

**Application No: 20/00454/VAR Variation / Removal of Condition**

**Site:** Touring Park, Sandy Balls Holiday Centre, Sandy Balls Estate, Godshill

**Proposal:** Application for removal of condition 15 of Planning Permission 18/00139 to allow occupation of all units for 12 months per year

**Applicant:** Mr G Lashley, Away Resorts

**Case Officer:** Ann Braid

**Parish:** GODSHILL

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

- SP5 Nature conservation sites of international importance
- SP6 The natural environment
- SP17 Local distinctiveness
- SP42 Business and employment development
- SP46 Sustainable tourism development
- DP2 General development principles
- DP47 Extensions to holiday parks and camp sites

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

- Sec 6 - Building a strong, competitive economy
- Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Godshill Parish Council: Recommend refusal on the following grounds and because it considers the application to be contrary to the following Local

Plan policies:

- Policy SP5 - it would have increased impact on nature conservation sites of international importance,
- Policy SP46 - it provides no evidence that the year round use of the units will either enhance or at least not damage the Special Qualities of the National Park;
- The reasons for the condition being placed on Planning Application 18/00139 have not changed.
- No dialogue was held with the Parish Council before the application was considered at the meeting.

## **8. CONSULTEEES**

- 8.1 Ecologist: Cannot support the application without appropriate mitigation [Mitigation has since been put forward by the applicant].
- 8.2 Planning Policy Officer: Comment on the need for phosphate neutrality.
- 8.3 Environment Agency: No objection.
- 8.4 Natural England: No objection subject to mitigation.

## **9. REPRESENTATIONS**

- 9.1 Two letters of objection have been received. The winter period of respite is important to the forest and to residents.

## **10. RELEVANT HISTORY**

- 10.1 Use of land for the siting of 108 holiday lodges (static caravans) including the relaying of 108 bases, access roads, parking spaces, refuse enclosures and associated landscaping (Application for a Non material Amendment to Planning Permission 18/00139) (19/00757) raise no objection on 22 October 2019
- 10.2 Use of land for the siting of 108 holiday lodges (static caravans) including the relaying of 108 bases, access roads, parking spaces, refuse enclosures and associated landscaping (18/00139) granted on 27 July 2018
- 10.3 Use of land for the winter storage of caravans on Orchard Field & Part of Four Acres Field (92932) refused on 27 June 2008 Appeal allowed on 11 November 2008
- 10.4 Variation of condition 7 on planning application ref. 84/26193 (to allow 89 seasonal touring caravan pitches in the North field to be used all year round) (92934) refused on 27 June 2008 Appeal dismissed 11 November 2008

- 10.5 Improvement to guest services phase 1 to include: restaurant; welcome building; temporary cycle hire centre; extension & conversion of existing restaurant to admin building; guest services/retail building; information points; extension to play area; car parking; use of land as leisure (85020) granted on 18 January 2006
- 10.6 Allow use of 33 touring pitches throughout the year (Relief of Condition 7 on Planning Permission 26193) (81130) granted on 27 May 2005
- 10.7 Change of use of site and restructuring facilities for Holiday Centre (26193) granted on 6 February 1985

## 11. ASSESSMENT

- 11.1 This application relates to a field occupied by static caravans, within an established holiday park. The park itself comprises a central amenities area, an area of woodland with some designated ancient woodland, leisure facilities including indoor and outdoor pools, car parking, reception area and areas for touring and static caravans. The site abuts agricultural land and some residential gardens, with a public footpath running alongside the boundary to the east and north. The holiday park site is on the western edge of the village of Godshill and within the Western Escarpment Conservation Area.
- 11.2 The site has a long and fairly complicated planning history, but a useful starting point is the application in 1985 which gave planning permission for the holiday park to continue to operate subject to a legal agreement under Section 52 of the Planning Act then in force. This agreement controlled the various uses within the site. A number of subsequent applications have varied this original consent.
- 11.3 Consent was granted in 2018 to construct 108 bases for the siting of static caravans (replacing 275 existing touring pitches) across the field which makes up the application site. 53 of these units are available for holiday use 12 months of the year and the occupation of the remaining 55 units is limited, by condition, to nine months. The static caravans have been installed and are occupied for holidays. This application seeks to vary the condition that limits these periods of occupation so that all 108 chalets may be occupied all year round. The relevant condition reads:

*'There shall be no occupation of the static caravans to the north west and south east of the site except between 1 February and 31 October, in accordance with the layout shown on plan number 3939-520C.*

*Reason: In the interests of neighbouring amenity as a result of increased activity and consequent pressure on the National Park*

*and this would be contrary to Policies DP1 and CP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).'*

The applicant has identified that there is a high demand for holidays within the UK and wishes to meet this demand by adding to the number of chalets available for holidays at Sandy Balls.

