

To: Members of the Planning Committee of the New Forest National Park Authority

Date: 4 September 2025

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE, TUESDAY 16 September 2025

A meeting of the **Planning Committee** will be held on **Tuesday 16 September 2025 at 9.30am.**

Please note that this meeting of the Committee will be held in the Council Chamber, Lymington Town Hall, Avenue Road, Lymington SO41 9ZG



Alison Barnes
Chief Executive/National Park Officer

For further information or enquiries, please contact:

E-mail: memberservices@newforestnpa.gov.uk

Public participation:

Any member of the public who wishes to address the meeting on an individual item on the public agenda should notify **Member Services** by emailing at memberservices@newforestnpa.gov.uk not less than two clear working days before the commencement of the meeting (i.e. by 5.00pm on Thursday 11 September) and indicate in what capacity he or she would like to speak, together with a contact telephone number. Further details regarding the processes for Planning Committee can found at www.newforestnpa.gov.uk/about-us/meeting-agendas-minutes/planning-committee/ Including details of how to contact the Planning Committee members.

Please note that all planning applications give due consideration to the following matters:

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation). In brief, the Committee has a legal duty to pay due regard to the need to (i) eliminate discrimination, harassment, victimisation, (ii) to advance equality of opportunity and (iii) to foster good relations between those who share relevant protected characteristics and those who do not.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are asked to declare any interests they may have in relation to items on the agenda for this meeting.

(NB: When verbally declaring interests, members are also asked to complete the Disclosure of Interests at Meetings form and return to Corporate Services.)

3. Minutes

To approve the minutes of the meeting held on 19 August 2025.

4. Chair's Announcements

The Chair to make announcements relevant to the activities of the Committee.

5. Planning Applications for Committee Decision (PC 495/25)

To determine the applications set out in the report. This report comprises a summary schedule of the planning applications, followed by the detailed applications.

6. Planning Appeals (PC 496/25)

7. Any other items which the Chair decides are urgent.

8. Date of Next Meeting

Tuesday 21 October 2025 at 9.30 am, Venue – Council Chamber, Lymington Town Hall, Avenue Road, Lymington SO41 9ZG.

PART II ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPTED INFORMATION MAY BE DISCLOSED

None

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership: Richard Clewer, Mary Davies (Deputy Chair), Barry Dunning, Caroline Rackham, Joe Reilly, Ann Sevier, Brice Stratford, Michael Thierry, Derek Tipp and Steve Trow (Chair) plus one vacancy.

Please note that this meeting will be audio recorded and filmed for live or subsequent broadcast.

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NEW FOREST NATIONAL PARK AUTHORITY

MINUTES OF PLANNING COMMITTEE MEETING

HELD ON TUESDAY 19 AUGUST 2025 AT 9:30 AM IN THE COUNCIL CHAMBER,
LYMINGTON TOWN HALL, AVENUE ROAD, LYMINGTON SO41 9ZG.

Attending:

Members:

Steve Trow (Chair)
Mary Davies (Deputy Chair)
Joe Reilly
Caroline Rackham
Ann Sevier
Derek Tipp

Officers:

David Illsley	Interim Head of Planning and Place
Gareth Hale	Solicitor and Monitoring Officer
Natalie Walter	Principal Planning Officer
James Palmer	Tree Officer
David Stone	Corporate Services Manager
Vicki Gibbon	Member Services Administrator

260 Apologies for Absence

260.1 Apologies for absence were received from Richard Clewer, Brice Stratford and Michael Thierry.

261 Declarations of Interest

261.1 Ann Sevier declared a prejudicial interest under Part 2 section B (non-pecuniary interests) of the NPA's Code of Conduct in minute item 264 report item 2 as the landowner and accordingly left the meeting during the debate and vote on that item, having made a statement to the meeting in accordance with the Standing Orders.

262 Minutes

262.1 **RESOLVED:** That the minutes of the meeting held on 15 July 2025 be approved as a true record.

Voting: Non-voting against

263 Chair's Announcements

263.1 There were no announcements on this occasion.

264 Planning Applications for Committee Decision (Paper PC 493/25)

264.1 Members gave detailed consideration to the individual planning applications contained within the report.

RESOLVED: That the planning applications listed below be determined as shown in respect of each application and, in accordance with the Authority's policies and procedures, formal notice of the decisions to be sent to the applicants forthwith.

REPORT ITEM 1	
Application No.	25/00097/FULL
Details	Waters Green Cottage, Burford Lane, Brockenhurst SO42 7TN - Single storey extension; demolition of existing extension, kitchen and attached lean-to (AMENDED DESCRIPTION AND PLANS)
Public Participants	Roger Pell-Stevens (Agent For) Kirsty Bladen (Against) Cllr John Korbey (Brockenhurst Parish Council)
Comments	Members agreed that an additional condition should be added regarding the rooflight facing the adjacent property, limiting the opening of the rooflight.
Decision	Planning consent <u>granted</u> subject to conditions, including an additional condition limiting the opening of the rooflight facing the adjacent property.
Conditions	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p> <p>2. Development shall only be carried out in accordance with the following drawings and documents: 03-04D, 03-10D, 03-11C, 03-12D, 03-13D, 03-20B, 03-21C, 03-80, 03-81, 03-82, 03-83, 03-01C, 03-02C, 03-14B and 03-15B, Roof Drainage Strategy.</p> <p>No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.</p> <p>Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).</p> <p>3. No development shall take place above slab level until samples or exact details of the following construction materials have been submitted to and approved in writing by the New Forest National Park Authority.</p> <ul style="list-style-type: none"> - Roofing materials - Rooflights - Rainwater goods

	<ul style="list-style-type: none"> - Treatment of verges and bargeboards (if applicable) - Flues, vents or extractors - Windows and doors - Garage door - Timber weatherboarding <p>Development shall only be carried out in accordance with the details approved.</p> <p>Reason: in the interests of preserving the setting of the locally listed building and the character and appearance of the Conservation Area and in order to ensure the proposal is in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).</p> <p>4. Prior to the installation of foundations for the new extension, detailed cross section/elevation drawings of the proposed foundations shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the approved drawings.</p> <p>Reason: in the interests of preserving the historic fabric of the locally listed building and to ensure structural stability of the surrounding structures.</p> <p>5. No development shall take place above slab level until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include:</p> <ul style="list-style-type: none"> (a) the existing trees and shrubs which have been agreed to be retained; (b) a specification for new planting (species, size, spacing and location); (c) areas for hard surfacing and the materials to be used; (d) other means of enclosure; (e) a method and programme for its implementation and the means to provide for its future maintenance. <p>Development shall take place in accordance with the approved details.</p> <p>Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).</p> <p>6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following</p>
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	<p>the occupation of the buildings or the completion of the development, whichever is the sooner.</p> <p>Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.</p> <p>Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).</p> <p>7. All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of protecting the New Forest Site of Special Scientific Interest in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).</p> <p>8. Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.</p> <p>Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).</p> <p>9. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.</p> <p>Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).</p> <p>10. The proposed rooflight on the outer roof slope of the north-west elevation hereby approved shall be top hung with 100mm restrictors, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To safeguard the amenity of the adjoining neighbouring properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).</p>
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Voting	Unanimous
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REPORT ITEM 2 – Tree Notification Report	
Application No.	25/00788/CONS
Details	Blissford Dairy Farm, Blissford Road, Blissford, Fordingbridge SP6 2JG - Re-pollard 2 x Oak trees (T1 & T2 on the plan) Re-pollard 1 x Holly tree (T3 on the plan) Prune/Coppice 1 x mixed species native hedgerow (G1 on the plan)
Public Participants	Ann Sevier provided a brief statement to the Committee before withdrawing from the meeting in accordance with the Standing Orders, due to a declared prejudicial interest
Decision	Raise no objections
Voting	Unanimous

265 Planning Appeals

265.1 David Illsley, Interim Head of Planning and Place, reported two appeal decisions in the last period with one being dismissed and the other allowed with conditions.

