

Application No: 25/00535FULL Full Application

Site: Land Opposite Manor Farm, South Of Manor Road, Dibden
SO45 5TJ

Proposal: Retention and completion of agricultural barn; cladding

Applicant: Ms S Mills

Case Officer: Julie Blake

Parish: Hythe and Dibden Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Called-in by National Park Authority member.

2. POLICIES

Principal Development Plan Policies

Policy SP1 Supporting sustainable development
Policy DP2 General development principles
Policy SP4 Spatial strategy
Policy SP6 The natural environment
Policy SP7 Landscape character
Policy SP15 Tranquillity
Policy SP17 Local distinctiveness
Policy DP18 Design principles
Policy SP42 Business and employment development
Policy SP48 The land-based economy
Policy DP50 Agricultural and forestry buildings
Policy SP55 Access

Hythe & Dibden Neighbourhood Plan – ‘made’ December 2019

Supplementary Planning Documents

Design Guide (2022)

National Planning Policy Framework (2024) (NPPF)

Sec 2 - Achieving sustainable development
Sec 4 - Decision-making
Sec 6 - Building a strong, competitive economy
Sec 12 - Achieving well-designed places

Sec 14 - Meeting the challenge of climate change, flooding and coastal change

Sec 15 - Conserving and enhancing the natural environment

3. MEMBER COMMENTS

None received (the application has been referred to Committee by a National Park Authority member / New Forest District / Hampshire County councillor).

4. PARISH COUNCIL COMMENTS

Hythe and Dibden Parish Council: Recommend permission.

5. CONSULTEES

Ecologist: Comments:

- Minded the application is exempt from statutory BNG due to its retrospective nature.
- Direct effects on the New Forest designated sites are unlikely due to distance and intervening features and subject to drainage being considered and provided by a built soakaway no adverse impacts upon the water environment are likely to arise.
- The development does not compromise priority grassland habitat.
- The views of the Tree Officer should be sought.
- Given the retrospective nature of the development any impacts upon protected species are likely to have already occurred.
- Policy accordance and the Authority's own duties could be demonstrated via an informative relating to reasonable avoidance measures for further stages of cladding work (in the even permission is granted).
- Recommend a restriction on external lighting to ensure due regard to wildlife and dark skies.
- Biodiversity enhancements should be secured to enable the proposal to be policy compliant.
- Concern that existing lighting causes substantive light pollution.
- Recommend at minimum the light fixture is conditioned to be angled so as not to result on spill beyond the surfaced area with PIR.
- Ideally lighting should be replaced with a warmer (below 3000 K) and lower powered lamp, and more shrouded light fitting.

Building Design and Conservation Officer: Unable to support:

- Unusual / non-traditional design.
- Inappropriate roofing material.

- The larch cladding is acceptable, although oak or elm would be preferable.
- In relation to The Old Manor, the barn is badly located with no screening.
- Some intervisibility between the barn and The Old Manor in the winter months.
- Should be sited elsewhere on the site to take advantage of better screening.
- Will cause less than substantial harm to the Listed Building via a negative change within its setting.

Tree Officer: No objections on tree grounds:

- There does not appear to have been any significant damage caused and the additional cladding will have no further impact.

6. REPRESENTATIONS

Cllr Malcolm Wade (NPA member, NFDC councillor, HCC councillor):
Objection raised and requests that the application should go to Planning Committee:

- The development is not designed as an agricultural barn.
- Light pollution.

One third party comment received raising the following concerns:

- The land is not in use for agriculture.
- Insufficient land to provide adequate grazing.
- Hardsurfacing and roof canopy will add to overall development footprint.
- It is unclear how rainwater harvesting will be achieved.
- The development is readily visible from the road and from neighbouring properties.
- Significant increase in vehicular activity.
- Harmful light intrusion.

7. RELEVANT HISTORY

No relevant planning history.

8. ASSESSMENT

Application Site

8.1 The Application Site (approximately 400 square metres in size) comprises a parcel of land located in the north-east corner of a wider parcel of grazing land which falls within the same ownership (approximately 1.6 hectares in total). It lies close to the junction between Manor Road and the A326 (which lies approximately

35 metres to the east). The site is accessed directly from Manor Road, which is an adopted (unclassified) highway and a public right of way (byway open to all traffic). The site is not directly adjoined by any residential properties, although Old Manor (a Grade II listed dwelling) lies directly opposite the site (to the north across Manor Road).

8.2 The immediate locality is predominantly rural in character and for the purposes of planning policy is located in open countryside.

Proposed Development

8.3 Consent is sought to retain and complete a building which has been introduced to the site. The final design as proposed indicates that the building would be partially open sided and would occupy an overall external footprint of approximately 130 square metres. The overall height would measure 3.5 metres. The building has a flat roof and contains two shipping containers. An area of hardsurfacing (scalpings) has also been introduced in association with the development.

8.4 Information which accompanies the application indicates that the building and the wider site is used in association with animal rescues by a charity (All Animal Rescue). It is stated that it is not a centre that is open to the public.

Consideration

Development Principle

8.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.6 Policy SP4 sets out the Spatial Strategy for the New Forest National Park and seeks to direct new development towards to the defined New Forest Villages (alongside site allocations) in the first instance. As identified above, the site does not lie within a settlement or within a site allocation. In such instances Policy SP4 states that development will only be permitted where:

- a. it is in accordance with Policy SP28 on Rural Exception Sites; or
- b. it is in accordance with Policy DP44 on employment sites; or
- c. there is an essential need for a countryside location; or
- d. it meets the specific locational needs for commoners, Estate Workers or agricultural dwellings; or
- e. it is an appropriate reuse or redevelopment of an existing building(s) in accordance with Policy DP49.

8.7 In this instance, the proposed development does not relate to a Rural Exception Site, does not relate to an existing employment site, does not involve the re-use of an existing building and is not required to meet the specific locational needs for commoners, Estate Workers or agricultural dwellings.

8.8 It is recognised that the Applicant makes the case that the development is required in connection with an agricultural use.

8.9 The definition of 'agriculture' within the Town and Country Planning Act 1990:

"...includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly"

8.10 As identified in third party comments, the keeping of rescue animals is not considered to be an agricultural use. There is no evidence to determine that these animals are livestock, that they help farm the land, or that there are any byproducts produced (fur/meat). For these reasons, Policy DP50 is not directly relevant to this proposal.