- 11.4 The main issues under consideration would be:
- The extent to which the proposal would comply with policy and whether the removal of the seasonal use condition would change the nature or increase the intensity of the use of the existing site;
  - Ecological impacts including water quality;
  - Highway issues; and
  - Impacts on neighbouring amenity.
- 11.5 The general objective of Local Plan Policy DP47 is to ensure development does not increase the overall capacity or site area of existing holiday parks. Development should also result in some environmental benefits. When consent was granted for the static units it was demonstrated that the overall use of the site would not be intensified in comparison with the former use of the land for up to 275 touring caravans. It was shown that the use of the static units (in accordance with the condition) would have no additional recreational impact. In this proposed application, there would be no increase in site area or the number of static units, but capacity would be increased by the occupation of the static units for the extra three months, over winter. Landscape impact on the National Park would not be materially altered by the extra usage, as the static units remain on site all year. The relief of the condition would result in use of an extra 55 units for an additional 92 days in the context of the whole site and the other 330 units which are in 12 month use. In this context, there would be a minor increase in capacity as a result of the use. Environmental benefits such as landscaping were secured at the time of the previous consent.
- 11.6 Ecological impacts would be those associated with the potential increase in recreational pressures on the protected landscape of the New Forest. The Authority's ecologist has assessed the potential impacts on additional pressure during the winter months on the features for which the protected areas were designated. Natural England has assessed the proposal from the perspective of impacts on the New Forest SPA and adverse effects on water quality and raises no objection, provided suitable mitigation is put in place.
- 11.7 The development has been assessed for potential increases in recreational pressure and it is concluded that there would be an increase in recreational impacts but that these may be mitigated.

The applicant has indicated agreement to enter into a legal agreement to provide mitigation, which may be through the Authority's habitat mitigation scheme. This can be secured by condition. Any increase in use of overnight visitor accommodation is development that has the potential to increase levels of nutrients entering the river system, in this case the River Avon. There is a particular issue with additional phosphates. The applicant has agreed to provide a new filtration system, alongside their new sewage treatment plant, and this is acceptable to Natural England. The species for which the forest has been designated would not be affected by the proposals. The original consent secured measures for biodiversity mitigation and enhancement. Natural England has commented on the proposals and, based on the plans submitted, considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

11.8 A Transport Statement was submitted with the original application and was considered by the Highway Authority to provide a robust assessment and no objection was raised. The development was expected to result in a net reduction of 5% on daily trips and the uplift expected as a result of the proposed increase in occupancy would not increase traffic levels back to those formerly seen when the site was a touring park.

11.9 With regard to neighbouring amenity, the issues are:

- Noise and activity;
- Light pollution; and
- Visual impact.

The residents most affected would be those in adjoining residential properties. When consent was granted for the static units, the Environmental Health (Protection) Officer concluded that the development would be unlikely to have any significant adverse noise effects and may result in a reduction of disturbance at peak times. However, the layout of the site was controlled by way of a legal agreement so that those units to be occupied for 12 months were located towards the middle of the site, and those to be used for nine months were to be located at the edges of the site. The use of all 108 units all year would result in activity across the whole site for the entirety of the year. This has been assessed in the context of the whole site, on which 330 units are available for year round occupation and only the 55 in question are still limited to nine months. It is considered that the additional impact that would result through the use of this small proportion of units is not such that the proposal may reasonably be refused. With regard to light, the winter period is not without impact at present. Units are maintained over winter, so there is a degree of activity and some security lighting. As the units remain on site throughout the year, the visual impact of the units remains unchanged. There are fewer cars and paraphernalia when the site is empty, but this would

have a minor impact in the context of the site as a whole. The site is more visible during the winter months, but the applicant has introduced evergreen planting in the landscape scheme. There would be some impact especially when viewed from the public footpath which runs alongside the application site. The visual impact of the units themselves would be unchanged, and the addition of visitors' cars and the lighting of units would not add significantly to the visual impact of the holiday park. The proposal would comply with Policy DP2 as there would be no material adverse impacts on visual amenity as a result of the proposed development.

11.10 In 2008, an appeal against the refusal of planning permission for the 12 month use of the site by touring caravans was dismissed. The Inspector was of the opinion that the respite afforded by the clearance of the site for three months was valuable for neighbouring residential occupiers. The situation has changed since that time, as the static units are now in situ for 12 months, they are maintained and lit for security during the winter season and the site boundaries have been strengthened. Furthermore, the use of an additional field for seasonal camping has been ceased, by legal agreement. The nearest house to the edge of the site is Breach Acre, and the house lies 75 metres from the boundary. The occupier of this property has raised strong objection to the proposal which would result in the loss of three months respite from disturbance associated with the use. Another correspondent from Godshill Wood, to the north is also concerned about the lack of respite, both for residents and for the Forest. Whilst there is undoubtedly an impact associated with the use of the holiday park, it is considered that the proposed change to the season, which would relate to a relatively small proportion of the accommodation on the park, most of which is available for 12 months of the year, would not materially increase the impact of the activity associated with the site, and the development would therefore accord with Policy DP2.

11.11 The holiday park is subject to a legal agreement which governs the various uses within the site and this agreement would need to be varied before consent is granted. Subject to this, and also subject to the imposition of all relevant conditions that relate to the development approved under reference 18/00139, it is recommended that the proposal should be approved.

## **12. RECOMMENDATION**

Subject to the prior completion of a section 106 agreement, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Development shall only be carried out in accordance with drawing numbers SB-01, 3939-501, 3939-521, 3939-522, 3939-526 REV A, 3939-527, 3939-530, 3939-531, 3939-532, 3939-533, 3939-540 and 4114-302 REV A.

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 development in accordance with policies SP16, SP17, DP18 and DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019)

3 Provision for parking shall be retained within the site in accordance with the approved plans attached to case reference 18/00139 and shall be retained thereafter unless otherwise agreed in writing with the national Park Authority.