266 Any other items which the Chairman decides are urgent.

266.1 None.

267 Date of next meeting

267.1 The next meeting is scheduled for Tuesday 16 September 2025, to be held in the Council Chamber, Lymington Town Hall, Avenue Road, Lymington SO41 9ZG.

The meeting ended at 10:40 am.

..... Date

Chair

Schedule of Planning Applications for the Planning Committee
16 September 2025

Report Item Number: 1

Application Reference: 25/00836FULL

Proposal:

Two-storey and single-storey rear extensions; porch; outbuilding (existing conservatory and outbuilding to be demolished)

Location:

Robin Cottage, Alpine Road, Ashurst, Southampton SO40 7AN

Type of Application: Full Application

RECOMMENDATION:

Grant Subject to Conditions

Report Item Number: 2

Application Reference: 24/01043FULL

Proposal:

Change of use of land and buildings from builders merchant (*sui generis*) to light industrial (Use Class E [g] (iii)), and storage & distribution (Use Class B8) including open storage use (additional information)

Location:

Jewsons, Common Road, Whiteparish, Salisbury SP5 2QW

Type of Application: Full Application

RECOMMENDATION:

Grant Subject to Conditions

Application No: 25/00836FULL Full Application

Site: Robin Cottage, Alpine Road, Ashurst, Southampton SO40 7AN

Proposal: Two-storey and single-storey rear extensions; porch; outbuilding (existing conservatory and outbuilding to be demolished)

Applicant: Mr & Mrs Nelson

Case Officer: Liz Marsden

Parish: Netley Marsh Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Principal Development Plan Policies

DP2 General development principles

DP18 Design principles

DP36 Extensions to dwellings

SP6 The natural environment

SP15 Tranquillity

SP17 Local distinctiveness

Supplementary Planning Documents

Design Guide SPD

NPPF

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Netley Marsh Parish Council: Recommend refusal for the reasons listed below:

- 1) No concern with demolishing the rather awkward existing side extension and replacing it with new side entrance and porch, nor with the rear extension taken alone.
- 2) However, the scale of development of this plot is excessive when the rear extension is considered together with the double garage and new outbuilding of brick construction also being built under permitted development 25/00467LDCP.
- 3) The double garage and associated parking to front and side would have a detrimental impact on the character and appearance of the street scene and be particularly prominent due to its location on the bend in the road. It would be out of character with other properties in this street, identified as having distinctive character worthy of preserving in the recent work being done for the Conservation Area Review.
- 4) Suitable fencing to the frontage, which is in character with other neighbouring properties, should be a condition of any future consent.

5. CONSULTEES

None required.

6. REPRESENTATIONS

None received.

7. RELEVANT HISTORY

Application for a Certificate of Lawful Development for proposed outbuilding (25/00467LDCP) – Certificate issued (permitted development) on 04 July 2025

8. ASSESSMENT

Application Site

8.1 Robin Cottage is an attractive, two-storey dwelling of a traditional appearance which has been extended previously by a small addition to the rear and a large conservatory to the side. It is set in a roughly 'L' shaped plot, with a longer road frontage than the majority of properties along Alpine Road which is accessed off Woodlands Road.

Proposed Development

8.2 The application seeks consent for the replacement of a single storey addition to the rear and a new extension across the full width of the rear of the cottage at ground floor level with a two-storey element on the eastern side. A new garage is proposed adjacent to the western side of the dwelling. The existing conservatory is to be demolished, together with two existing detached outbuildings (one of which is a garage) in the garden.

Consideration

8.3 The key considerations are:

- The implications for Policy DP36 in terms of floor space;
- Whether the proposed outbuilding is in accordance with the criteria of Policy DP37;
- The design of the proposals and whether they are appropriate to the property and its curtilage;
- The impact on the character and appearance of the streetscene and the surrounding area;
- The impact on neighbour amenity; and
- The impact on ecology.

8.4 The property is not a small dwelling and is located outside of the defined New Forest villages therefore the 30% floor space restriction contained within Policy DP36 applies. There is no planning history available for the property and available evidence from aerial photographs show the conservatory to have been in situ from at least 1999. In the absence of any information to the contrary, the floor area of the conservatory is included as being in existence in 1982 and therefore forms part of the existing habitable floorspace. The proposed extensions would therefore fall within the 30% policy limitation of Policy DP36. It is noted that the proposed porch on the western elevation is slightly over what could be constructed as permitted development and would result in the policy limitation being marginally exceeded, but it is of an open sided design and a condition to ensure that it is not enclosed in the future has been included, in accordance with the guidance contained in the Authority's Planning Information Leaflet: Domestic Extensions and Replacement Dwellings (January 2022).

8.5 Policy DP37 relates to outbuildings and seeks to ensure that they are appropriate in scale and subservient to the main dwelling, required for incidental purposes and would be located within the curtilage of the property without unacceptably reducing the amenity space around it. In this case, the proposed garage would replace an existing double garage, located to the rear of the garden, and be set to the side of the house fronting the road. The proposals, which include the removal of the existing garage (which is the same size as the proposed) and the loss of a previously existing outbuilding, which has already been demolished would, in themselves, result in an overall decrease in the area covered by outbuildings. However, the Parish Council has raised concerns about the cumulative effect of the proposed garage and a new outbuilding that is to be constructed along the western boundary of the site, to the rear of the dwelling. This would be a sizeable structure (with a footprint of around 44 sq. m) but would not significantly reduce the available amenity area to the dwelling. Neither is it considered that the proposed outbuildings would be disproportionate to the dwelling or that the development as a whole (including the proposed extension to the dwelling) would result in the unacceptable overdevelopment of the site. The proposal is considered to accord with Policy DP37.

8.6 In terms of design, the proposed extensions are entirely to the rear of the property and would have very little impact on the characterful frontage of the dwelling. The removal of the conservatory, which is of no particular merit, would have a positive effect on its appearance. The ridge line of the two-storey extension is set lower than that of the existing dwelling, appearing suitably subservient to it and the reduction to single storey on the western side would reduce the bulk of the building. The window at first floor level in the rear elevation has been reduced in size to be more proportionate to the gable end and it is considered that the level of glazing in this north facing elevation is acceptable. The proposed garage is to be of a standard size for a double garage, with a shallow pitched roof and a low-key design, in accordance with the criteria of the Design Guide for outbuildings. The materials to be used would be red brick and natural slate, to match those of the existing dwelling and is considered to be more in keeping with the dwelling than the garage that is to be demolished which is a flat roofed structure with a deep white fascia over the doors.