8.11 However, it is recognised (in having regard to criterion c of Policy SP4) that in open countryside an assessment has to be made as to how far rural restraint policies should be relaxed to accommodate uses for which there is no agricultural justification and for which varying degrees of need for a countryside location may be advanced. In urban areas, concerns relating to neighbour amenity protection may be raised, centred on assessments of how far it is reasonable for animals to be permitted to be kept in private gardens to the possible detriment of the living conditions of others. In this instance, it is considered that the nature of the use (which primarily involves the keeping and grazing of animals on the land) is one which requires a countryside location. Specifically, this is in recognition of the fact that the 2.5 hectares of land are stated to be grazed by the Applicant's various animals comprising a mix of pigs, horses, goats. The nature of this use and the land it requires is such that it could not reasonably take place within a built-up area. Having regard to this, alongside the fact that the building provides storage associated with the grazing use and relates directly to the welfare stock on the site, it is concluded that the general principle of the development in this case is established through Policy SP4. A further consideration is that the proposal relates to a grazing use and that it would therefore maintain the supply of grazing land in accordance with the objectives contained within Policy SP48 (the Land Based Economy).

8.12 Overall, it is concluded that the general principle of the proposed development is established through Policies SP4 and SP48.

Character and Landscape

8.13 As identified within third party comments, the development is readily visible from the highway and public right of way. However, it is considered that its siting enables it to relate well to established boundary treatments which in turn avoids

significant encroachment across the open fields to the south. The building has a simple, functional form, partially open design, and the use of timber cladding ensures it largely reflects the character of agricultural and equestrian development which are typically seen in the open countryside. Its overall size and scale are proportionate to the use it facilitates, and it is therefore concluded that it does not undermine the local distinctiveness of the area and is appropriate and sympathetic in terms of scale, appearance, form, siting, materials and layout. In this regard, the proposal is therefore considered to meet the requirements of Policies SP1, DP2 and DP18.

8.14 In this instance, the proposal (which has resulted in the introduction of hardsurfacing) does not incorporate any form of landscape enhancement. Policy SP7 requires landscape schemes to reinforce local landscape character and states that, where planting is appropriate, this should be consistent with local character and that native species are used. In this instance, it is therefore considered necessary to include conditions securing landscape enhancements in the event that consent is forthcoming.

8.15 It is recognised that concerns have been raised in relation to external lighting and further clarification on this issue has been sought from the agent in relation to this. It has been established that the lights currently mounted on the containers would become internal once the cladding has been completed. The Agent has agreed to a condition ensuring the cladding would be implemented within full within four months of the date of planning consent. Whilst the light on the south-east elevation, adjacent to the main opening to the building would be visible from the exterior, the agent has agreed to this light being replaced with a more sensitive specification. This would also be secured through conditions. Once the development is complete this would be the only external light and no lighting would be orientated directly towards the highway or neighbouring properties. On this basis, it is concluded that, subject to appropriate conditions, the development would not give rise to a harmful loss of tranquillity as a result of excessive light pollution and would accord with Policy SP15 of the adopted Local Plan.

8.16 Overall, it is concluded that (having regard to the above assessment and the scope to secure an appropriate landscaping scheme) the development design would be sensitive to its surroundings as required by paragraph 89 of the NPPF and Policies SP1, SP7, SP15, DP2 and DP18 of the adopted Local Plan.

Natural Features / Trees

8.17 The development and hardsurfacing has been undertaken directly within the root protection area of number of trees which are considered to be of significant amenity value and the comments from the Tree Officer have therefore been sought. The advice received indicates that whilst there are two medium size Oak tree growing adjacent and overhanging the development, there does not appear to have been any significant damage caused and the additional cladding will have no further impact. On this basis, there are no arboricultural objections to the proposed development.

Historic Environment

8.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and this is reflected in Policy SP16 of the adopted Local Plan.

8.19 Paragraph 202 of the NPPF sets out that heritage assets including sites and buildings of local historic are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy SP16 of the Local Plan provides stronger heritage protection than the national policy framework, requiring that development within the national park should conserve and enhance the significance or special interest of designated or non-designated heritage assets, i.e. they: (a)(iii) make a positive contribution to, or better reveal, or enhance the appreciation of, the significance or special interest of a heritage asset or its setting; and (iv) help secure the long-term conservation of a heritage asset. Proposals will be resisted where they would harm the significance or special interest of a heritage asset (designated or undesignated) unless any harm is outweighed by the public benefits of the proposal, proportionate to the degree of harm and significance of the asset, including securing its optimum viable use.

8.20 As identified above, Old Manor (a Grade II listed dwelling) lies to the north of the site. There is a distance of approximately 30 metres between the application site and this designation.

8.21 It is recognised that the Building Design and Conservation Officer refers to the building as having an unusual design, specifically its small size, flat roof and open sided form (alongside the concern that it deviates from a typical traditional barn design). Concern is also raised that there would be intervisibility between the listed building and the development. However, the partially open side design (on the elevation which faces into the field) is considered to ensure a relatively lightweight / transient form which is typical of many haybarns and field shelters which feature in rural landscapes and this is not in itself considered to be a negative characteristic of the development. Similarly, the flat roof and simple, functional form would ensure an appearance which is reflective of the building's general purpose (i.e. to facilitate a grazing use). The agent has advised that the containers would be required for security purposes and also these will not be readily visible once the building is complete.

8.22 Whilst the Conservation Officer makes reference to the fact that the field boundaries across the wider land benefit from more substantial screening, to locate the development towards these parts of the wider land and away from the access would bring about the need to introduce additional access tracks and associated activity which would cumulatively give rise to further landscape harm.

8.23 Whilst there is intervisibility between the development and the listed building to the north-west, this is predominantly limited to filtered views across Manor Road. Furthermore, the development itself does not prominently feature within the foreground /background to the listed building when experienced from public views.

8.24 The Conservation Officer also refers to the plastic roofing materials proposed. However, this issue has been raised with the agent, and an alternative roof specification has now been agreed (galvanised steel Box Profile Sheeting finished in green). The Conservation Officer considers the cladding to be acceptable. Accordingly, conditions would be imposed to ensure the alternative roofing would be applied within a specified timeframe.