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

4 Measures for ecological mitigation and enhancement shall be retained at the site in accordance with the recommendations set out in ACD Environmental, Biodiversity Mitigation and Enhancement plan dated 5 September 2018, approved on 26 October 2018 and attached to case reference 18/00139.

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 New Forest National Park Local Plan 2016-2036 (August 2019)

5 External lighting shall only be installed on the site in accordance with plan number 4150-321, attached to case reference 18/00139, and approved in writing by the New Forest National Park Authority on 26 October 2018, unless otherwise agreed in writing with the National Park Authority.

Reason: To protect the amenities, trees and natural features of the area in accordance with Policies DP2, SP6 and SP16 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 6 The disposal of foul and surface water from the site, (including means of disposal of water from hot tubs), to include the location of all pipes and drains shall be installed in accordance with the foul and surface water drainage plan number 4150-318, attached to case reference 18/00139, unless otherwise approved in writing by the New Forest National Park Authority.

Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in the interests of tree protection in accordance with Policy DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019).

- 7 The landscaping of the site shall be carried out in accordance with the landscaping details shown on plan numbers: DD-LN-0-01 (1) DD-LN-0-02 (1) DD-PP-0-01-(1) DD-PP-0-02 (1) DD-PP-0-03-(1) DD-PP-0-04-(1) DD-PP-0-05 (0) DD-PP-0-06-(1) and DD-PP-0-07-(1)

Reason: In the interests of neighbouring amenity and 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 New Forest National Park Local Plan 2016-2036 (August 2019)

- 8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 The static caravans hereby permitted shall not be used for any residential purpose other than for holiday use by the same person, group of persons or family, for periods not exceeding a total of 28 days in any one calendar year.

Reason: In the interests of residential amenity and to ensure the units are not used as permanent dwellings which would be

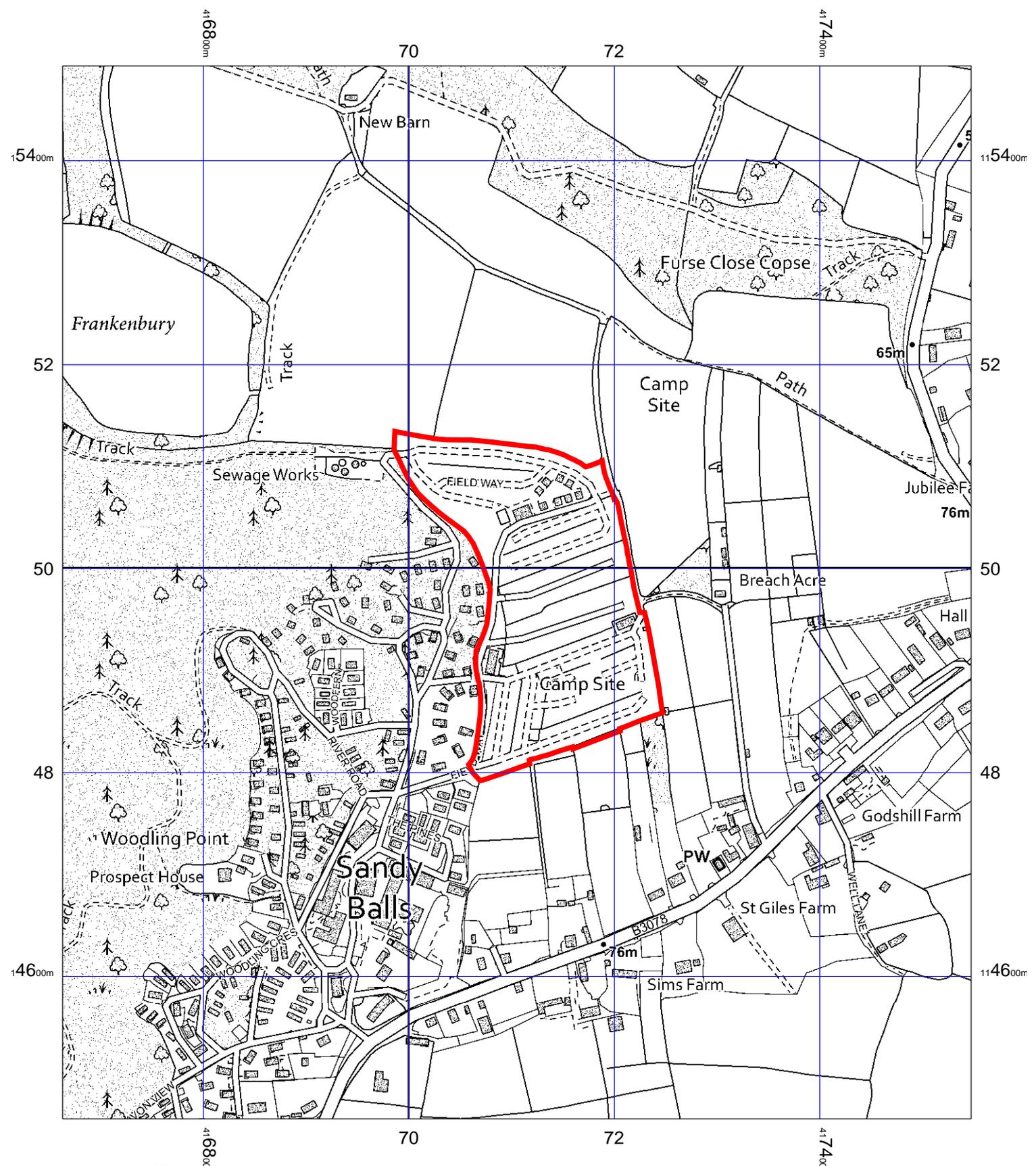
contrary to Policy CP12 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 10 The static caravans in the areas hatched in green on plan number SBC10-11 shall not be occupied between the beginning of November and the end of January until the measures for the filtration of phosphates shown on plan number 4114-302 REV A have been brought into use.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC), in accordance with the Authority's Interim Phosphorus Mitigation Strategy.'