8.7 With regard to the impact on the character and appearance of the surrounding area, the primary impact would be from the introduction of the garage to the frontage of the site, which would be immediately visible in the streetscene. However, whilst the garage would be visible, it would not be unduly intrusive or out of keeping with the pattern of development along Alpine Road, which is characterised by a variety of dwelling types and designs which, whilst mostly detached, are set quite close together. There are other examples of properties on Alpine Road with garages on the frontage. The proposal would retain similar sized gaps between the properties, there being no change to the east and around a 5m gap between the proposed garage and the adjacent dwelling to the west. There would be glimpses from the road of the rear extension through gaps between the dwellings, but it is not considered that these limited views would have a material or detrimental impact on the character and appearance of the surrounding area.

8.8 In terms of the amenity of neighbouring properties, the most significant element would be the two-storey rear extension, which could have a potential impact through shading or on the outlook of the adjacent bungalow to the east (The Retreat), due to its depth and height. However, there has been a relatively recent extension to the rear of The Retreat, which is located on the boundary between the properties, and extends further back than the rear of the application proposal. This addition effectively precludes views of the proposals from the bungalow and also ensures that any limited increase in shading in the evening, would be restricted to its roof. There would be a new window in the side elevation, facing The Retreat, but this replaces an existing window in substantially the same location, which looks out onto the side elevation of The Retreat. The window would serve the stairwell and is to be obscure glazed, avoiding any limited potential for loss of privacy through overlooking. To the west, there is a substantial hedge between the proposed garage and Bluebell Cottage, which would ensure that there would be no direct impact, particularly given the low height of the garage (slightly less than 4m). Other properties along Woodlands Road are at a sufficient distance not to be directly affected.

8.9 A comprehensive ecological survey has been undertaken and identifies the presence of bat roosts within the dwelling and that a European Protected Species licence will be required. The Authority must therefore be satisfied that the three tests for obtaining such a licence would be met. The first and second tests relate to the work being in the public interest (this is met by its being in compliance with adopted Policy) and there being no satisfactory alternative (the development is the appropriate means of meeting the homeowners' requirements). The third test relates to the maintenance of the conservation status of the population of protected species. Providing the works are carried out in accordance with the recommendations of the ecology report and the requirements of a licence, this test is capable of being met. The report also sets out enhancement measures to be undertaken which, subject to their implementation which can be controlled by means of appropriate conditions, will improve the biodiversity of the area. The proposed development would therefore be in accordance with Policy SP6. Conditions to secure the recommendations of the ecological report and requiring a post development report to be submitted to the Authority are appropriate.

Conclusion

8.10 The proposed extensions to the dwelling and new outbuilding would not exceed policy restrictions and can be accommodated without adverse impact on the character and appearance of the dwelling, the surrounding area or neighbour amenity. The development is therefore in accordance with Policies DP2, SP15, SP17, DP18, DP36 and DP37 of the Local Plan 2016-2036.

9. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

1. The development hereby permitted shall be begun before:

The expiration of three years from the date of this permission; or

The carrying-out of any further extension or enlargement to the dwelling otherwise permitted under Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order subsequently revoking or re-enacting that Order;

whichever is the sooner.

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 and to ensure the dwelling remains of an appropriate size in accordance with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan

2016- 2036 (August 2019).

2. Development shall only be carried out in accordance with plans:

nrc sht 2 - Rev A - Proposed plans and elevations

nrc sht 3 - Proposed location and block plan, garage plan and elevations

nrc sht 4 - Proposed site plan

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. The external facing materials to be used in the development shall match those used on the existing building, unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

4. The open porch to the side of the dwelling, the subject of this permission, shall at no point be in-filled or incorporated into the main dwellinghouse.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DP36 of the New Forest National Park Local Plan 2016 - 2036 (adopted August 2019).

5. The outbuilding the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

Reason: To protect the character and appearance of the countryside in accordance with Policies DP36 and DP37 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

6. Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (CC Ecology, dated July 2025) hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

7. Within three months of the completion of the development the ecological mitigation and enhancement measures shall be inspected by an appropriately qualified Ecologist to ensure that they are functional and in accordance with the requirements of the submitted reports. Written confirmation of these measures shall be provided to the Local Planning Authority.

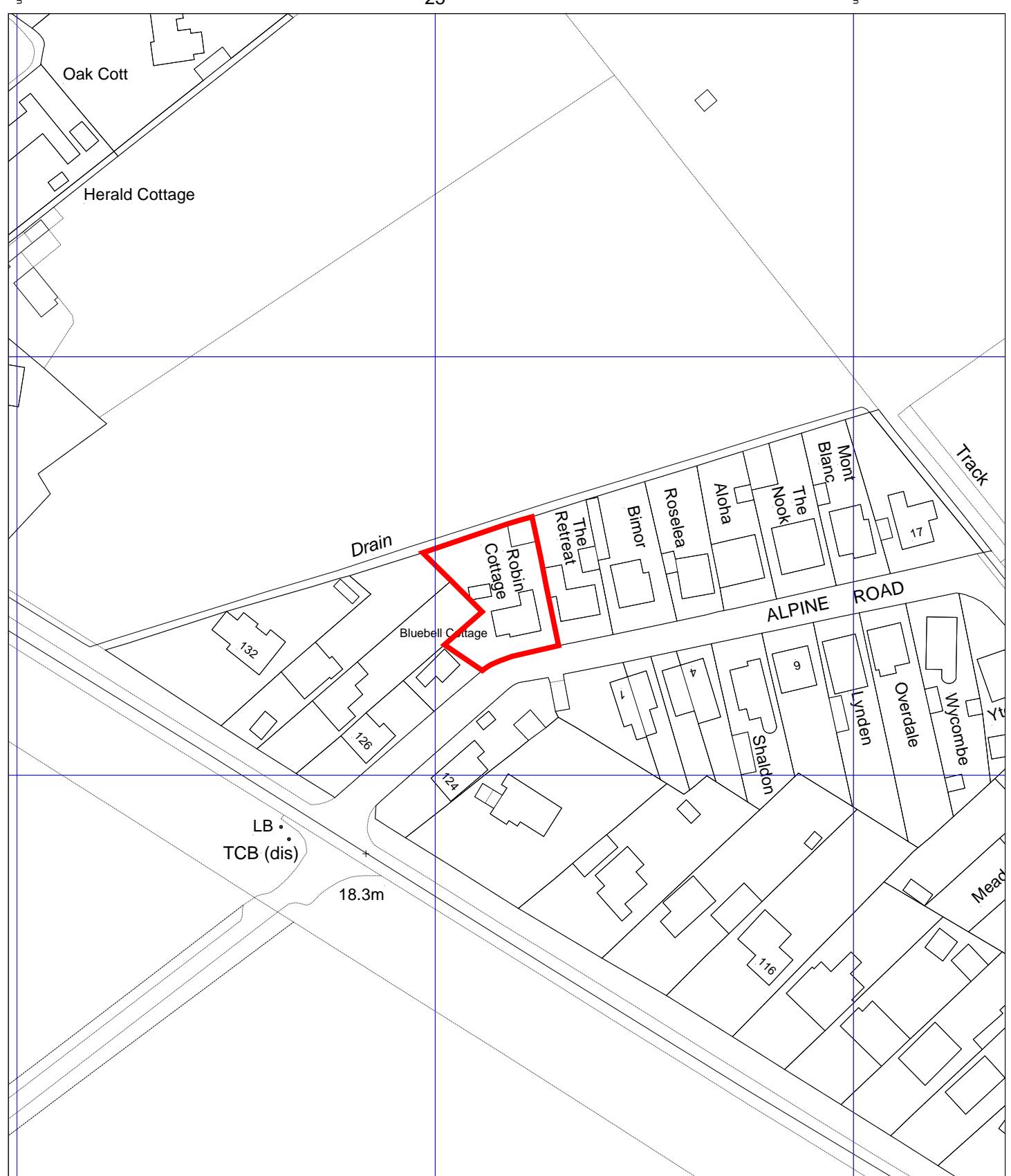
Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

8. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policies DP35 and DP36 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).