8.25 On the basis of the above assessment, it is concluded that the proposal would adequately preserve the setting and significance of adjacent listed buildings as required by Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990), paragraph 212 of the NPPF and Policy SP16.

Amenity

8.26 It is recognised that third party concerns have been raised in relation to visual / light intrusion impacting upon the occupants of neighbouring properties. Policy DP2 states that development should not result in unacceptable adverse impacts on amenity in terms of additional impacts, visual intrusion, overlooking or shading, or adverse impacts associated with noise or light pollution.

8.27 There are no residential properties which directly adjoin the site and there is a distance of at least 30 metres between the nearest dwellings (which are separated from the site by Manor Road and its associated roadside vegetation). Furthermore, views towards the development from neighbouring properties would largely be limited to areas from their front driveways and gardens. It should also be recognised that the fact that a development is visible would not in itself demonstrate harm in the absence of any detriment to the living conditions of neighbouring residents. Furthermore, as identified above, once the development is complete, the only single light source would be located on the field-facing elevation.

8.28 Having regard to these considerations along with the siting, orientation and overall size of the proposal, it is concluded that the development does not give rise to significant additional impacts, from visual intrusion, overlooking or shading.

8.29 Having regard to the scope to control external lighting through conditions and the fact that the use is not one which involves visits from members of the public, it is considered that impacts associated with vehicular activity and light intrusion would not be unacceptably harmful in this instance.

Highways

8.30 There is no set parking standard for the type of development under consideration. However, the layout of the development ensures that there is sufficient space to park at least one vehicle and a trailer off the highway which is

considered acceptable given that the use does not relate to any form of commercial activity. It is recognised that third parties raise concerns that a new access has been created without planning permission. The existing access has not been scoped into the current application. However, clarification has been sought from the Applicant with regards to its status. It has subsequently been confirmed that whilst new gates have been introduced within the site, no new vehicular access has been created.

8.31 It is concluded that subject to conditions ensuring the use would remain associated with the grazing of animals on the land (with no visiting public) the proposal would not give rise to a significant or harmful increase in vehicular activity to and from the site. On this basis, it is concluded that the development is not in conflict with Policy DP2 in this regard.

Ecology

8.32 Policy SP6 requires proposals to protect, maintain and enhance nationally, regionally and locally important sites and features of the natural environment, including habitats and species of biodiversity importance.

8.33 Due to the distance between the development and the open forest, the presence of intervening features and the absence of any potential pathways between the site and the designated nature conservation sites, no significant adverse impacts are anticipated. Furthermore, the proposed development would not involve any additional overnight accommodation, would not necessitate the provision of connections to the foul water drainage network and would therefore not increase nutrient load on the Solent water environment. The development also would not materially increase recreational pressure upon these designations. Therefore, the development would not cause a significant effect upon the Solent European Sites protected as Special Protection Area and Special Area of Conservation under European law and it is not necessary to undertake an Appropriate Assessment in this instance.

8.34 With regards to local ecological interests, the Authority's Ecologist advises that an analysis of national desktop mapping sources suggests the development does not compromise priority grassland habitat. Given the retrospective nature of the application, it is likely that any potential harm to priority or protected species would have already taken place and the further works now proposed are unlikely to give rise to any further harm. Therefore, subject to controls ensuring no adverse external lighting is introduced on site, no significant further harm to other protected species is anticipated.

8.35 In relation to biodiversity net gain (BNG), the application is part retrospective, and the development is sited on scalplings or bare ground surface. On this basis, it is considered that the development would be exempt from mandatory BNG.

8.36 However, there is still a policy basis in Planning Practice Guidance and Policy SP6 for securing wildlife enhancements. In the event that consent is

granted, it would be appropriate to secure proportionate enhancements on site through conditions.

Flood Risk and Drainage

8.37 With regards to flood risk and surface drainage considerations, the application site does not lie within a designated flood zone. In accordance with Policy SP11 it therefore avoids development in areas at highest risk of flooding. Whilst the development does introduce an increase in built form with the scope to increase surface runoff, such impacts would not be materially harmful having regard to the overall scale of the development. The nature of the development (which would not be an occupied building) is such that it does not require any specific measures to ensure resilience to the impacts of climate change.

Conclusion

8.38 Overall, it is concluded that, in accordance with Policy SP4, the development and the use it facilitates is one which has an essential need for a countryside location. It has also been established that the proposal also does not conflict with the objectives of Policy SP48 in relation to maintaining an adequate supply of grazing land. The development design is considered to be largely characteristic of the established pattern of development in the area, and that it avoids significant harmful impacts upon the local environment, having regard to local amenity, built heritage, ecology, trees and the water environment.

8.39 Subject to ensuring the use remains limited to the private grazing on the land (with no visiting public) no significant highway impacts are anticipated.

8.40 In accordance with Policies SP6 and DP2, the proposal would therefore adequately conserve the natural beauty, wildlife and cultural heritage of the National Park and its special qualities and it is therefore recommended that planning permission should be granted subject to conditions.

9. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

1. Development shall only be carried out in accordance with the following plans:

TQRQM25127120325177- Location Plan
DR2- Block Plan
022 Rev A- Site/ Floorplan Proposed
031 Rev A- All Elevations Proposed
023 Proposed Roof 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).

2. Within two months of the date of this decision 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:
 - (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.
 - (f) timetable for implementation

Development shall be carried out fully in accordance with the details as approved and shall be implemented fully in accordance with the agreed timeframe.

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).

3. Within two months of the date of this decision, measures for ecological mitigation and enhancement (including timescales for implementing these measures) shall be submitted to and approved in writing by the National Park Authority. The measures thereby approved 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).

4. No external lighting shall be installed on the building 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).

5. The external facing roofing materials to be used in the development shall be metal box profile sheeting in dark green 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).

6. The building the subject of this permission shall only be used for the purposes of the grazing activity on the site and shall not be used for any commercial use or for any use involving visiting public.