- 11 The static caravans in the areas hatched in green on plan number SBC10-11 shall not be occupied between the beginning of November and the end of January until ecological mitigation for the New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites have been submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Mitigation Strategy and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies SP5 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019), the Authority's Mitigation Strategy and the SRMP.



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**Application No: 21/00807/VAR Variation / Removal of Condition**

**Site:** Paysanne, Godshill Wood, Fordingbridge, SP6 2LR

**Proposal:** Application to vary condition 2 of planning permission 18/00262 for Dwelling; detached garage with office over; sewage treatment plant; details of lighting; demolition of existing dwelling and outbuilding to allow minor material amendment (AMENDED PLANS)

**Applicant:** Mr & Mrs Vickers

**Case Officer:** Ann Braid

**Parish:** GODSHILL

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

SP16 The historic and built environment  
SP6 The natural environment  
SP7 Landscape character  
DP2 General development principles  
DP35 Replacement dwellings  
DP37 Outbuildings  
DP36 Extensions to dwellings  
DP18 Design principles  
SP15 Tranquillity

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

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

**6. MEMBER COMMENTS**

None received

## **7. PARISH COUNCIL COMMENTS**

Godshill Parish Council: Recommends refusal for the reasons set out below:

- The facts are that the house has not been built in the approved location and is much larger in size and height than was given approval. The mitigation proposed by the applicants to reduce floor space by altering an area of the house so that it can only be accessed externally, reducing the lighting and reducing the size of the kitchen windows is not, in the Council's view, sufficiently material to justify a change to the NPA's decision to refuse application 20/00903. Both the external access and the lighting can be easily reversed at a later date.
- Even with the proposed mitigations, the Council considers that the dwelling will continue to have an adverse impact on the amenities of the neighbours, particularly through height and orientation, the impact of the stairwell window and the increased area of glazing particularly on the southern aspect, will cause significant harm to the Western Escarpment Conservation Area and to the sensitive and nationally protected landscape of the National Park.
- The only exterior lighting approved in application 18/00262 was for a single external light. The Council's response to application 18/00262 included the sentence 'A condition be applied that no external lighting shall be installed on the site' in view of the application's dark skies location. The only acceptable mitigation therefore is for none to be installed without specific permission.

### Amended Plans

Objects to the amended plans on the grounds that it considered the mitigations still to be insufficient when compared to the plans approved under Planning Application 18/00262. The orientation, massing, height of the roofline and lighting would continue to have an impact on the Conservation Area and the plans were contrary to policies DP2, SP7, SP16 and DP36 of the New Forest National Park Local Plan. The Council also expressed concern about there being other items on the plan which have not yet been given approval which might be rubber stamped and approved if the plan were approved.

## **8. CONSULTEES**

No consultations required

## **9. REPRESENTATIONS**

9.1 A total of 40 letters has been received, from 18 representees.

9.2 11 representees support the application (in 23 letters) on the following grounds:

- The design and build are high quality and ecologically sound.
- The dwelling is sympathetic and an asset to the locality.

- The size of the dwelling is proposed to be reduced significantly.
- The plans show a willingness to correct the issues.
- The plans would have been approved if originally applied for.
- The applicant has commissioned independent assessments.
- The house should not be demolished, which would be disproportionate to the harm caused.
- The development preserves the character of the conservation area.
- Deviations from the earlier approval have no material impact.
- The modifications would reduce footprint, volume and visual impact.
- The issue of light pollution is not as serious as stated in the objections.

9.3 Seven representees (in 14 letters) object to the application on the following grounds:

- Size, bulk and orientation of dwelling remain unacceptable.
- Alterations do not mitigate the harm.
- There would be excessive light pollution both from the glazed areas and the external lighting.
- The development is too different from the approved plans to be an amendment of that approval.
- The proposals include many breaches of planning control.
- There is a risk that unauthorised structures could be approved as part of this application.
- The proposed changes are easily reversible.
- The orientation and height remain unchanged.
- Overlooking and external lighting remain and are unacceptable.
- The case should be referred to the Appeal Inspector.

9.4 The Council for the Protection of Rural England (Hampshire) object to the proposed revision on the grounds of light pollution.

## 10. RELEVANT HISTORY

- 10.1 Swimming pool; plant/pump house (20/00005) refused on 26 February 2021
- 10.2 Application to vary condition 2 of planning permission 18/00262 Dwelling; detached garage with office over; sewage treatment plant; demolition of existing dwelling and outbuilding to allow minor material amendment (20/00903) refused on 15 February 2021.
- 10.3 Enforcement Notice issued 26 February 2021 concerning unauthorised construction of a dwelling (not in accordance with approved plans). Appeal against Enforcement Notice currently awaiting Inquiry date.