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NEW FOREST
NATIONAL PARK

Date: 03/09/2025

25/00836FULL



SCALE: 1:1250

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Application No: 24/01043FULL Full Application

Site: Jewsons, Common Road, Whiteparish, Salisbury SP5 2QW

Proposal: Change of use of land and buildings from builders merchant (sui generis) to light industrial (Use Class E[g](iii)), and storage & distribution (Use Class B8) including open storage use.

Applicant: Stark Building Materials UK Ltd.

Case Officer: Ben Gilpin

Parish: Whiteparish Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Principal Development Plan Policies

DP2 General development principles

DP12 Flood risk

DP18 Design principles

SP5 Nature conservation sites of international importance

SP6 The natural environment

SP15 Tranquillity

SP42 Business and employment development

SP43 Existing employment sites

DP44 Redevelopment of existing employment sites

Supplementary Planning Documents

Design Guide SPD

NPPF

Sec 11 - Making effective use of land

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

3. MEMBERS COMMENTS

None received.

4. PARISH COUNCIL COMMENTS

Whiteparish Parish Council (further consultation 15.05.2025):
Recommend refusal.

Reason for recommendation:

After viewing the Wiltshire Council drainage conditions, believe they are weak and do not give confidence should enforcement be required.
Further to that there are no references relating to traffic management on and off of the A36, or operating hours and a reminder that there are to be no buildings on common land.

Whiteparish Parish Council (initial consultation (15.10.2024):
Recommend refusal, for the reasons listed below.

Whiteparish Parish Council resolved to recommend refusal regarding issues with drainage caused by ignoring previous planning rules. If the Planning Officer is minded to approve the application, the drainage problems must be resolved along with no building on part of the site which is common land, known as Holmere Common CL6.

5. CONSULTEES

National Highways (the A36 is managed by National Highways as part of the Strategic Road Network, SRN): No objection.

The application is seeking consent for the change of use of the former Jewsons Builders Merchants to provide E(g)(iii) light industrial uses and B8 storage and distribution. There are no proposals to alter the existing buildings. The development site benefits from a direct access onto Common Road, which connects to the A36 at a priority junction approximately 150m to the south-west. There are no proposals to change the existing site access arrangements.

The A36 in this location is single carriageway and subject to the national speed limit. A right turning lane is provided for vehicles turning from the A36 into Common Road and there appears to be no collision history associated with the use of the junction. We consider that the proposed uses are unlikely to result in a material change in the number and type of trips arising from the development compared to those that could be generated by the existing use.

National Highways therefore considers that the proposed change of use is unlikely to result in an unacceptable or severe impact on the SRN in safety or capacity terms, in accordance with the NPPF and DfT Circular 01/2022.

Wiltshire Council Highways: No objection

Given the close proximity of the site to the A36 trunk road, National Highways should be consulted on the planning application.

In terms of car parking, no objection to the level proposed. Happy with the cycle parking provision provided it is covered and secure.

Having regard to the former use of the site as a building merchants the access and internal layout are already established and able to accommodate HGVs and other delivery vehicles.

Wiltshire Council Drainage Team (Lead Local Flood Authority (LLFA)): Support subject to conditions in relation to the detailed drainage design.

Tree Officer: No objection.

Having reviewed the information and considered the existing use, the proposed change of use will not have a detrimental impact on existing tree stock.

Ecologist: Comments on BNG and designated sites; objection in relation to previous impacts on protected species. The application involves the change of use – rather than an increase in built footprint – and therefore the requirement for Biodiversity Net Gain (BNG) is not engaged.

Objection due to insufficient information to assess impacts on protected species (bats). If the application is taken forward for approval on the basis of the planning balance, it would be necessary to secure further details of biodiversity mitigation, compensation and enhancement via condition, as well as a lighting strategy.

6. REPRESENTATIONS

One letter of objection has been received citing:

- Surface Water run-off from site to neighbouring property; and
- Impact of this on amenity.

7. RELEVANT HISTORY

Erection of storage building; cladding to existing mill building; external racking; external building and pole mounted lighting; barrier; demolition of existing warehouse (21/00399) withdrawn on 01 June 2022

Display of 1no. non-illuminated post mounted sign (Application for Advertisement Consent) (22/00164) refused on 03 May 2022.
Subsequent appeal allowed on 18 January 2023

Reconstruction of one building following demolition of three buildings and associated works (SDC/S/00/01053) approved on 10 July 2000

Demolition and part reconstruction of existing buildings to rationalise offices, toilets, service counter area and external yard (SDC/S/99/01409) approved on 04 October 1999

8. ASSESSMENT

Application Site

8.1 The site comprises a large area of previously developed land formerly occupied by Jewsons building merchants. It is located approximately 65 metres north-west of the A36 junction. The site includes 3 x existing shed type buildings, to be used for warehousing and storage, and area of hardstanding on the site of a demolished building, an area of covered, open-sided storage and an area of open storage (at the southern end of the site).

8.2 The southern part of the site is within an area identified by the Environment Agency as being vulnerable to surface water flooding. In addition, circa 40% of the site is classified as Common Land (CL6), at the site's southern end, albeit a sizeable portion of that area has been developed (historic works) and this application does not involve any further development on this part of the site.

Proposed Development

8.3 The planning application seeks permission for the change of use of land and buildings from builders' merchant (*sui generis*) to light industrial (Use Class E[g](iii)), and storage & distribution (Use Class B8) including open storage use.

8.4 No physical changes are proposed to the scale, mass or footprint of the site or associated buildings. The only associated operational development would be the installation of cycle stands on an area of hardstanding.

Consideration

8.5 The key issues in this case are the principle of development; highway considerations; flood risk; the impact on ecology; and the impact on neighbouring amenity.

8.6 With regards to the status of part of the site as Common Land, the Government Guidance relating to such areas sets out that consent is required from the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs to carry out any works that would prevent or impede access to common land or for works for the resurfacing of land. These works could include:

- Putting up new fences;
- Erecting buildings;

- Making ditches or banks;
- Resurfacing the land; and
- Building new solid surfaced roads, paths or car parks.

8.7 In this instance, as the proposal seeks permission for a change of use only, with the installation of cycle stands on existing hardstanding, the above requirement, to apply to the Secretary of State (SoS) at DEFRA, via the Planning Inspectorate, is not engaged. In addition, were any development to include such works as listed, an applicant would need to apply to the SoS irrespective of planning. It is recommended that an informative is included to highlight this separate requirement to the applicant should permission be granted.

