

**Application Number:** 18/10111 Full Planning Permission

**Site:** BEACH HUT 319, CLIFF ROAD, MILFORD-ON-SEA

**Development:** Two solar panels to beach hut

**Applicant:** Dr Pruss

**Target Date:** 26/03/2018

**Extension Date:** 21/05/2018

**RECOMMENDATION:** Grant Subject to Conditions

**Case Officer:** Kate Cattermole

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view and Councillor Comment

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Plan Area  
Aerodrome Safeguarding Zone  
Site of Special Scientific Interest

**Plan Policy Designations**

Green Belt  
Countryside

**National Planning Policy Framework**

NPPF Ch. 7 - Requiring good design  
NPPF Ch. 9 - Protecting Green Belt land

**Core Strategy**

CS2: Design quality  
CS6: Flood risk

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

None relevant

**Supplementary Planning Guidance And Documents**

None relevant

### 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
18/10531. Repairs to existing beach hut (retrospective)	20.6.18	Current Application	

### 5 COUNCILLOR COMMENTS

Cllr D Harrison: I would like this application to be considered by the Planning Committee please

### 6 PARISH / TOWN COUNCIL COMMENTS

**Milford On Sea Parish Council:** recommend refusal.

Although supportive of renewable forms of energy, the Parish Council is concerned that the panels will be visually intrusive and out of keeping in this sensitive landscape. The Parish Council would welcome a policy regarding the size and number of solar panels and other forms of energy generation at beach huts, as other local authorities have.

### 7 CONSULTEE COMMENTS

**Natural England:** no objection

### 8 REPRESENTATIONS RECEIVED

**Total Number of Representations Received: 16**

Comment(s): 0 In Favour: 13 Against: 3

#### Objections:

- precedent leading to pressure for changing roof forms and other alterations
- could result in a varied array of differing solar panel installations
- would detract from character of huts and beach
- area an SSSI
- visual impact incompatible with the ambience created by the existing huts
- use of gas bottles does not have any outward impact
- will not impact on the local economy or business but will irrevocably change the coastal view
- domesticise the appearance of the huts
- solar panels will not have the capacity to replace use of gas bottles

#### Support:

- design of panels do not detract from surrounding area and would not be visually intrusive
- greater use of huts knock on effect for local businesses

- would be a safer alternative to gas stove
- electricity generated could provide lighting and security alarms
- increase use of huts
- beneficial to ecology of the area and benefit the environment
- views limited from cliff top
- modern energy source should be encouraged
- greater security from internally mounted cctv camera
- reduce carbon footprint benefiting environment
- will not have a negative impact on the SSSI

Applicant:

- panels would only generate 12vs and would not encourage people to sleep overnight in the hut
- by reason of their colour and design would be aesthetically pleasing
- environmentally friendly
- increase use of huts so would discourage vandalism and increase use of car park and local businesses
- Used *successfully elsewhere on beaches in neighbouring districts*

Agent:

- on beaches in neighbouring districts, solar panels have been introduced though there are examples of bulky installations
- proposal has been carefully designed to mitigate impact
- is a safer alternative to gas bottles
- development could be controlled by policy regarding number and size
- increased use of huts may decrease vandalism
- increase use of local businesses

## 9 CRIME & DISORDER IMPLICATIONS

None relevant

## 10 LOCAL FINANCE CONSIDERATIONS

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

## 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.

To allow proper consideration of the proposal extensions of time was agreed.

## 12 ASSESSMENT

- 12.1 The application site consists of a dual pitched gable fronted hut with enclosed balcony to the front, resulting in a wider roof slope. The hut sits on the beach, in the front row of huts in this part of the beach. Steps to the beach from the cliff are in close proximity to the existing hut. By reason of its position on the beach, views of the hut are achievable from the steps and cliff, as well as the upper tier of huts and the beach itself.

- 12.2 The proposed panels appear quite modest in size and design, and consideration has been given to the appearance of the panels, with a view to making them as unobtrusive as possible. By reason of its position on the beach the solar panels would be visible from public vantage points from elsewhere on the beach and the steps
- 12.3 There are no other examples of this type of installation at Hordle Cliff, though it is acknowledged that on other local beaches including Calshot and Mudeford, solar panels have been introduced. It should also be noted that even though there is no permitted development rights attached to beach huts, the The Town & Country Planning General Permitted Development Order 2015 Part 14 Class J does allow for the installation or alteration of solar equipment on non-domestic premises subject to certain criteria, and a beach hut would fall into the category of a non domestic building. This proposal though does not meet the criteria as it is sited within 1 metre of the external edge of the roof, and therefore falls to be considered on its planning merits.
- 12.4 The only planning consideration when assessing this application would be the impact on the character of the area. This area is designated as an SSSI, but this is with regard to the geology of the site, and this proposal would not impact upon it. The existing beach huts are part of the character of the beach, and therefore the design, materials and scale of these huts are important. The proposed solar panels have been designed to mitigate the visual impact, and in themselves would not alter the character of the hut to a degree to justify a refusal in this instance.
- 12.5 Any future applications for solar panels on this hut and others would be judged on their individual merits, and even though they are acceptable in this case does not automatically follow that any solar panel would be acceptable in this location. Though it is appreciated that solar panels could domesticate the appearance of the beach huts, they can be designed (as in this case) to be relatively unobtrusive visually. Furthermore, as already noted there are permitted development rights attached to solar panels so they could be introduced without the benefit of planning permission, subject to the relevant criteria.
- 12.6 Letters of support have stressed that the introduction of solar panels would be a substitute for the use of gas. This might be the case, but dependant on the energy provided by the installation individuals might still use gas too, and this would be outside the remit of planning.
- 12.7 It has been suggested that the introduction of solar panels would allow greater use of the huts and also improve their security. This application can only consider the planning merits of the solar panels, and this does not include the utilization of the power they could produce. It needs to be noted though that the beach huts are only intended to provide a shelter with limited facilities. Even though recommending consent for these panels, the way these huts are utilised would not change. Furthermore, there is an inherent risk to any beach hut located in this area from inundation by the sea of damage from ground movement, and the Council will not undertake coastal protection works to protect beach huts. Therefore, the addition of expensive equipment is undertaken at the owners risk.

- 12.8 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.

### **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: Sht 1 of 3, Sht 2 of 3, Sht 3 of 3, Beach Hut Solar System Information  
  
Reason: To ensure satisfactory provision of the development.
  
3. The solar pv equipment is removed as soon as reasonably practicable when no longer needed  
  
Reason: To protect the visual amenity of the area.

##### **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.  
  
To allow proper consideration of the proposal extensions of time was agreed.

##### **Further Information:**

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# New Forest DISTRICT COUNCIL

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## Planning Development Control Committee

June 2018

Item No: 3e  
Beach Hut 319  
Cliff Road  
Milford on Sea  
18/10111

Scale 1:1250

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