- 10.4 Retention of roof extension over existing log store, retaining wall, addition of 1no. rooflight to outbuilding (19/00303) granted on 14 June 2019
- 10.5 Dwelling; detached garage with office over; sewage treatment plant; demolition of existing dwelling and outbuilding (18/00262) granted on 14 September 2018

## **11. ASSESSMENT**

- 11.1 The house at Paysanne is a two-storey, detached property built in red brick, timber cladding and clay tiles, on a sloping plot within the Western Escarpment Conservation Area. The dwelling is substantially complete, with a swimming pool sited immediately to the south of the house and a patio area cut into the slope to the north. There are outbuildings, including a garage with an office above, a hen house, a garden chalet and a temporary hut, which has been in use during the build. The house is accessed by way of an unmade track from Castle Hill, and the network of tracks in the vicinity serve a scatter of dwellings, in mature and secluded plots. There is a single vehicular access to the property in the north east corner of the site.
- 11.2 By way of background, consent was granted in 2016 for the replacement of the single storey dwelling that existed on the site. Subsequently, the property was sold to the current applicant who, in 2018, obtained full planning permission for a different design of house (reference 18/00262). The dwelling, as built, differs from that shown on the approved plans and is unauthorised. In 2021 an application made under Section 73A of the Town and Country Planning Act 1990 (for minor material amendments) attempted to regularise this, but the application was refused. The reasons for refusal related to the size, scale and floor area of the dwelling as well as the revised design, extent of glazing and re-orientation of the dwelling which had resulted in adverse impacts on neighbouring amenity, the locality, the wider conservation area and the landscape of the National Park. The Authority has served an Enforcement Notice requiring the demolition of the dwelling, as no attempt had been made by the applicant to overcome the issues identified in the refusal. It is open to the Authority to decline to determine an application for development that is the subject of an enforcement appeal, but this is at the discretion of the Authority, and the amended plans now submitted have been provided in an effort to mitigate the harm that has resulted from the dwelling as built.
- 11.3 Central Government guidance relating to material minor amendments states that there is no statutory definition of a minor material amendment but that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The issues to assess are therefore the proposed amendments to the development approved in 2018.

- 11.4 This application substitutes a fresh set of plans for those which were approved under planning permission reference: 18/00262. The differences between the approved and submitted schemes are as follows:
- The proposed revised house would be 1 metre shorter than the approved.
  - The proposed revised house would be 0.5 metres narrower (at its widest point) than the approved.
  - The plans indicate the ridge would be 0.8 metres higher (however, the slab level is some 0.3 metres lower than it would have been in its approved location).
  - The house has been re-orientated so that the south elevation faces to south-south-east instead of south-south-west.
  - As a result of the re-orientation, the house would be closer, by 2.2 metres, to the boundary to the south west, and has been located to the south of the approved position.
  - A double height glazed gable window on the north elevation would be wider than the approved gable window, but would be 0.5 sq.m smaller in overall glazing.
  - As a result of the re-orientation, the double height gable window would be located further to the west and face north-north-west.
  - Security lighting has been installed in breach of condition and this is proposed to be removed.
  - Amendments are proposed to the fenestration, which would have an area of 34.7 sq.m as opposed to the approved 31.5 sq.m.
  - The design and length of the single storey kitchen would be revised.
- 11.5 The Government guidance referred to in the preceding paragraph advises that pre-application discussions will be useful to judge the appropriateness of this route in advance of an application being submitted. It is necessary for the Authority to focus attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as on the changes sought. Since the grant of consent in 2018, the New Forest National Park Local Plan 2016-2036 (August 2019) has been adopted and the new policies are relevant to this case. Policies DP10 and DP11 of the Core Strategy have been carried forward to become Local Plan Policies DP35 and DP36 respectively (see paragraph 11.6). Policy CP7 which related to the built environment has been replaced by Policy SP16 of the Local Plan, which sets out the Authority's approach to the protection of designated heritage assets such as conservation areas. The policy is considerably more detailed than Core Strategy Policy CP7 against which the dwelling that was approved in 2018 was assessed. The Local Plan also includes

Policies SP7 and SP15, which relate to landscape character and tranquillity respectively, and are now relevant. Under Policy SP7, great weight will be given to conserving the landscape and scenic beauty of the National Park. Policy SP15 seeks to control development to prevent artificial lighting from eroding rural darkness and tranquillity.

- 11.6 Local Plan Policy DP35 relates to replacement dwellings and Policy DP36 to extensions. Policy DP35 states that for all dwellings which are not small dwellings and are located outside the defined New Forest villages, a replacement should be of no greater floorspace than the existing dwelling. At the same time, however, an extension can be considered under Policy DP36, and this policy restricts this increase to no more than 30% of the gross internal habitable floorspace that existed at the site in 1982. The approved replacement would have had a total habitable floorspace of 160 sq.m, which equated to a 30% enlargement over the floor space that existed in the demolished dwelling. The proposed plans that are the subject of the current application indicate that the floor area would be 160 sq.m. The roof ridge height would be 8.5 metres which is higher than the original dwelling and higher than that which was approved (7.5 metres). An enforcement site visit confirmed that the existing slab level is 300mm lower than originally intended, resulting in a finished ridge height that would be 0.7m higher than approved. This is not considered to be a major deviation and, in terms of its visual impact in the locality, would not have a materially greater impact than the approved dwelling.
- 11.7 With regard to the impact of the development on the wider locality and the Western Escarpment Conservation Area, Local Plan Policy SP16 states that proposals will be supported where they do not harm the character or appearance of a conservation area, including, among other things, spaces, views, and vistas which contribute to the special interest, character or appearance, having regard to the relevant conservation area character appraisal. The Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as specified within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The topography of this part of the conservation area is identified in the character appraisal as being key to the character of the area. Such built development as there is, is softened by being set against a backdrop of trees. Views across the valley to the south of the site are noted in the appraisal, and views of the dwelling may be gained from public footpaths which run along the valley.
- 11.8 As a result of the re-orientation and re-positioning, the north elevation, including the double height window would be less well screened by boundary vegetation and site topography, and boundary planting has been carried out to address this additional impact in the conservation area. The reorientation of the property