Reason: The introduction of a non-agricultural commercial use in this location would cause harm by reason of increased activity and pressure on the National Park and this would be contrary to Policy DP52 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

7. Within four months of the date of this decision:

- All external cladding and roofing as identified in Drawing Numbers 022A and 031A shall be completed fully in accordance with those details

- Light 4 as identified on Drawing 031A and 022A shall be replaced with an alternative light, the position and specification for which shall have been previously agreed in writing by the Local Planning Authority.

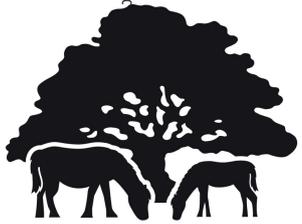
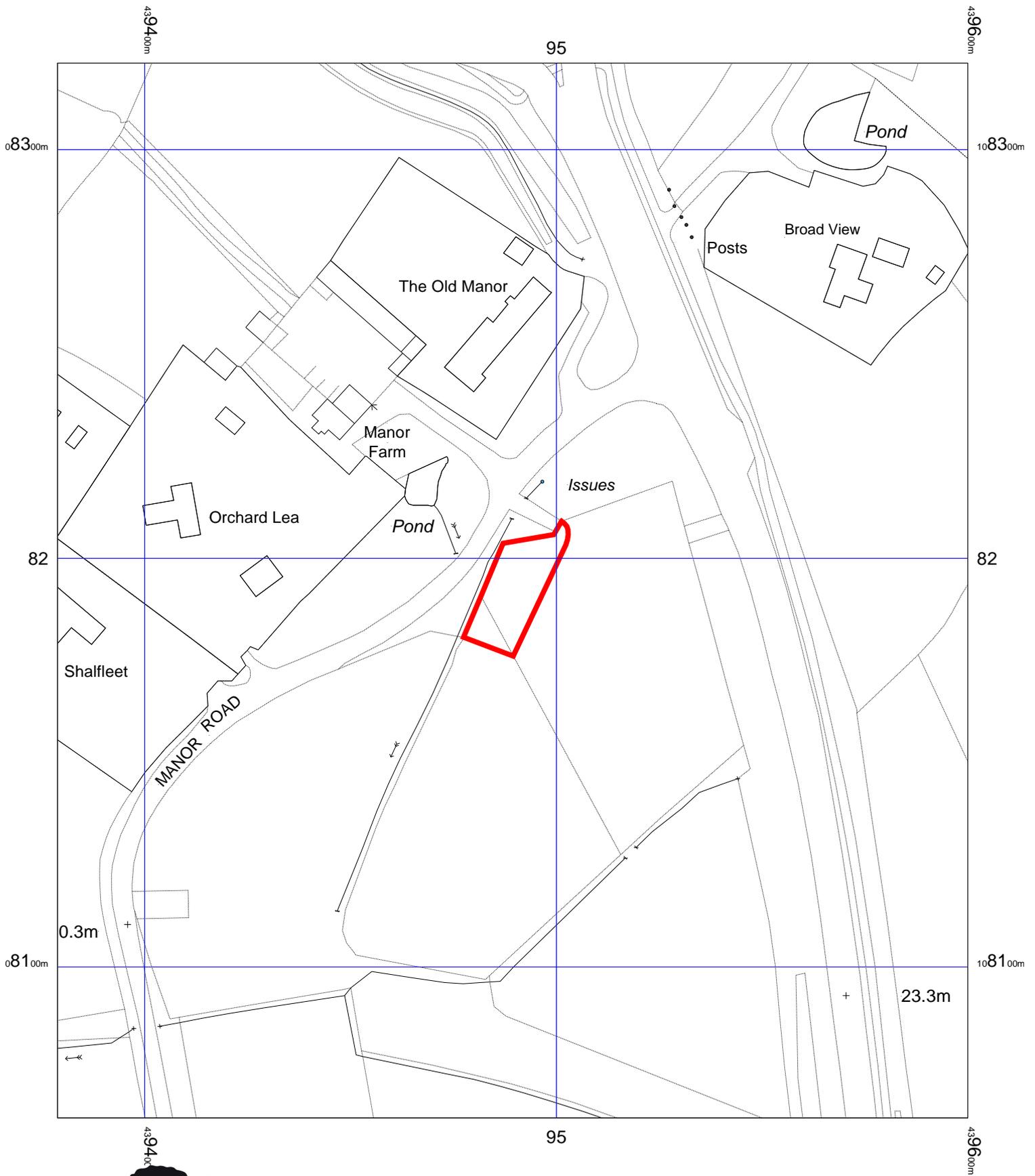
Thereafter the cladding and lighting shall be retained in accordance with the approved details.

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. Please be advised that the preferred method of disposal is the frequent removal of manure from the site. The burning of manure or large-scale storage on site will not be an acceptable method.

It is recommended that the Applicant contact the Environment Agency to discuss changes to the legislation covering the storage and disposal of horse manure.



NEW FOREST
NATIONAL PARK

New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

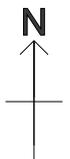
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Date: 09/01/2026

Ref: 25/00535FULL

Scale: 1:1250

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Application No: 25/00955VAR Variation / Removal of Condition

Site: Land of Park Lodge, Ringwood Road, Burley BH24 4BS

Proposal: Application to vary condition 2 of planning permission 18/00517 for two affordable dwellings; cycle stores; local heritage centre

Applicant: Burley Village Heritage Trust

Case Officer: Carly Cochrane

Parish: Burley Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Application seeks to vary a planning consent relating to an application originally submitted by the National Park Authority

2. POLICIES

Development Plan Designations

Conservation Area
Tree Preservation Order

Principal Development Plan Policies

DP2 General development principles
DP18 Design principles
SP7 Landscape character
SP14 Renewable energy
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
SP39 Local community facilities
SP46 Sustainable tourism development

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

Burley Parish Council: No response received.

5. CONSULTEES

Building Design and Conservation Area Officer: No objection subject to condition.

6. REPRESENTATIONS

None received.

7. RELEVANT HISTORY

Two affordable dwellings; cycle stores; local heritage centre (18/00517) granted on 18 September 2018

8. ASSESSMENT

Application Site

8.1 The application site is located to the rear of the public car park in Burley, and forms part of a paddock within the grounds of the property of Park Lodge. The site is within the Burley Conservation Area. By way of background, planning permission was granted in 2018 for two affordable dwellings and a local heritage centre. The permission has been lawfully implemented and is therefore extant.

