



## Minutes of the Meeting of the Sway Planning & Transport Committee held on Thursday 9<sup>th</sup> January 2020, at the Jubilee Field Pavilion

### Present:

Karen Marshall (KM)	NP	Anthea Merchant (AAM)	NP	Alex Pepper (AP)	NP
Lisa Thomas (LAT)	NP	James Willis (JW)	P	Nicky Bowler (NB)	P
Stephen Tarling (ST)	P	Peter Dance (PD)	P		

*Present (P) Not Present (NP)*

Also present: Katie Walding, Clerk & RFO

In attendance: 4 members of the public (MotPs)

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The meeting started at 7:00pm with a brief welcome from the Chair and a reminder that the meeting would be recorded for the purposes of verifying the minutes.

### **PT20/001. Apologies for Absence**

Received from AP, LAT, AAM and KM.

### **PT20/002. David Williams, Planning Enforcement Manager, New Forest National Park Authority**

Mr Williams and his team of three work alongside the planning officers, and their role is investigating activities which contravene planning permission or which don't have permission. Lucie Cooper covers the Sway area and has lengthy experience and knowledge. There are 140 live open cases at this time. There were 326 new cases in 2019, of which 31 were in Sway. Mr Williams said that this was partly due to the close attention paid to planning matters within the parish and that this is a good thing. The team rely on Parish Councils and local residents to provide information in terms of breaches, background information about applications, established uses, and local historical knowledge that may not be black and white.

There are two types of activities:

- Reacting to reports, usually from Parish Councils and neighbours. Each case is logged and registered. Investigation then begins. The local enforcement plan (link to [https://www.newforestnpa.gov.uk/app/uploads/2018/03/New\\_Forest\\_NPA\\_Local\\_Enforcement\\_Plan.pdf](https://www.newforestnpa.gov.uk/app/uploads/2018/03/New_Forest_NPA_Local_Enforcement_Plan.pdf)) sets out the process and type of issues that can be considered.
- Increasingly the team is giving more weight to being proactive and monitoring aspects of work currently under way. Condition monitoring particularly of pre-commencement conditions, legal agreement monies, registration and monitoring of agricultural ties.

The team looks at cases of Lawful Use – if an individual can prove ten years usage as such, then that matter becomes immune from enforcement. In the case of residential dwelling this is reduced to four years, under national policy and case law. Grey areas of course cause the biggest issues. Historical and local knowledge is then really important to consider. The team must also consider minerals and waste applications, mitigation and reinstatement for landscaping. Larger developments are overseen (e.g. Watersplash Hotel site). Enforcement will answer questions from local searches – for instance when properties are sold and bought. The team is also a member of the Encroachment Working Group – a joint partnership with Verderers and Commoners' Defence Association, Forestry England, National Trust and other



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land owners.

They must consider whether taking action against a breach is expedient. Where a clear breach is identified, and it is expedient in light of the Local Plan and other material considerations, then action is taken; it must be proportional and consistent. Many cases result in retrospective planning applications, either in the current form or a modified form where required. If an application is refused then further action could be taken.

A number of steps can be taken: a Planning Contravention Notice enables a request for information. Planning Enforcement Notices are issued when the breach is confirmed. Stop notices can be issued but are very rare. Section 215 notices can be issued for untidy sites – primarily these are sites that are injurious to public amenity.

### Q&A

Issuing an Article 4 (Town and Country Planning Act) direction affects permitted development rights and enforces application for permission across an area rather than just an individual property. There is no site has an Article 4 direction local to Sway, but there are in the north of the forest.

Cllr Question – do Officers know when planning applications have stemmed from action by the Enforcement team? Yes, the teams collaborate and share information; it doesn't mean a retrospective planning application will get approval automatically. However, most are straightforward applications with minor modification to the scheme or provision of further conditions. Mr Williams pointed out that properties without appropriate planning which are then sold, can seriously delay conveyancing or cause massive price renegotiations. NFDC Building Control links with the Planning and Enforcement teams at NFNPA.