has angled the glazing on the southern elevation more directly down the valley. The proposed plans show that the glazing on this elevation would be 2.6 sq.m more than that which was previously approved, which is acceptable in this setting and would not materially erode the tranquillity of the locality. In total the revised design would have 3.26 sq.m more glazed area than the approved design. The dwelling would be more prominent in the landscape than the original bungalow that was demolished, but would have a similar visual impact to that which was approved in 2018. Overall, the dwelling would not have an unduly harmful impact in the wider landscape and would not be contrary to Policies SP15, SP16 and SP7.

- 11.9 The site of Paysanne is lower than its neighbour to the north, Jubilee Bungalow. The orientation of the revised house has resulted in the north elevation facing north-north-west towards this neighbour. Occupiers of Jubilee Bungalow have a clear view of the roof that has been built and of the gable window. The re-orientation has led to significant harm to the amenities of neighbours, by reason of light emissions across their garden, and the ability to see into their property from the upper floor of Paysanne. The redesign of the roof proposed in this application, which would revise the roof to a hip in place of the gable over the double height window, removes the possibility of overlooking from Paysanne to Jubilee Bungalow and this has been checked on site. The top of the window would be lower than that approved in 2018. The highest part of the revised window would be 4.7 metres above the ground level as opposed to the maximum height of 5.7 metres above ground level on the approved plans. With regard to impacts on the neighbour to the west, there is concern that use of the balcony nearest that property would lead to overlooking of the private garden. Overlooking to the west would be reduced as a result of the re-orientation of the dwelling towards the south east.
- 11.10 The amended floor plans indicate the location of six downward facing wall lights at ground floor level only. The style and low luminosity of the external wall lights are shown on the submitted plans (antique brass finish / 520 lumens) and a condition would ensure that the number and style of the proposed external wall lights is not changed. The chosen design would direct low level lighting downwards. The extent of lighting is considered acceptable and the lighting report indicates that they would also be controlled by sensors. The applicant has agreed to remove the flood light from the west elevation.
- 11.11 The case has attracted support locally, with 11 representees (in 23 letters of support) believing the build to be a high quality build which enhances the locality. Seven neighbours (in 14 letters) have strongly objected to the revised proposals. It is the view of objectors that the proposed revised dwelling would be too large, light pollution would be excessive, the alterations would not mitigate the harm and the variations are too great to be minor

material amendments. There is also concern that other unauthorised structures such as the pool, patio and outbuildings would be approved alongside the material minor amendment. However, for the reasons given above, it is concluded that the proposed amended design would address the issues that have arisen as a result of the unauthorised build and the scale, design and visual impact of the proposed house would be acceptable. Furthermore, its floor area would be within the limitations of Policy DP36. An approval would amend the 2018 scheme and would not introduce other items that were not part of the approved development.

- 11.12 Overall, the proposed revisions are considered acceptable as minor material amendments to the existing consent and the development would be in accordance with Policies DP35, DP36, SP16, DP2, SP7 and SP15 of the New Forest National Park Local Plan 2016-2036 (August 2019).

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 1 Within two years of the date of this decision, the as-built dwelling shall be amended in accordance with drawing numbers SGA-143-102D Issue PL1 and SGA-143-104N Issue PL2 unless otherwise agreed in writing with the New Forest National Park Authority.

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).

- 2 Development shall only be carried out in accordance with BLA062-001, SGA-143-102D Issue PL1 and SGA-143-104N Issue PL2. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

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

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

Reason: To ensure an acceptable appearance of the building in

accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 4 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 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 DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 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 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 The area covered by the balconies along the southern elevation shall at no point be in-filled or incorporated into the main dwellinghouse.

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

- 7 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 Impact Assessment report by Lindsay Carrington, dated 2018, approved under case reference 18/00262. The specified measures shall be implemented and retained at the site in perpetuity.