8.2 The 2018 application was made by the New Forest National Park Authority following an agreement with the landowner to secure a 999-year lease of the land as an 'exception site' for the purposes of providing affordable housing and a heritage centre. The two affordable residential units would be funded through received affordable housing developer contributions. Given the National Park Authority's involvement and interests in the site, it is considered appropriate that this minor proposed variation to the consented scheme is again considered by the Planning Committee, rather than through a delegated officer decision.

Proposed Development

8.3 This application seeks to vary condition 2 of planning permission reference 18/00517, to enable an amended design of the heritage centre from that previously granted, with a change in the proposed materials. The amendments proposed would result in an overall reduction in the scale of the building, including a reduction in its floorspace, from the approved 310 square metres to 243 square

metres. The height would be significantly reduced upon the rear projection resulting in a single storey element. The materials previously proposed to be used had been agreed and the relevant condition, being condition 3 of planning permission reference 18/00517, discharged. The materials agreed previously were as follows:

- Timber Waney edge weather boarding of British Larch to be left to weather naturally to silver of 200 – 350mm width and 19mm section;
- Brick plinth;
- Lean to mono pitch roof of lead or dark grey zinc with seams; and
- Main roof: Sandtoft Bridgewater Double Roman Clay Tile.

8.4 The building would now be fabricated offsite, using interlocking timber logs and with a metal sheeted pitched roof. All other aspects, including the access, landscaping and boundary treatments, would be unchanged.

Consideration

8.5 There is no statutory definition of what constitutes a 'minor material amendment' for the purposes of this application, and the scope is broad. However, in general, the amendments being sought cannot alter or change the operative part of the planning permission. In this instance, the relevant 'operative' part of the 2018 permission relates to a 'local heritage centre'. The proposal would not deviate from this part.

8.6 The site is located within the Burley Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area and this is reflected in Policy SP16 of the adopted New Forest National Park Authority's Local Plan 2016-2036.

8.7 The changes to the building would result, as aforementioned, in a significant reduction in its scale. Whilst this would alter the appearance of the building in relation to its form, it would be of no consequence in respect of any impact upon the character and appearance of the conservation area as there would be a lesser amount of built development in comparison to the extant scheme. The function of the building would be unchanged. The proposed alternative materials are considered acceptable and would not result in any adverse impact, as confirmed by the Authority's Building Design and Conservation Area Officer. However, it is considered reasonable and necessary to again require that the details of the materials are submitted to the Authority for approval.

Conclusion

- 8.8 Therefore, subject to the re-imposition of all previously imposed conditions that remain pertinent, as well as the condition in relation to materials, it is recommended that the variation to Condition 2 of permission reference 18/00517 be granted.

9. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

1. Development shall only be carried out in accordance with drawing numbers:

DR1, DR2, DR3, DR4, DR5, DR6, DR7, DR8, DR9, DR10, P574/12/03 Rev A, P574/12/05 of this permission and P574/12, P574/12/02, P574/12/04, 16245-BT2, 8844_101 of planning permission reference 18/00517

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).

2. No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

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).

3. 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, garage or other outbuilding otherwise approved by Class E 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).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any re-enactment of that Order) no means of enclosure otherwise approved by Class A of Part 2 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).

5. The outbuildings 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. 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).

7. The two residential units hereby approved shall be used solely for the purposes of affordable housing for rent as defined in Annex 2 of the National Planning Policy Framework (2018).

Reason: The dwellings are only justified on the basis that it is necessary to provide housing to meet a locally identified need within the settlement of Burley, in accordance with Policy SP28 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

8. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance,

demolition and building works in accordance with the measures set out in the arboricultural statement submitted and approved within application reference 18/00517.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

9. Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the landscaping details submitted and approved within application reference 18/00517.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

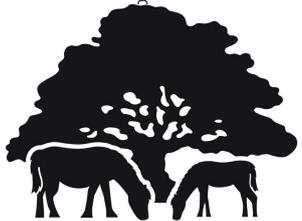
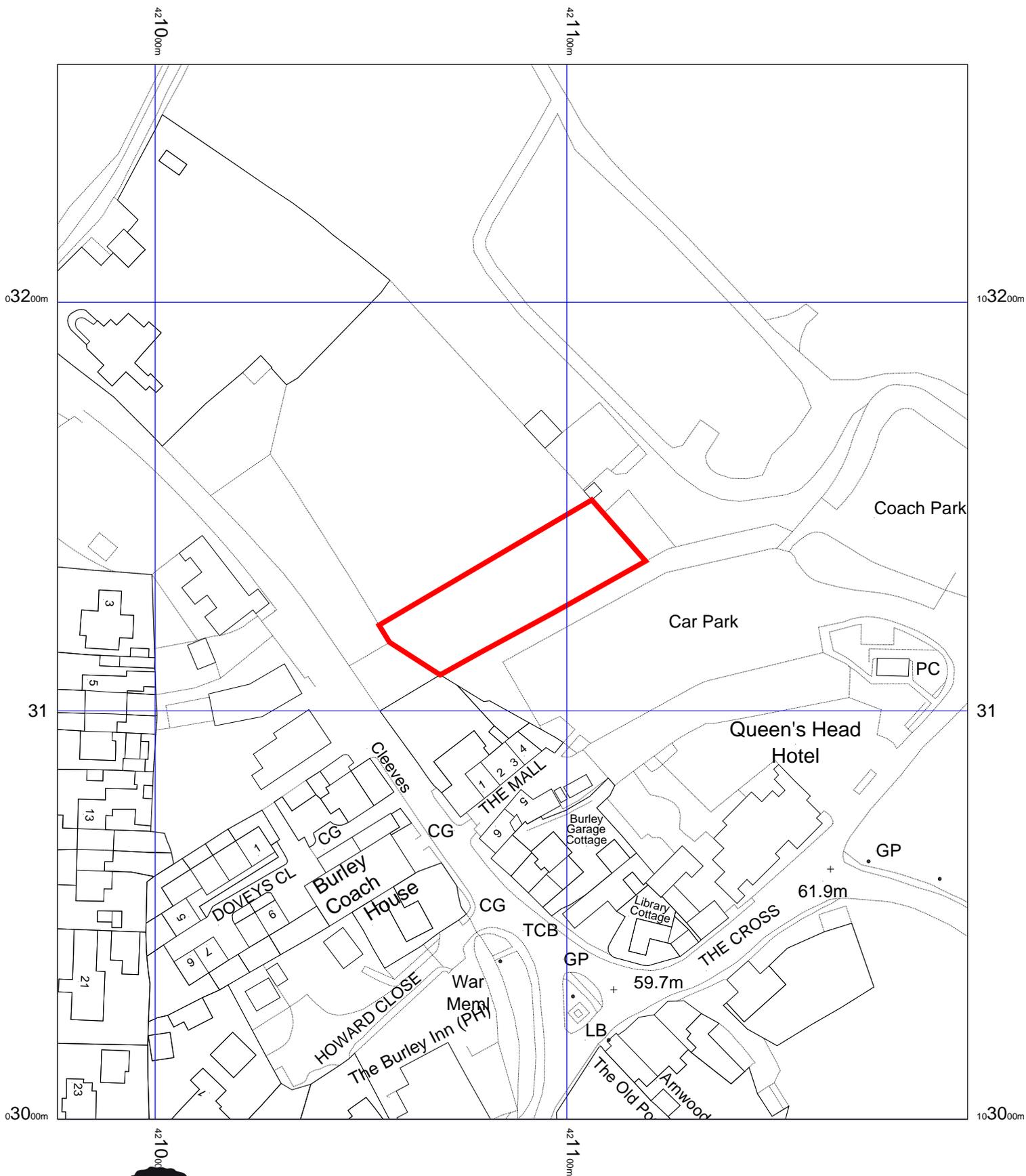
10. The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented.