Cllr Question – are planning permissions passed to NFDC for re-evaluations where Council Tax Band values could be affected (i.e. adding additional bedrooms)? Re-banding is usually at the point of sale.

Cllr Question – isn't four years to achieve immunity, especially in a National Park, far too short? Unfortunately, it is national policy and not specific to the area, and NFNPA has no power to amend.

Enforcement would always recommend a certificate of lawful development – confirmation that it meets the criteria to prove that the extension is within policy. Typically that is half the price of a full application and planning will particularly value local knowledge on existing properties when they apply.

Cllr Question – there seems to be a wealth of progressive outbuilding developments ending in unauthorised holiday lets and particularly Shepherds' huts. How can this be reduced? There are a number of elements that contribute to the use being unlawful and the Enforcement team look at the combination of those to identify whether there is a separate dwelling, or clearly a holiday let. Due to the prevalence across the park, the NFNPA are close to taking action in order to set a precedent.



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MotP Question – is Heras (temporary) fencing acceptable as a permanent solution in a rural area? That should be used only as part of a development during the works. Without any building works, then it is not acceptable and it is unlikely to be given permission. The MotP was advised to contact the Enforcement team directly and to register the issue with them.

MotP Question – the public feels that retrospective applications are always granted; and this creates suspicion that developers will just do something and then deal with it afterwards. An example is where the creation of a new entrance to an existing property was refused; subsequently however, a large pile of rubble has been accumulated at the site just where the proposed entrance was to be situated and despite the rest of the site being cleared the hardcore has been left. Neighbours are concerned that the entrance may just appear and it will be too late for the hedge that gets ripped out. Mr Williams asked the MotP to continue to monitor and to report any suspicious activity to the team.

ClIr Question – has anyone been told to take down an extension or development? Yes, there have been a few cases where removal of the unauthorised extension was required to be removed. It is not against the law to put up an extension without planning permission but it is in breach of planning control.

### **PT20/003. Declarations of Interest**

None offered.

### **PT20/004. Minutes of the previous Meeting**

Minutes of the meeting on 12<sup>th</sup> December were signed by the Chair as a true record of the business transacted.

### **PT20/005. Transport**

Mr J Warden – has reviewed the 2019 passenger figures and they continued in line with those shown at the governance meeting and issued to Council at the September meeting. Roughly the same cost per passenger trip. However in 2020 so far the figures are up.

### **PT20/006. Community SpeedWatch**

No activity since last meeting.

### **PT20/007. Trees**

ClIr Bampton had nothing to report.

### **PT20/008. Roads, Hedges and Ditches, and Rights of Way (RoW)**

The Clerk gave an update on Church Lane natural water issues:

She met an Environment Agency Officer on Friday 3<sup>rd</sup> January to review and investigate surface water flooding in Sway. Subsequently the Officer checked the EA system and confirmed that the only listed service in the road is one SW foul sewer; the road drainage is not recorded on their system but Hampshire County Council Highways should have records for this. The land in the verge where the overgrown ditch is located (on the corner of the B3055 and Church Lane) is not registered; this means that there is no recorded landowner or known point of responsibility. He recommended contacting Hampshire Highways in the first



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instance as they should be able to help if the ditch has some road flooding alleviation benefit.

The officer suggested that for the time being, the Clerk and residents should monitor the gullies in the road during surface flooding. They must ensure they work first as the water coming down the hill should drain into the gullies. If this doesn't happen then it can be reported back to the Officer and he will investigate further.

The Officer stated that it does appear that the flooding on the driveway of the resident's house is caused by the surface/ground water flowing towards the drain over the front section of the driveway which appears to have been laid very low. It is possible that there is an old pipe the runs through the bottom of the properties but this pipe is not recorded anywhere and it would therefore be up to the landowner(s) to investigate if a pipe exists and then to establish if it is damaged. This could be time consuming and expensive. It might be more cost effective and much quicker to install a small barrier (raised embankment) to stop the water going onto the property(ies). The water will then run on the road towards the gullies either side of the road towards the junction.

Finally it was noted that the gully on the south side at the bottom corner of Church Lane was virtually covered by mud and debris at the verge. This means that it would not be easy for water to drain there and hence create ice when the temperature drops. It is important to make sure that the road is regularly swept and gullies cleared of debris.