8.8 The site is considered to be an existing employment site. In addition, the land is also deemed to be previously developed land. Policy SP43 supports the retention of existing employment sites throughout the National Park. This is in recognition of the need for employment sites to continue to come forward and be actively used within the National Park area to meet identified needs for additional employment floorspace. This is currently achieved through criteria-based policies and windfall employment development, rather than site allocations.

8.9 As the application proposes a change of use, Policy DP44 (Redevelopment of existing employment sites) is also relevant. Policy DP44 permits the redevelopment of established employment sites for industrial, office, business and low-key storage uses will be permitted throughout the National Park where:

- a) there would be minimal additional effect on the visual impact of the site in the landscape, or on the amenities of nearby properties, or on traffic or other disturbances from the site;
- b) where feasible, the redevelopment scheme deals comprehensively with the full extent of the site;
- c) the replacement buildings would be appropriate to their surroundings in terms of scale, design and materials; and
- d) the redevelopment scheme would be contained within the existing site boundary.

8.10 The proposal would comprise a change of use with minimal visual impact of the site in the landscape and relates to the full extent of the site. The existing buildings would be retained and the proposed change of use would be contained within the existing site boundary. The application therefore complies with the key requirements in Policy DP44. The principle of development is considered acceptable subject to accordance with other pertinent elements of the development plan, which are considered in the following paragraphs.

8.11 In relation to highway considerations, National Highways and Wiltshire Council (Highways) have both been consulted. In terms of impacts on the A36, the development site benefits from a direct access

onto Common Road, which connects to the A36 at a priority junction approximately 150m to the south-west. There are no proposals to change the existing site access arrangements. The A36 in this location is single carriageway and subject to the national speed limit. A right turning lane is provided for vehicles turning from the A36 into Common Road and National Highways have commented that there appears to be no collision history associated with the use of the junction. They consider that the proposed uses are unlikely to result in a material change in the number and type of trips arising from the development compared to those that could be generated by the existing use. National Highways therefore considers that the proposed change of use is unlikely to result in an unacceptable or severe impact on the strategic road network in safety or capacity terms, in accordance with the NPPF and DfT Circular 01/2022.

8.12 Wiltshire Council (Highways) have commented that having regard to the former use of the site as a building merchants the access and internal layout are already established and able to accommodate HGVs and other delivery vehicles and have no objection to the proposed car parking or cycle parking provision. Overall, there is no objection from Wiltshire Council (Highways).

8.12 In respect of flood risk, part of the site has been identified as being at potential risk from surface water flooding. A Flood Risk Assessment has been provided and Wiltshire Council Drainage Team have been consulted as Lead Local Flood Authority (LLFA). The drainage team supports the proposal subject to conditions to secure detailed design drawings in respect of drainage and the undertaking of a CCTV survey of the existing drainage network and outfall connections to ensure they are fully functional and working efficiently, with repair undertaken, if necessary, following this. Subject to the conditions recommended by the LLFA, it is concluded that the proposal is acceptable in relation to flood risk impacts.

8.13 In respect of potential impacts on trees and ecology, there is no objection from the Authority's Tree Officer as it is considered that the proposed change of use will not have a detrimental impact on existing tree stock.

8.14 Initial ecological concerns were raised regarding the unauthorised demolition of the building identified as removed, and associated matters regarding potential for a wildlife crime to have been committed have been raised, reviewed and case closed by the relevant authority (Wiltshire Constabulary) prior to issue of this recommendation. The matter relating to the above was the identified loss of a satellite bat roost, removed without the benefit of a licence. This matter has been reviewed by the Wiltshire Constabulary and this is the most appropriate route to assess these matters, rather than through the determination of a subsequent planning application.

8.15 In this instance, following the closure of the matter by the third party investigating, the Authority's Ecologist has stated that there would be no objection subject to the proposals being updated by a suitably competent person on behalf of the applicant, to include recognition of the satellite bat roost being lost without the benefit of a licence and measures being in place, and provide a substantive compensation proposal, to include / deliver replacement opportunities and enhancement of the maternity roost that remains on site. This would be secured by way of a planning condition requiring such mitigation to be identified, detailed and approved prior to the change of use taking place.

8.16 In addition, planning conditions requiring details of external lighting would also be required, knowing the propensity of bats to use the site and surrounds to roost and forage. The provision of such mitigation is necessary for addressing the harm that has been evidenced from previous unauthorised works at the site but would not be harmful to the fundamental acceptability of the proposed change of use. In light of this, subject to such planning conditions, the development would accord with the requirements of Policy SP6. The site comprises of a sealed surface and the proposal comprises a change of use with the installation of cycle parking on areas of hardstanding. The application therefore falls outside of the statutory requirements for BNG.

8.17 There are two residential dwellings to the west of the application site: Holmere House and Holmere bungalow. They are both situated within generous plots. Holmere Bungalow is the closest to the application site, being approximately 20 metres from the application site boundary and 45 metres from the nearest building. In view of these distances, the presence of boundary landscaping, and the fact that the proposed uses are little different in their characteristics to the existing use, it is not considered that the change of use would result in unacceptable adverse impacts on neighbour amenity in accordance with Policy DP2.

Conclusion

8.18 The application site comprises an existing employment site. The adopted local planning policies for the New Forest National Park support the appropriate re-use existing employment sites and this application accords with the main principles of local planning policy. The proposed change of use would comprise an appropriate reuse of the site. The development is capable of being accommodated without adverse impacts on the character and appearance of the surrounding area, highway safety, drainage, trees, ecology and neighbour amenity, subject to conditions and is therefore in accordance with policies of the adopted New Forest National Park Local Plan 2016-2036.

9. RECOMMENDATION

Grant subject to conditions

Condition(s):

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. Development shall only be carried out in accordance with drawing nos: TP.21195-4, TP.21195-5, DR1, DR2, DR3, TP.21195-6, TP.21195-7, TP.21195-8, TP.21195-9.

No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

3. Prior to commencement of development, the condition of the existing outfall connections which will take surface water from the development site, should be investigated and reported to the National Park Authority. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken prior to development above slab level and before any connection is made.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

4. No development shall begin until a detailed surface water drainage scheme for the site, has been submitted to an approved in writing by the Local Planning Authority. The submitted details should include: a. A technical summary b. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations. c. Evidence to show how the surface water system will be protected against groundwater ingress. d. Exceedence plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria. e. Details for the long-term maintenance arrangements for the surface water drainage scheme.

Development shall take place in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

5. Prior to occupation of the buildings as detailed in this planning application, details of ecological compensation and enhancement measures, including for bat species, informed by a competent ecological professional shall be submitted to, and agreed by, the Local Planning Authority. Design should ensure bats are not exposed to contact with breathable membrane. Measures should be implemented prior to occupation and maintained thereafter in accordance with the details.

Reason: to ensure suitable ecological mitigation is delivered and secured, and to accord with the requirements of Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

6. Within three months of the completion of the development, the ecological mitigation and enhancement measures shall be inspected by the Ecologist to ensure that they are functional and in accordance with the requirements of the submitted reports. Written confirmation of these measures shall be provided to the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

7. The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented.

These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019) and Section 9 of the National Planning Policy Framework.

8. A scheme for the parking of cycles shall be submitted to and approved in writing by the National Park Authority and completed prior to the development being first occupied.