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.

11. 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 submitted and approved within application reference 18/00517. 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).



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New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

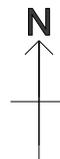
Tel: 01590 646600 Fax: 01590 646666

Date: 09/01/2026

Ref: 25/00955VAR

Scale: 1:1250

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Application No: 25/01036FULL Full Application

Site: Batchley Farm, Broadmead, Sway SO41 6DH

Proposal: Replacement annexe (demolish existing)

Applicant: Mr H Murray Philipson

Case Officer: Carly Cochrane

Parish: Hordle Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Called-in by New Forest District Councillor

2. POLICIES

Development Plan Designations

None

Principal Development Plan Policies

DP2 General development principles
DP18 Design principles
DP35 Replacement dwellings
DP37 Outbuildings
SP7 Landscape character
SP15 Tranquillity
SP17 Local distinctiveness
SP19 New residential development in the National Park

Supplementary Planning Documents

Design Guide SPD

NPPF

Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Hordle Parish Council: Happy to accept the decision reached by the National Park Authority's Officers under their delegated powers.

5. CONSULTEES

None required.

6. REPRESENTATIONS

Councillor Ward: Referred application to NPA's Planning Committee due to the site history.

7. RELEVANT HISTORY

Application under part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in respect of the siting, appearance and design of an agricultural building (22/00400) Details Not Required, 13 June 2022

Replacement Dwelling (10/94943) granted on 06 April 2010

Removal of Condition 3 on planning permission LYB0974O/L to allow non agricultural occupancy (08/92680) refused on 09 June 2008. Subsequent appeal allowed on 22 June 2009

Removal of condition 3 on planning permission LYB0974O/L to allow non agricultural occupancy (08/93670) refused on 06 February 2009

Removal of condition 3 on planning permission LYB0974 O/L to allow non-agricultural occupancy (07/92334) refused on 15 January 2008

Agricultural dwelling; demolition of existing (05/86625) refused on 16 March 2006

COU of dairy to farm office and design workshop (NFDC/94/55802) granted on 23 January 1995

8. ASSESSMENT

Application Site

- 8.1 The application site is located to the eastern side of Broadmead, which itself is south of Silver Street. The access track is unmade and is also a public bridleway which continues south and connects to Wainsford Road. The

wider site comprises the main dwelling of Batchley Farmhouse (formerly 'Avon View') with its residential curtilage, and Batchley Farm, which covers an area of approximately 48 hectares, and its associated agricultural buildings. The application building, known as the "Old Dairy" is located to the south of the main dwelling and immediately adjacent to the farm yard.

- 8.2 There are several previous applications which are pertinent in understanding the context to this current application, detailed as follows.
- 8.3 Planning permission was granted in 1995 (reference NFDC/94/55802) for the conversion of the dairy building which formed part of the agricultural holding, to a farm office and design studio/workshop. Condition 1 of this permission controlled the use of the building for these purposes only, and Condition 2 restricted the use of the building to be for the benefit of the applicant. Planning permission was granted in 2010 (reference 10/94943) for the replacement of the dwelling, known as Avon View at the time; this application followed an allowed appeal for the removal of the agricultural occupancy condition (reference 08/92680) which was imposed at the time of the original grant of planning permission for the dwelling in 1965 (reference LYB09740/L). Following the permission for the replacement dwelling, and during its construction, it is known that the occupants temporarily moved into the Old Dairy, which was altered to provide bedrooms, a bathroom, kitchen and living spaces. Following the completion of the replacement dwelling circa 2012, the internal layout and use of the Old Dairy did not revert to those uses controlled by Condition 1 of the 1995 permission, and the building continued to be used for ancillary accommodation. An application for a lawful development certificate was submitted in 2023 (reference 23/00754) which sought to demonstrate that the building had been occupied in breach of the aforementioned condition for the requisite period. The certificate was granted, and it is noted that the application also sought to establish that the Old Dairy had become incorporated into the residential curtilage of Batchley Farmhouse; this was accepted.
- 8.4 In 2023 the situation was that the use of the Old Dairy for ancillary residential purposes, in breach of condition, had been established and was immune from enforcement action and lawful due to the passage of time.
- 8.5 A pre-application enquiry was submitted in 2025 in relation to the replacement of the Old Dairy. The response provided to the applicant by the Authority set out points that were considered to require addressing in order to demonstrate policy compliance. Whilst it is noted that pre-application advice appeared to suggest that the proposal could be supported, such advice is offered without prejudice to the determination of any subsequent planning application.