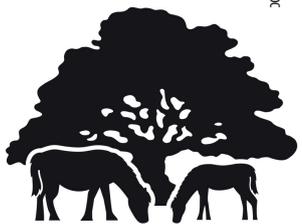
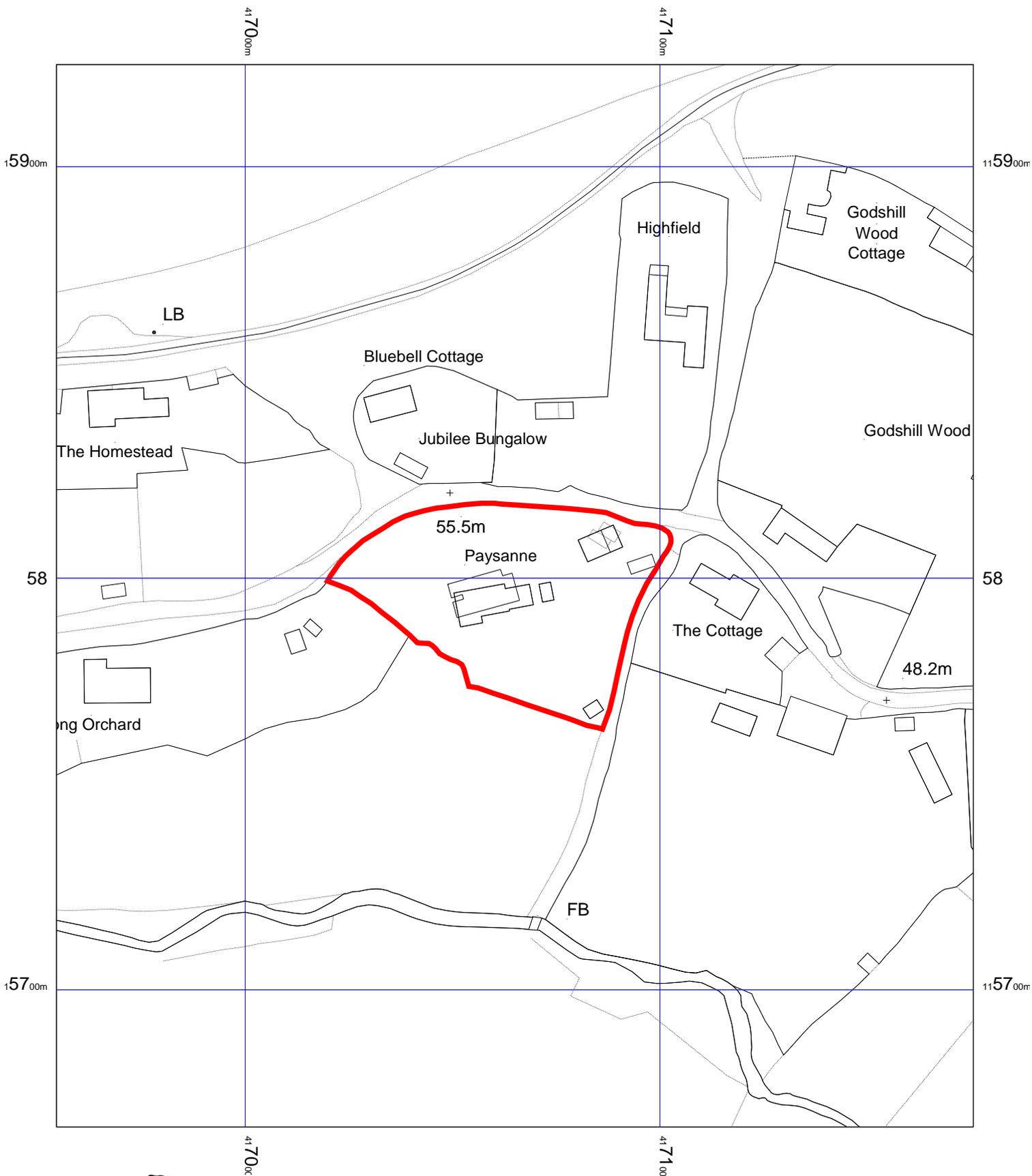
Reason: To safeguard protected species in accordance with Policies DP2 and SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019)

- 8 All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting the locally distinctive character of the Western Escarpment Conservation Area in accordance with Policy CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) as well as the Western Escarpment Conservation Area Management Plan.

- 9 No external lighting shall be installed on the site except as shown on the approved plans, and controlled in accordance with the approved lighting plan and the recommendations of the ecological report by Lindsay Carrington dated July 2018 and approved under consent reference 18/00262

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



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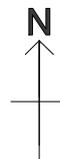
New Forest National Park Authority  
Lymington Town Hall, Avenue Road,  
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

Date: 01/07/2022

**Ref: 21/00807**

**Scale: 1:1250**



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**Application No: 22/00086/FULL Full Application**

**Site:** Violet Cottage, Newbridge, Cadnam, Southampton, SO40 2NW

**Proposal:** Replacement conservatories; outbuilding for use as home office; workshop; roof alteration; porch; alterations to doors and windows; PV panels; patio; gates (AMENDED PLANS)

**Applicant:** Mr Deighton

**Case Officer:** Liz Marsden

**Parish:** COPYTHORNE

**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

Conservation Area

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

- DP2 General development principles
- SP16 The historic and built environment
- SP17 Local distinctiveness
- SP6 The natural environment
- DP36 Extensions to dwellings
- DP37 Outbuildings

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Design Guide SPD

**5. NATIONAL PLANNING POLICY FRAMEWORK**

- Sec 12 - Achieving well-designed places
- Sec 15 - Conserving and enhancing the natural environment
- Sec 16 - Conserving and enhancing the historic environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Copythorne Parish Council: Recommend refusal:

- The replacement outbuildings are not in keeping with location and are disproportionate to the main building.
- The overall application seems to be leading to a commercialisation of the site.
- Strong objections have been received from several neighbours, all of which are supported by the Parish Council.