If the problem persists during winter even with cleared gullies, it might be also worth approaching Hampshire Highways to ask them to put a sign in place which would warn people of slippery road conditions. They may even consider putting an extra gully.

### ACTIONS:

- The Clerk to contact Hampshire Highways as instructed and report the matters listed above.
- The Lengthsman to be tasked with clearing the verge back and then the Clerk to notify NFDC to ensure that the road sweeping operative is clear about where they need to focus attention at the bottom of Church Lane.
- The Clerk to monitor the situation over winter with the residents and to review later in the year and report back to the EA Officer.
- The Church Lane Development Group to consider if/how the situation might be improved when works begin.
- The Clerk to notify residents of Church Lane and ask them to help clear gullies.
- The Clerk to add a report to the website and publicise on social media.

### **PT20/009. Development at the site of Hatch Motors**

No updates to report; as planned: no work had been carried out since the last meeting.

### **PT19/210. Clerk's Correspondence**

- Notice that Amberon Ltd (contact [vickycranny@amberontm.com](mailto:vickycranny@amberontm.com) Tel: 01792 775750) have requested a temporary road closure at the rail bridge in Shirley Holms Road, between 2230hrs Monday 17<sup>th</sup> February and 0730hrs Tuesday 18<sup>th</sup> February 2020, in order to carry out bridge inspection works.



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- Notice of a cycling sportive taking place on Saturday 18<sup>th</sup> and Sunday 19<sup>th</sup> April 2020 out of Somerley Estate which will go through Sway. The Clerk confirmed she would publicise to residents nearer the time.
- Correspondence from a resident in respect of the poor state of verges outside the new build behind Quarr House. The NFNPA Enforcement team have responded “...*regarding the state of the verge outside the new property adjacent to Quarr House [they are] assuming in this instance that the grass verge falls outside of the ownership of the property concerned. There are no planning conditions relating specifically to the verge. Damage to the verge or highway during construction would normally be a matter for the Highway Authority, which ... would be Hampshire Count Council to ultimately enforce. [The NFNPA Enforcement Team is] however in discussions with the agent and owner over other issues relating to the site so will remind them to make good damage done in conjunction with the necessary reinstatement that the highway authority may require.*”

## PT20/011. New Planning Applications

Sway Youth Centre, Station Road, Sway, SO41 6BA Ref. No: 19/00912 <a href="#">Continued siting of outside store (storage container)</a>	10 <sup>th</sup> January
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Explanatory note: Sway Parish Council is the Leaseholder of the land referred to in this application. It is also cognisant of the benefits of the Robin Nursery to the community and seeks to be as supportive as possible.

The Freeholder is the Diocese of Winchester. The notification of such a proposal to the Church is an express requirement of the Lease and therefore it is recommended that the Planning Application form be amended to reflect the leasehold and freehold interests.

Section 25 of the Planning Application Form should be amended accordingly.

The Lease will terminate in 2029 if it is not extended. Accordingly, it is necessary to make provision for the removal of the container in that event or in the event of the Robin Nursery ceasing to operate from this location.

**DECISION: 3. We recommend PERMISSION for the reasons listed below (unanimous)**

The container is well hidden, situated inside the defined village, on hard standing and sympathetically painted.

Sway recommends inclusion of condition:

- Permission to be time limited to the duration of the Robin Nursery operation at the location or three months prior to the date of termination of the lease (as extended if applicable) whichever occurs first, at which date the container must be removed and the affected ground reinstated.

If the condition cannot be included then Sway would recommend:



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**DECISION:** 1. We recommend PERMISSION, for the reasons listed below, but would accept the decision reached by the National Park Authority's Officers under their delegated powers (unanimous)

Forest Heath House, 6 Station Road, Sway, SO41 6BA Ref. No: 19/00880 <a href="#">Change of use to financial professional (use class A2)</a>	10 <sup>th</sup> January
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The agent spoke on behalf of the applicant and explained that the property had been advertised since October 2018; during that time there has been no serious interest for either café or retail. There has been some interest as office use (which the current category prohibits) and also from a chiropractor and dentist; but both also would require change of use. The Agent stated that the residents of the former Forest Heath Hotel have all been consulted and unanimously support the change of use.