Proposed Development

- 8.6 This application seeks permission for the replacement of the Old Dairy with a new building of a slightly smaller footprint and lower ridgeline height than

that existing, however, maintaining the agricultural vernacular. The building would be used for ancillary habitable purposes, as per the existing building.

Consideration

- 8.7 Notwithstanding the response to the pre-application enquiry, the Authority is of the firm opinion that such development is contrary to policy and cannot be supported. This position is set out below, firstly with reference to the examples provided within the application and then with reference to the specific application details, planning history and policy pertinent to the current application.
- 8.8 Two examples of applications have been provided in support of the application, both of which were also used in support of the pre-application enquiry. Whilst the application for the replacement of a two storey annexe at “The Breakers” (reference 18/00792) was refused and the subsequent appeal dismissed by the Planning Inspectorate, the Inspector's appeal decision noted that as the proposed annexe “would essentially replace the existing provision rather than provide additional habitable accommodation”, and as the use could be controlled by condition, the replacement annexe would not be tantamount to the creation of a separate dwelling. A subsequent application, reference 20/00662 for, amongst other development, the “extension of an outbuilding to form annex building” was granted, given the Inspector's comments. It is noted in this case that the use was being carried out in an existing, unrestricted (by any condition) outbuilding.
- 8.9 In respect of the example of reference 23/00212, the property of Gablemead is located within the defined village boundary of Sway. The building the subject of the application for the replacement of an outbuilding for use as a purpose-built annexe was granted following a lawful development certificate (reference 22/00785) which demonstrated that, as the building was not subject to any restrictive condition in respect of its use, it could lawfully be used for such ancillary purposes, and this would not amount to development. The examples provided in support of this application, being:
- 21/00893, for the change of use of an existing outbuilding to ancillary residential use, including associated use as bed and breakfast accommodation. In this case, the property is located within the Defined Village boundary, and whilst the building the subject of the application was subject of a restrictive condition, the building it had replaced was not. Nonetheless, the defined village location of the site means that there is no in-principle conflict with either Policies SP19 or DP36 of the Local Plan.
 - 21/00802, for the extension to an existing outbuilding to facilitate the continued use as a self-contained annexe ancillary to the main dwelling. This application was refused by the Authority due to conflict with Policies SP19 and DP37, however, was allowed at appeal.

Whilst the Inspector identified and acknowledged conflict with the relevant Local Plan policies, the appeal decision stated: “Even though the annexe would provide facilities for independent day-to-day living I consider on balance, given the very specific circumstances in this case, that it would not become a separate planning unit due to the level of dependency and proximity to the main dwelling.”

- 19/00280, for the conversion of a garage to form an ancillary annexe to the main dwelling. This site is located within a defined village, however, due to the provision of a self-contained unit, was considered to result in the inappropriate overdevelopment of the site. The appeal was dismissed on neighbouring amenity grounds, however, the Inspector commented that the building would clearly be perceived as an ancillary structure and given the nature and scale of the proposal, the close physical relationship and level of dependency between the dwelling and appeal building.

- 8.10 In addition to the examples provided, the Authority can provide opposing examples which would align with the approach applied in the consideration of this application. Notably, a purpose-built, self-contained annexe was provided within the residential curtilage of the property of 2 Rose Cottages (reference 18/00386) to replace existing, unrestricted buildings, and was refused by the Authority and dismissed at appeal, with the requirements of the enforcement notice, being the removal of the building, upheld. The Inspector considered that a new unit of residential accommodation was being provided which was tantamount to a new dwelling due to its self-contained nature, and therefore conflict with Policy SP19 of the adopted New Forest National Park Authority Local Plan was identified.
- 8.11 A more recent example is that of 23/01476, for the extension and alterations to an existing annexe. The building the subject of this application had secured a Lawful Development Certificate in 2005 (reference 04/82107), demonstrating that the use of the building for ancillary accommodation purposes had continued for the requisite period and was therefore immune from enforcement action. The extension was proposed to replace a section of the building previously removed through partial demolition, and the application was assessed on the basis that the proposal would facilitate a purpose-built structure, providing additional habitable accommodation in an outbuilding. As such, conflict with both Policies DP36 and DP37 were identified. This decision was not appealed.
- 8.12 With reference to the examples provided at paragraphs 8.8 and 8.9, there are notable differences between these and the application building, being the comments made within the Inspector's appeal decision constituting a material consideration in the determination of the subsequent application at The Breakers, and the unrestricted existing domestic outbuilding within the residential curtilage of a dwelling, within a defined village, at Gablemead.

- 8.13 To clarify, the Old Dairy was originally an agricultural building located outside of the residential curtilage of the (at the time) agriculturally-tied dwelling, granted permission for use as a farm office with a design studio with a condition restricting the use for those purposes only, and then occupied in breach of the condition for the requisite period such that the Authority had to issue a certificate of lawfulness. The Old Dairy then, is not an existing, unrestricted, domestic outbuilding within a defined village, which could otherwise lawfully be or have been used for ancillary purposes. The circumstances of the case are therefore not directly comparable to the examples provided, and it is considered that there are material differences between these examples and the current application.
- 8.14 Additionally, the Lawful Development Certificate (23/00754) related to the existing building. Should the building, being the building which was subject of the restrictive use condition (reference NFDC/94/55802) and which it has been demonstrated was occupied in breach of, be demolished such that, as a matter of fact and degree, it no longer exists, as would be the case in relation to the replacement of the building, then the subsequent building to be erected would be a new building which does not benefit from the accrued immunity confirmed within the certificate.
- 8.15 In respect of a “fallback” position, which is asserted within the submitted Planning Statement to be the use of the entirety of the existing building for habitable accommodation, this would and could occur with no further development being carried out and would not conflict with the Certificate. In general, for a fallback argument to succeed, it must be demonstrated that there is a reasonable likelihood of the fallback development being carried out if a future planning application is refused, and that the proposed development would be less harmful and provide wider benefits than the fallback option. Such a prospect is therefore a material consideration. In this case, however, the fallback position is already in place, and the building can continue to be used for ancillary purposes. Whilst it may be that the proposed replacement building would be of a slightly smaller scale, it would constitute the provision of a purpose-built, self-contained annexe building, in a location outside of the defined villages, and involve the replacement of a building which could not have otherwise lawfully been used for such purposes due to its original use, location relative to the main dwelling and restrictive use condition.
- 8.16 Whilst it may be the case that the actual use of the replacement building would not differ from the use of the existing building, the development would result, as aforementioned, in the provision of a purpose-built, self-contained unit of accommodation, and can be considered tantamount to a new dwelling in the open countryside. In respect of the adopted Local Plan policies which become engaged, Policy SP19 (New residential development in the National Park) sets out the circumstances under which such development can be considered. The proposal does not fall within any of the provisions of this policy. If it is considered that the existing annexe is a dwelling by reason of its self-contained nature, then Policy DP35 (Replacement dwellings) explicitly precludes the replacement of dwellings