The spaces shall be retained and kept available for their intended purpose at all times.

Reason: To ensure adequate parking provision is made in the interests of highway safety and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019), Section 9 of the National Planning Policy Framework and the Development Standards SPD.

9. No activity shall take place on the site in connection with the approved use other than between the hours of 07.30 and 17.00 Monday to Fridays, and 08.00 and 12.00 Saturdays, not including recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019)

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020 and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactments thereof, the buildings the subject of this permission shall be used for the purposes of Class E (g)(iii) and B8 and for no other use purposes whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 2020 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: The application has been made, and the proposal supported, on the basis of the use of the buildings as permitted being appropriate for their setting in accordance with Policies DP2 and DP44 of the New Forest National Park Local Plan 2016-2036 (August 2019).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions, alterations and hard surfaces otherwise approved by Classes A, E, H, and J of Part 7 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

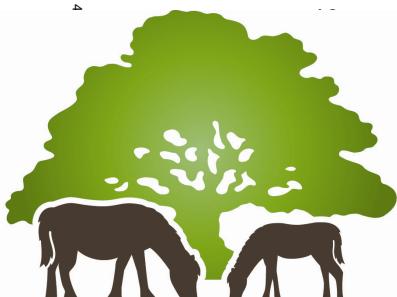
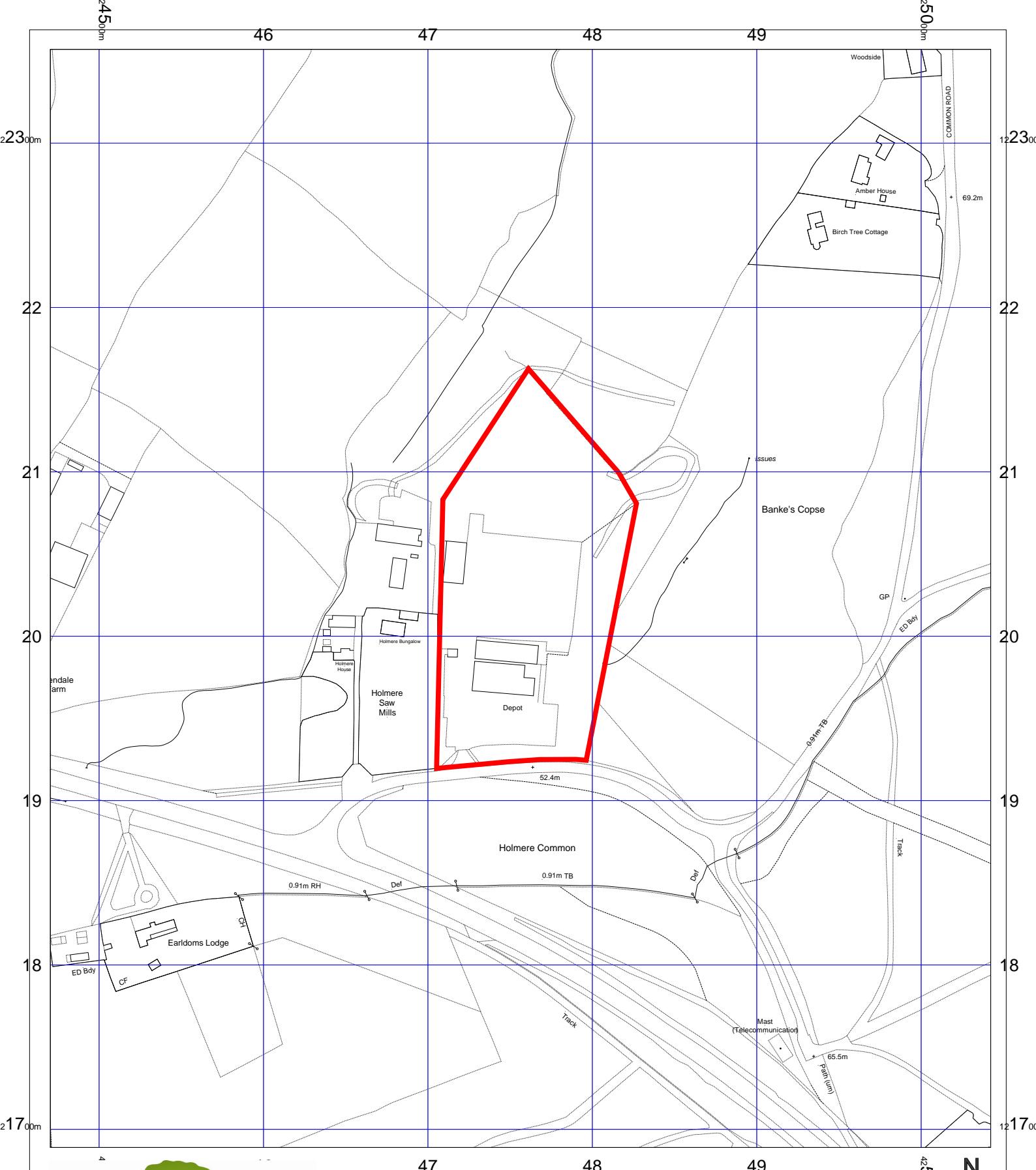
Reason: In view of the physical characteristics of the plot, the New Forest National Park Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy DP2 and SP17 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

12. No external lighting No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

Informative(s):

1. For the avoidance of doubt, it should be noted that this consent relates solely to the change of use of the premises and parking provision and does not infer any permission for works to the exterior of the building, that would require consent in their own right.
2. Please note that part of the site is designated as Common Land. Separate consent would be required from the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs for any future works which would impact on access to common land or for works for the resurfacing of land.

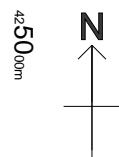


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24/01043FULL



NEW FOREST
NATIONAL PARK

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PC 496/25

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING –16 September 2025

PLANNING APPEAL DECISIONS

Report by: David Illsley - Interim Head of Planning and Place

1. Summary:

1.1 The following Planning Appeal decisions are attached as Annex 1 to this report:

- **Appeal Ref: APP/B9506/W/25/3362994** New Forest Care, Chinham Road, Bartley, Hampshire SO40 2LF
This appeal has been Dismissed.
- **Appeal Ref: APP/B9506/X/24/3347277** Shirley, Bartley Road, Woodlands, Southampton, SO40 7GQ -
This appeal has been Dismissed.

RECOMMENDATION

To note the Planning Appeal decisions.

Contact: David Illsley - Interim Head of Planning and Place

David.illsley@newforestnpa.gov.uk

Papers: PC 496/25

PC 496/25 Annex 1

Planning Appeal decisions Equality Impact Assessment: There are no equality and diversity implications arising from this report.

Resources: None



Appeal Decision

Site visit made on 26 June 2025

by O Tresise MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/B9506/W/25/3362994

New Forest Care, Chinhamb Road, Bartley, Hampshire SO40 2LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr M Fry of New Forest Care Ltd against the decision of New Forest National Park Authority.
- The application Ref is 24/01085FULL.
- The development proposed is the change of use from E to C3 in existing mixed use building; removal of existing door and window and installation of new door and window.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with local policies which seek to limit the scale of extensions to rural dwellings, with particular regard to the effect of the proposed development on the range and mix of housing stock available and the landscape and scenic beauty of the New Forest National Park.