**DECISION:** 3. We recommend PERMISSION for the reasons listed below  
(3 majority, 1 abstention)

DP40 requires the maintenance of retail frontage at 40% in the defined village, to contribute to the retail needs of the community. The retail provision within the village is reasonably comprehensive with a butcher, hairdresser, pharmacy, estate agents, and convenience stores.

This provision soon be increased by the opening of the new Co-op store which will contribute a significant increase in the frontage, so that any deficit in retail frontage occasioned by the consenting of this application will be temporary.

It was noted by the committee that the subject of the applicant is not retail frontage in the usual meaning of the term as it is not a conventional, largely glazed shop front. Sway would rather see the property in use and hopefully providing a service of benefit to the village, even if not a strictly retail one.

Sway notes that the property is sited within a listed building, and any signage should be modest and also in keeping with the guidelines of the Sway Village Design Statement.

### **PT20/012. Outcome of planning applications considered at [previous meetings](#) (including those applications referred to the [NFNPA Planning Committee](#))**

- **19/00886 DECISION: Raise no objection (Sway: not asked for a recommendation)**  
Barrow Cottage, (formerly Plot 1 Beverley) Brighton Road, Sway, SO41 6EA  
(Application for Non Material Amendment to planning permission 18/00493 to enclose car port)
- **19/00849 DECISION: Raise no objection (Sway: not asked for a recommendation)**  
Beverley, Brighton Road, Sway, SO41 6EA  
(Application for Non Material Amendment to planning permission 18/00493 to enclose car port)
- **19/00821 DECISION: Grant subject to conditions (Sway: Permission – Officer's decision)**  
Land at former Arnewood Turkey Farm, Barrows Lane, Sway, SO41 6DD



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Alterations to existing B8 building comprising: cladding to walls; replace roof covering to include 4 no rooflights; new steel roller shutter doors

- **19/00802 DECISION: Grant subject to conditions (Sway: Permission – Officer’s decision)**  
Paddock to rear Laurel Cottage, Northover Lane, Tiptoe, SO41 6FS  
Field shelter
- **19/00799 DECISION: Grant subject to conditions (Sway: Refusal)**  
Land at Arnewood Bridge Road, off Barrows Lane, Sway, SO41 6ER  
Retention of barn

### PT20/013. Planning Enforcement – an update

The Clerk had previously circulated the latest updates received from the NFNPA which are attached as Appendix 2.

### PT20/014. Planning Inspectorate and Enforcement Appeals

- [APP/B9506/W/19/3231235](#) – Cherries, Crabbswood Lane, Sway (Not yet decided)
- [APP/B9506/W/19/3236857](#) – Hazelhurst Farm, Flexford Lane, Sway (Sway: recommended dismissal) Decided: DISMISSED.

### PT20/015. NFNPA Planning Committee

The next meeting was scheduled for Tuesday 21<sup>st</sup> January and no agenda was yet available.

### PT20/016. Sway Village Design Statement

JW reported that the working group has been agreed. ST suggested an amendment to the name, to make it a Parish Design Statement.

### PT20/017. Other items for discussion

ST – There would be a public meeting regarding the Church Lane development on Thursday 30<sup>th</sup> January from 7pm at the Pavilion. No formal confirmation had yet been received of the developer. The Cricket Club had noted concerns about a possible footpath to the side of the pitch to enable access from Jubilee Field to Church Lane opposite Westbeams Road and the primary school. This would be primarily used for school drop off and collection, so in term time only on weekday mornings and afternoons and for junior age children. It should be noted that this idea was already part of the NFNPA local plan.

### PT20/018. Agenda items for the next meeting

None were offered.

### PT20/019. Date of Next Meeting – scheduled for Thursday 13<sup>th</sup> February 2020 at 7:00pm.

With all business concluded, the meeting closed at 20:32 pm.

SIGNED:.....DATE:.....