which have been the result of an unauthorised use. The lawful development certificate confirms the unauthorised use of the building, as it was being used and occupied in breach of condition. Whilst the proposed development would replace an existing building, the development would result in a new building, as set out in paragraph 8.13 of this report. As such, Policy DP37 (Outbuildings) sets out that outbuildings will be permitted where they do not provide additional habitable accommodation; the proposal would be in clear conflict with this requirement. The conflict with policies within the Local Plan is considered to outweigh any fallback position, which is considered to hold limited weight.

Conclusion

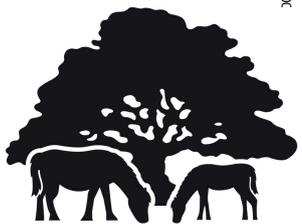
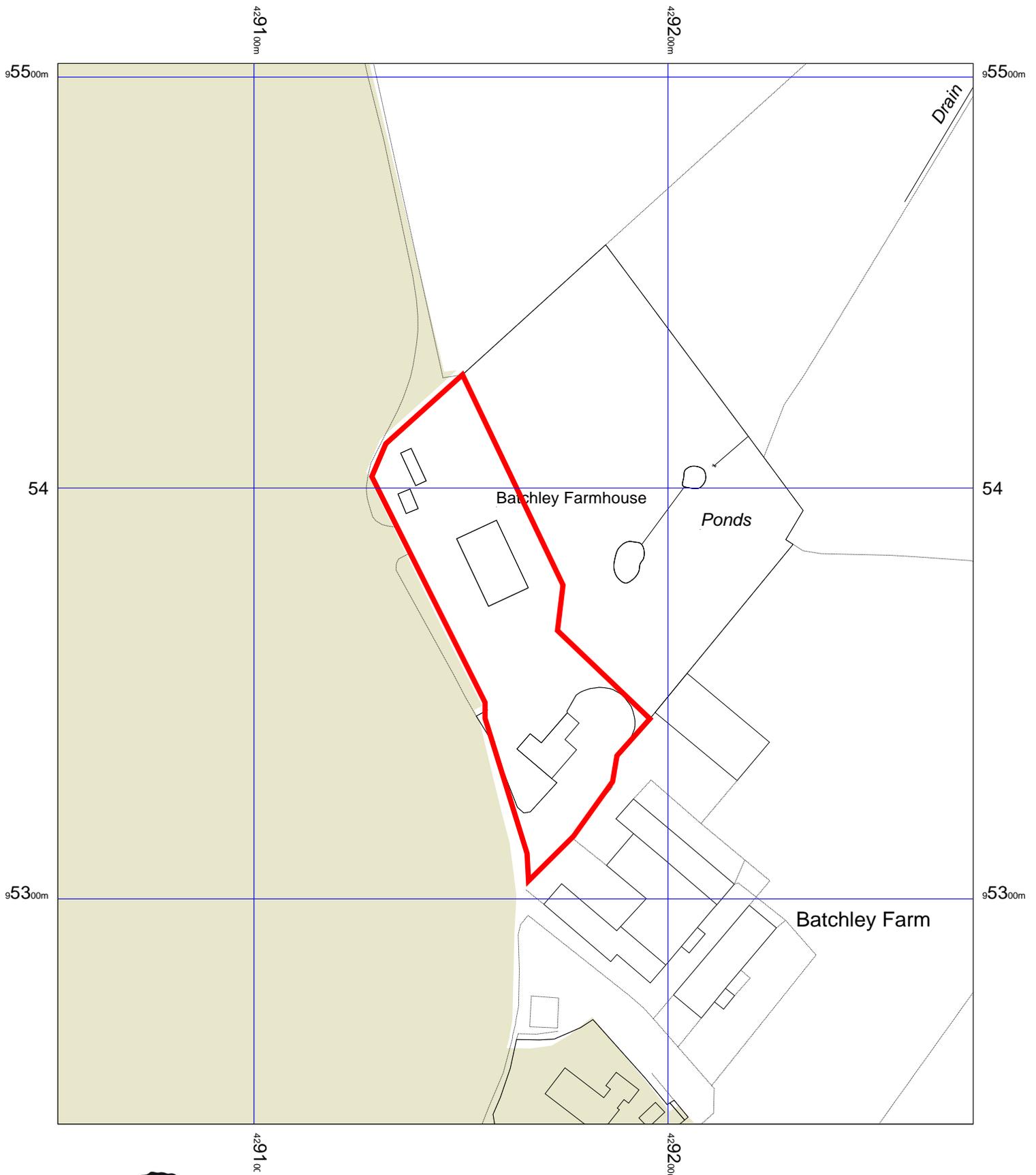
- 8.17 The existing annexe is a result of an unauthorised use which has accrued immunity via the passage of time, and a lawful development certificate confirms this position. Whilst the use of the existing annexe can lawfully continue and the proposal seeks to replace the existing building with no change to the use carried out within it, the proposal would result in the provision of a new, purpose-built, self-contained unit of accommodation which does not benefit from the immunity accrued and which would be contrary to adopted policies within the Local Plan.

9. RECOMMENDATION

Refuse

Reason(s) for refusal:

1. The application would result in the provision of a new, purpose-built, self-contained unit of accommodation for which there are no exceptional circumstances, in a location which is unsupported. The proposal would therefore be contrary to Policies DP2, DP35, DP37 and SP19 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019). Furthermore, the proposed development would not seek to further the purposes of the National Park, contrary to the requirement of Section 245 of the Levelling Up and Regeneration Act 2023, which amended Section 11A of the National Parks and Access to the Countryside Act 1949.



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