

NEW FOREST DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Mr Moir
Chapman Lily Planning Ltd
Unit 5 Designer House
Sandford Lane
Wareham
BH20 4DY

Application Number: **22/10813**

Applicant: AJC Group

Date of Application: 08 July 2022

THE NEW FOREST DISTRICT COUNCIL as the Local Planning Authority **REFUSES TO GRANT PERMISSION** for the following development:

Development: **Demolition of the existing buildings; erection of 25 dwellings with associated access, landscaping and parking**

Site Address: **Orchard Gate, Noads Way, Dibden Purlieu, Hythe SO45 4PD**

This decision has been taken in respect of the plans and particulars which were submitted with the application and numbered as follows:

Location Plan & Topo ref:21110.06 rev B received 15/07/22
Site & Block Plan ref:21110.41 rev D received 08/07/22
Houses 01-03 plans & elevations ref:21110.42 rev B received 15/07/22
Houses 04-07 plans & elevations ref:21110.43 rev B received 15/07/22
Houses 08-13 plans & elevations ref:21110.44 rev B received 15/07/22
Houses 14-17 plans & elevations ref:21110.45 rev B received 15/07/22
Houses 18-21 plans & elevations ref:21110.46 rev B received 15/07/22
Street Elevations ref:21110.48 rev B received 15/07/22

Reason(s) for Refusal:

- 1 The scheme would, due to the scale and layout of development proposed, the extent of plot coverage of built form and hard surfaces, the dominance of car parking, proximity to trees on and adjoining the site, the small plots proposed and lack of space for recreation open space and sufficient landscape setting fail to respect the spacious sylvan character of the prevailing pattern of development in the area, or deliver a well planned high quality design that would contribute positively to the local distinctiveness, the quality of life and enhances the character and identity of the locality. It is therefore contrary to Policies STR1 & ENV3 of the New Forest District Local Plan Part 1: Planning Strategy 2020, Policy D1 of the Hythe and Dibden

Neighbourhood Plan 2019 and the Housing Design, Density and Character SPD 2006.

- 2 Due to the proximity of the proposed access to the existing access to the east and failure to demonstrate the visibility splays are based on actual vehicle speeds along Noads Way the scheme has failed to demonstrate that the works are sufficient. Furthermore on site highway and pedestrian safety has not been demonstrated, nor has the scheme considered or demonstrated support for modes of travel other than the private car. It is therefore considered that the scheme would be prejudicial to highway and pedestrian safety and contrary to policy CCC2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
- 3 The scheme has failed to demonstrate that surface water drainage can be dealt with in a manner that would not give rise to increased surface water flooding on site and meet the requirements of delivering sustainable drainage contrary to policy STR1 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
- 4 The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policies ENV1 of the New Forest District Local Plan Part 1: Planning strategy 2020 and DM3 of the New Forest District Local Plan Part 2: Sites and Development Management 2014 and the Mitigation for Recreational Impacts on New Forest European Sites SPD 2021, Air Quality Monitoring SPD 2022 and the Bird Aware Solent Strategy.
- 5 The scheme has not demonstrated how it would meet the recreational and open space needs of the occupiers of the development, contrary to CS07 of the New Forest District Council Core Strategy 2009
- 6 The proposal has not demonstrated that it can not provide the required amount of affordable housing and is therefore contrary to Policy HOU2 of the New Forest District Local Plan Part 1: Planning Strategy 2020.
- 7 The scheme has failed to demonstrate that it can be delivered in a manner that respects the trees on and adjoining the site that make a positive contribution to the character and appearance of the area. The scheme would therefore have a detrimental impact on the landscape setting of the area and fails to deliver space and landscape proposal to mitigate the loss of trees. The scheme is contrary to Policies ENV3 and ENV4 of the New Forest District Local Plan Part 1: Planning Strategy 2020.

Notes to applicant

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.
2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
3. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case the applicant did not have regard to pre-application advice given, were given the opportunity to amend the scheme and were advised that the scheme was unacceptable.

Date: 19 December 2022

Claire Upton-Brown

Claire Upton-Brown
Executive Head of Planning, Regeneration and
Economy
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Hampshire
SO43 7PA

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice online at <https://www.gov.uk/appeal-planning-decision> or if you are unable to access the on line appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

(2) Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.

