harm. While staining the timber a dark brown or black could make the field shelter less conspicuous given its size and elevated position it is concluded that this would, in this instance make the structure more dominant in this location.
- 12.6 It has been suggested to the applicant that the field shelter is moved back further on the site but they have advised that the current siting is the most appropriate as it has better drainage and the bottom of the garden gets water logged. Furthermore there is a large septic tank in the middle of the garden.

- 12.7 Therefore it is concluded that the field shelter, by reason of its elevated position, form and scale, along with its close proximity to the boundary with the highway, results in a building that is visually intrusive in the street scene. As such, it is detrimental to this countryside setting and has an unacceptable impact on the character and the appearance of the Conservation Area and Area of Outstanding Natural Beauty. Therefore, for these reasons, planning permission for the field shelter is recommended for refusal.
- 12.8 Fence: The fence around the boundary of the site was erected following the removal of vegetation. The removal of hedging does not need planning permission although it has resulted in a stark difference between this site and the rest of the street scene. While some vegetation is likely to become re-established over time, ideally further planting should be undertaken to assimilate the site back into the street scene as quickly as possible.
- 12.9 The fence that has been erected around the field is 1.2 metre high and has an open timber structure with stock proof metal mesh infills. This allows views through the fence of the trees planted within the fields and countryside beyond. Therefore due to its limited height and form it is considered to be appropriate in this rural location.
- 12.10 The new gate is of a 5 bar design and it is 2.4 m wide. The gate appears appropriate to its location. The gate is only wide enough to be used for pedestrians and horses and not cars. Therefore the Highway Authority have advised that there would be no direct or indirect detrimental impact or highway safety concerns and as such have no objection.
- 12.11 Therefore, the fence and gate do not have a significant adverse impact on the Conservation Area or Countryside and are acceptable. However as a split decision cannot be issued and there are legitimate concerns about the field shelter, as set out above, the application is recommended for refusal.
- 12.12 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.

13. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The field shelter, by reason of its elevated position, form and scale, along with its close proximity to the boundary with the highway, results in a building that is visually intrusive in the street scene and as such detrimental to this countryside setting. Furthermore the field shelter has an unacceptable impact on the character and the appearance of the Conservation Area and Area of Outstanding Natural Beauty. The development is therefore contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policies DM1 and DM20 of the Local Plan Part 2: Sites and Development Management Plan and Sections 7 and 12 of the National Planning Policy Framework.

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.

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Further Information:

Julie Parry

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

February 2018

Item No: 3d

Greenbank Farm House
Lower Daggons Lane
South End Damerham
17/11564
SU1015

Scale 1:1250

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