Reasons

3. The appeal site comprises of a two-storey building, located near the junction of Chinhamb Road and Bourne Road. The building is currently used as an office and a residential dwelling providing supported housing for children. The site is located outside the 'Defined Villages' of the New Forest National Park (NFPN).
4. Policy DP36 of the New Forest National Park Local Plan 2016-2036 Adopted August 2019 (NFPN Local Plan) restricts the enlargement of existing dwellings. For larger dwellings outside the Defined Villages an extension must not increase the floorspace of the existing dwelling by more than 30%. The supporting text to the policy indicates that extensions can over time cause an imbalance in the range and mix of housing stock available and affect the locally distinctive character of the built environment of the New Forest.
5. For the purpose of this policy, existing dwelling means the dwelling as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if the residential use post dates 1982.
6. The evidence indicates that the building was in residential use in 1982, and the appellant provides residential floorspace figures for the building at that time. The property appears to have been subsequently used for mixed use comprising

residential with a restaurant/café to part of the ground floor. Planning applications in 2004 provided further information on floorspaces and uses. However, planning permission for use of the building as a residential dwelling and office was granted in 2008 (planning application ref 07/92345). There is no suggestion that this was not implemented and therefore the existing dwelling was established upon implementation of that permission.

7. The proposal would change part of the office space to provide an additional four rooms for the existing dwelling, enlarging the floor area of the residential property from around 142sqm to around 211sqm. Whilst Policy DP36 does not refer to conversions, the appeal scheme would extend the floorspace of the existing house by over 48%, significantly in excess of the 30% allowed by the policy. This would lead to the permanent loss of a smaller sized dwelling outside the Defined Villages to the detriment of maintaining a mixed housing stock.
8. The appellant states that the policy wording and the supporting text does not make reference to conversions of existing floor space to residential use or to the reversion of commercial floorspace that was originally residential back to residential use in the definition of an 'extension'. However, the purposes of Policy DP36 of the NFN Local Plan are clearly set out in paragraph 7.79, and the aims of such policy are to strike an appropriate balance between meeting changes in householder requirements and maintaining a stock of smaller size dwellings in the area.
9. I appreciate that the proposal would provide residential accommodation and allow the appellant's business to develop. However, it does not within the circumstances allowed by Policy DP36 of the NFN Local Plan.
10. My attention has been drawn to the approved schemes¹ at East Boldre Post Office, Post House in Pilley, and Bashley Post Office and Stores. All of these schemes involved a change of use, enlarging existing dwellings beyond the 30% limit. These cases included a non-designated heritage asset and restoring the character of a building but there is limited other information outlining the full circumstances under which they were approved. Therefore, I cannot draw any direct comparison with the appeal proposal.
11. I acknowledge a recent High Court judgment² concerning Policy DP36 of the NFN Local Plan. However, that case related to an extension of a cottage from two to three bedrooms and the appellant had provided information on sizes and prices of houses in the local area. In that case, in allowing the appeal the Inspector had found that the proposal would not alter its status as a mid-range property in terms of its floorspace and price in its local context and the judge had found that the Inspector had not misdirected himself on Policy DP36. In contrast, the appeal proposal would increase the existing dwelling by four rooms and there is no substantive evidence before me that it would not harmfully affect the stock of smaller sized dwellings in the area.
12. The appeal site is within the New Forest National Park (NFN). Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended) (the Act) requires me to seek to further the purposes specified in section 5(1) of the Act.

¹ 23/01507/FULL at East Boldre Post Office, 22/00511 at Post House in Pilley, 14/00938 at Bashley Post Office and Stores

² New Forest National Park Authority v Secretary of State for Housing, Communities and Local Government and Mr Simon Lillington [2025] EWHC 726 (Admin)

This includes the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. Paragraph 189 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park.

13. The appeal proposal would involve a number of changes to the interior of the building, and altering the openings on the single storey projection to provide new patio doors and a window. As these changes would be modest in scale compared to the overall size of the existing structure, they would not harm the character and appearance of the building nor result in an unacceptable suburbanising effect in the area.
14. I therefore find that, whilst the proposal would conserve the natural beauty, wildlife and cultural heritage of the National Park, it would result in the permanent loss of one smaller sized dwelling, thereby reducing the range and availability of housing stock in the area.
15. It follows that the proposal would undermine the aims of Policy DP36 of NFNP Local Plan. Taking all of the above into account, I find that the proposed development would conflict with the development plan when read as a whole.

Other Matters

16. The appeal site is located within the Forest North East Conservation Area (FNECA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
17. The Forest North East Conservation Area Character Appraisal states that Bartley was predominantly formed by the linear settlement along Chincham Road, which developed largely in the late 19th century and early 20th century. Whilst there are no listed buildings within this character area, a number of unlisted buildings have been identified as being of local, vernacular or cultural interest. The roadside boundaries to the plots are predominantly hedge.
18. Insofar as it relates to this appeal, the significance of the FNECA stems from its historic integrity and architectural quality. Bearing in mind the nature and the modest scale of the proposed external alterations, the appeal scheme would not interfere or detract from the architectural qualities of the built form. Therefore, the character and appearance of the FNECA as a whole would be preserved.
19. The Authority did not find harm or development plan conflict in relation to several other matters, including partial loss of existing office space, living conditions, highway safety and parking. However, even if I were to agree with the Authority on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
20. The appellant queried about the consultation process. However, the Authority's Officer report has clearly explained how the policy applied to the proposal. Therefore, this matter does not change my conclusion on the main issues.

Conclusion

21. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

O Tresise

INSPECTOR



Appeal Decision

by **Elizabeth Jones BSc (Hons) MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/B9506/X/24/3347277

Shirley, Bartley Road, Woodlands, Southampton, Hants, SO40 7GQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Nick Lake against the decision of New Forest National Park Authority.
- The application ref 23/01489LDCP, dated 1 November 2023, was refused by notice dated 17 May 2024.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
- The development for which a certificate of lawful use or development is sought is proposed porch and rear extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I consider that this appeal can be determined without a site visit without causing injustice to any party. This is because I have been able to reach a decision based on the documentary evidence submitted.
3. In an LDC appeal, the planning merits are not relevant. My decision rests on the application of relevant planning law and judicial authority to the facts of the case.

Planning History

4. Planning permission was granted on 22 October 1991 (Ref: NFDC/91/47834) for "Erect house with integral garage (demolish extg bungalow)" subject to conditions. Condition one states, "Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 no extension shall be erected onto the approved house without the prior express permission of the Local Planning Authority" (hereafter referred to as the 1991 permission). The reason for this condition was "further additions are likely to unacceptably increase the impact the dwelling has on its rural surroundings in comparison with the modest bungalow which presently exists on the site."
5. On 23 January 1992, the Council wrote (Ref: DRS/JT/MMP/47834) indicating it had no objection to the repositioning of a bedroom wall and the insertion of a window, saying "these minor amendments may be construed as complying with the planning consent."
6. Planning permission (Ref: NFDC/90/40688) was refused and later dismissed on appeal in March 1991 for the erection of a house and attached double garage.

Main Issue

7. The main issue is whether the Council's decision to refuse to grant a lawful development certificate was well founded.

