

## Briefing for discussion

Planning Application No: 22/11232

# NEW FOREST DISTRICT COUNCIL DEVELOPMENT MANAGEMENT PARISH AND TOWN COUNCIL CONSULTATION BRIEFING KEY ISSUES ON PLANNING APPLICATION

**PARISH:** Copythorne

**PARISH CONSULTATION EXPIRES:** 30/12/2022

**APPLICATION NUMBER:** 22/11232

**ADDRESS:** The Retreat, Salisbury Road, Ower, Copythorne SO51 6AN

**PROPOSAL:** Use of property solely for single, private, and continuous residential use; associated extension (Lawful Use Certificate for retaining an existing use or operation)

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The purpose of this report is to identify the material planning considerations in this case. More details of what are valid planning considerations can be obtained from our website

[www.newforest.gov.uk/planning](http://www.newforest.gov.uk/planning)

## 1. Development Plan Policies and Constraints

### Relevant Legislation

The application is for a Lawful Development Certificate - Local Plan policies are not relevant.

The applicant seeks to establish whether the unauthorised development (in this case, the continuous residential occupation of a building 'The Retreat' on the land and a single storey extension to the building) is immune from enforcement by reason of the time elapsed.

A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:

1. the carrying out of development without the required planning permission; or
2. failing to comply with any condition or limitation subject to which planning permission has been granted.

Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the Town and Country Planning (General Permitted Development) (England) Order 2015, constitutes a breach of planning control against which enforcement action may be taken.

In most cases, development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of

- operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use).

These time limits are set out in section 171B of the Town and Country Planning Act 1990.

### **Relevant Advice**

Chap 12: Achieving well designed places

### **Constraints**

Small Sewage Discharge Risk Zone - RED  
Plan Area

### **Plan Policy Designations**

Countryside

## **2. Relevant Site History**

Proposal	Decision Date	Decision Description	Status	Appeal Description
14/11590 4 holiday cabins; access footpaths; car parking; use of existing access	19/01/2015	Refused	Decided	
14/11163 4 holiday cabins	20/11/2014	Withdrawn - Invalid	Withdrawn	

## **3. Matters to consider**

Following a desk-based assessment, the matters to consider are:

- Whether the parish council is able to offer any evidence to either substantiate or disprove the applicant's assertion that the building 'The Retreat' has been continuously occupied for a period of at least 4 years, and
- Whether the parish council is able to offer any evidence to either substantiate or disprove the applicant's assertion that the single storey extension to the building ;The Retreat' has been substantially completed for a period of at least 4 years.

ANY COMMENTS MUST BE SUBMITTED TO THE CASE OFFICER BY **30 December 2022** TO ENSURE THEY ARE TAKEN INTO ACCOUNT. COMMENTS ARE BEST MADE ONLINE.

**Parish and Town Councils:**

**In your response on this planning application, please use the following codes;**

PAR1: We recommend PERMISSION, for the reasons listed, but would accept the decision

reached by the District Council's Officers under their delegated powers.

PAR2: We recommend REFUSAL, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers.

PAR3: We recommend PERMISSION, for the reasons listed below.

PAR4: We recommend REFUSAL, for the reasons listed.

PAR5: We are happy to accept the decision reached by the District Council's Officers under their delegated powers.