Reasons

8. The appeal relates to a detached dwelling. The Council contends that the proposed LDC development would not be permitted development (PD) because of condition one imposed on the 1991 permission.
9. There is no dispute that the appeal dwelling was not built entirely in accordance with the 1991 permission. A condition removing permitted development rights would only take effect once the permission is implemented. Accordingly, it is argued that the 1991 permission has not been implemented, and its conditions therefore do not apply to the appeal dwelling.
10. In relation to size, there is no dispute that the overall ridge height of the dwelling is increased from 8 metres to 8.8 metres, the width is increased from 10.8 metres to 11.1 metres, the depth is increased from 7.9 metres to 9.15 metres, the rear projection extends approximately 90cm further, the ridge height of the rear projection is increased from 7.45 metres to 8.2 metres, the height of the front porch is increased from 3.4 metres to 3.8 metres and its width is increased from 1.9 metres to 2.5 metres. The chimney height has been increased from 8.6 metres to 10.4 metres. In addition, other alterations include insertion of two roof lights and the removal of one door on the east elevation, the insertion of a hexagonal window on the southern gable end, two small windows and one door on the south elevation, and one small window inserted to the ground floor north elevation. Also, a loft conversion has been carried out. Furthermore, albeit mentioned in the description of development, no integral garage has been built and did not form part of the original drawings.
11. The appellant has drawn my attention to two appeal decisions, the first appeal decision, reference APP/B9506/X/13/2203144 relates to a site in Fordingbridge. This was an LDC appeal concerning a bungalow that was not built entirely in accordance with the approved plans. In their decision the Inspector refers to case law, Sage v Secretary of State for Environment, Transport & Regions, and Maidstone BC [2003] UKHL 22, & Copeland BC v Secretary of State for the Environment [1976] JPL 304. The case of Sage primarily relates to whether a building is 'substantially complete'. The Inspector using a quote from Sage concluded that this was "an unusual case" and the works carried out were unauthorised development which had become lawful over the passage of time because what was built was a "material departure" from the approved planning permission. The Inspector concluded therefore that the conditions imposed on the original planning permission were of no effect. The second appeal decision, reference APP/F2605/X/15/3132833 was also an LDC appeal concerning a dwelling house not built in accordance with the approved plans. The Inspector concluded that what was built, although different, was not materially different to the planning permission. Whilst I do not have the full details of these appeals before me, these cases are for different developments which were assessed on the particular facts and site-specific circumstances; thus, they are not directly comparable with the appeal before me.

12. The courts have determined that when considering discrepancies in implementing planning permissions, the decision maker must be satisfied that the differences are not material. The question of materiality is a matter of fact and degree. In this particular case, the Council considered whether the differences were material and reached the planning judgement that they were not. There is no breach where differences between the approved and 'as built' development fall within the normal tolerances and minor variations inherent in their layout and construction.
13. I have considered the submissions from both parties regarding Section 73 and Section 96 of the 1990 Act both of which are ways to amend planning permissions, but they differ in scope of the changes they allow. Section 73 allows for amending or removing conditions attached to a planning permission, resulting in a new planning permission that is separate from the original. Although the 1991 permission refers to the development being carried out in accordance with the plans submitted with the application there is no specific plan condition attached to the decision notice. Section 96A allows for non-material amendments to a planning permission, meaning minor changes that do not alter the fundamental nature of the development and does not create a new planning permission. The changes must not be material.
14. I note the argument that having refused planning permission for a dwelling of 230m² (reference: NFDC/90/40688), the Council would likely have refused the resultant increase of 61.92m² floorspace for the appeal dwelling. Whilst I do not have the full details of this planning refusal before me, the increase of 61.92m² includes a loft conversion and thus is not directly comparable with the overall size of the previously refused application.
15. Notwithstanding, the differences between the approved plans and the operations carried out, I consider as a matter of fact and degree and on the balance of probability, that what has been built is not substantially different from what was permitted. The house as constructed is readily recognisable as that permitted and any reasonable person looking at the plans and building that was constructed would conclude that the building is that approved. Thus, I conclude that the 1991 permission has been implemented. Consequently, the conditions imposed on the 1991 permission continue to have effect. The proposed porch and rear extension would not be PD because of condition one imposed on the 1991 permission.

Conclusion

16. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a proposed porch and rear extension in respect of Shirley, Bartley Road, Woodlands, Southampton, Hants, SO40 7GQ was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Elizabeth Jones

INSPECTOR

Current Live Appeals (Planning, Enforcement and Trees)

Date Received	Case Reference	Address	Procedure	Level of Decision	Current Status
10/01/2023	19/0321	Land at Vernon Dene Ringwood Road North Ripley Bransgore BH23 8EL	Inquiry	Delegated	Awaiting Environmental Impact Assessment
30/08/2023	QU/21/0165	Land adjacent Swan Green Cottages Northerwood Avenue Lyndhurst SO43 7DU	Written representations	Delegated	Awaiting Decision
16/04/2024	24/0017/EC	Adjacent Rectory Cottage, Plot known as 'Kensington Lodge', Main Road, Dibden, Southampton, SO45 5TD	Written Representations	Delegated	Awaiting Decision
09/04/2024	QU/22/0067	DUCK HILL FARM, NEWBRIDGE, CADNAM, SO40 2NW	Written Representations	Delegated	Awaiting Decision
10/06/2024	23/0092/EC	153 Forest Corner, WOODLANDS ROAD, ASHURST, SOUTHAMPTON, SO40 7BH	Written Representations	Delegated	Awaiting Decision
09/09/2024	23/01472LDCE	Riverside Yard, Land West of former Riverside Nursery, Romsey Road, Ower, SO51 6AF	Written Representation	Delegated	Awaiting Decision
23/10/2024	24/00464LDCE	Little Bourne, Off Balmer Lawn Road, Brockenhurst, SO42 7TS	Written Representation	Delegated	Awaiting Decision
05/01/2025	QU/21/0053	DALE FARM, MANOR ROAD, DIBDEN, SOUTHAMPTON, SO45 5TJ	Written Representations	Delegated	Awaiting Decision

22/01/2025	24/01153LDCP	Stonnard Cottage (Oakfields) Stoney Cross Plain Road Stoney Cross SO43 7GP	Written Representations	Delegated	Awaiting Decision
31/01/2025	24/0164/EC	Nestledown Lodge Drove Woodfalls Salisbury SP5 2NH	Written Representations	Delegated	Awaiting Decision
09/06/2025	25/00064/FULL	Land adjacent Dene Lodge, VAGGS LANE, HORDLE, LYMINGTON, SO41 0FP	Written Representations	Delegated	Awaiting Decision
09/06/2025	25/00390PN	Dene Lodge, VAGGS LANE, HORDLE, LYMINGTON, SO41 0FP	Written Representations	Delegated	Awaiting Decision
30/06/2025	25/00422FULL	HOMESTEAD COTTAGE, MAIN ROAD, EAST BOLDRE, BROCKENHURST, SO42 7WT	Written Representations (Fast Track)	Delegated	Awaiting Decision
04/08/2025	24/00976FULL	Silverlea Wood Farm, Flexford Lane, Sway, SO41 6DN	Written Representations	Delegated	Statement Due 17/09/25
13/08/2025	25/00187FULL	West Cottage, Manchester Road, Sway, Lymington SO41 6AS	Written Representations (Fast Track)	Delegated	Awaiting Decision

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