## **8. CONSULTEES**

8.1 Building Design & Conservation Area Officer: No objection subject to condition requiring details of materials to be approved.

- Initial objections to the proposals, on the grounds that the design of the new windows and garage link were unsympathetic to cottage and the extent of brick pavements on the drive and solid gates which are out of keeping with the rural setting. Outbuildings should be subservient to the host dwelling.
- Amended plans considered to address a number of previous concerns.

## **9. REPRESENTATIONS**

9.1 10 letters of objection received in response to the original application on the grounds of:

- The site had been extended to the maximum possible prior to addition of rear conservatory.
- The replacement conservatories don't meet policy criteria and one is bigger than the existing, resulting in floor space exceeding policy limits.
- Covered walkway out of keeping and alterations will alter the character of the New Forest cottage to its detriment.
- Excessive use of block paving more suited to urban areas and potential to result in increase in floor risk.
- Outbuildings are too large, detract from character and appearance of the area and are unlikely to be for personal use.
- Operating a business use from the site would result in increased traffic that would be hazardous to users of this narrow road.
- Commercial use would be unacceptable in this area.
- Potential for noise from workshop to adversely affect grazing animals in nearby paddocks.
- Proposals harmful to the special interest of the conservation area.
- Loss of outlook and adverse impact on neighbouring properties.
- Site encroaching into former paddock areas.
- Works have been carried out to remove hedgerow, install foul drainage system and electrics which appear to be preparatory

to sub-dividing the site and creating the potential for a new property

- Adverse impact on biodiversity due to loss of hedgerows.
- Inaccurate ownership certificate signed.

Following the submission of amended plans, eight further letters received (no new objectors):

- Revisions addressed some of the previous objections but not the primary concern about the potential development of the area excluded from the application site and the potential for business use.
- Foul drainage installed in south paddock and other infrastructure been provided which could serve additional units.
- Comments from conservation officer intended to mislead as not associated with NFDC.
- Loss of hedgerows and trees.

## **10. RELEVANT HISTORY**

- 10.1 Ground and first floor additions and erect detached garage (NFDC/94/55221) granted on 18 October 1994
- 10.2 Ground and first floor additions and new access (NFDC/94/54571) refused on 10 August 1994

## **11. ASSESSMENT**

- 11.1 Violet Cottage is a detached, two-storey building, identified as being locally listed, centrally located within a large plot with a long road frontage and within the designated conservation area. The site slopes from the roadside boundary to the east, down to the boundary of the curtilage with open fields to the west. Judging from historic aerial photographs and local knowledge, the site was in three sections, with the dwelling occupying the central part of the site, with paddocks to the south and a small orchard to the north, though there are no longer any internal dividing features. This part of Newbridge is characterised by detached properties located either side of a narrow road, that does not provide a through route for traffic, and is predominantly rural in character and appearance.
- 11.2 The cottage is currently being renovated and the application seeks a number of alterations and additions to the property. The plans have been amended during the application process to remove or alter elements of the original proposal, notably:
- Removal of an open car port link between the house and detached garage.
  - Replacement of block paved drive and turning area with a gravelled surface.

- Alteration of vehicle access gate from a tall solid timber gate.
- Removal of solar panels from front elevation of dwelling.

The proposals that are now being applied for are:

- Replacement of two conservatories, one on the south side elevation and one on the rear (west) elevation.
- The alteration of a pitched roof over a single storey rear section of the house to a lean-to roof to tie in with the adjacent replacement conservatory.
- Two outbuildings to serve as a home office (35 sq.m in area, maximum height to the ridge of 4.15m) and workshop (50 sq.m in area, maximum height of 3.7m). The existing dilapidated timber and corrugated iron structures to be cleared from the site.
- Solar panels to rear and south side roofs of the cottage.
- Traditionally designed timber vehicular access gate and areas of hardsurfacing.

11.3 The key issues to consider are:

- The implications for Policy DP36 in terms of floor area;
- Whether the proposed outbuildings accord with the criteria of Policy DP37;
- Whether the proposals are appropriate to the dwelling and its curtilage;
- The impact on the street scene and character and appearance of the conservation area;
- Any impact on neighbour amenity.

11.4 With regard to Policy DP36, the proposal does not result in an increase in the floor area of the existing cottage. The conservatories are not restricted by condition and therefore their replacement by structures of the same size, albeit with a more solid construction and roof, would not conflict with the policy. The size of the original rear conservatory has been queried but photographs, taken prior to its demolition, confirm that it did extend beyond the rear of the adjacent single storey section of the dwelling and the replacement is on the same footprint. The removal of the covered link, between the garage and the house, ensures that there is no potential for its future infill to facilitate the inclusion of the garage into the residential floorspace and the application does not therefore result in a greater area of habitable floorspace than currently exists.

11.5 The dwelling is being extensively renovated and it is considered that the proposed alterations, including the small open porch on the front elevation, the change of the pitched roof over the single storey rear addition to a lean-to form and the relocation of windows/door, would not have a material or adverse impact on the vernacular detailing of the original cottage that resulted in it being identified as a locally listed building.

- 11.6 Concern has been raised about the extent of hard surfacing, in the form of block paved access drive and patios around the cottage, which it is considered would have an urbanising effect, inappropriate to this rural area. However, it should be noted that the provision of hard surfaces, incidental to the enjoyment of a dwellinghouse, is permitted development and have only been included in the application for the sake of clarity. Amendments have been sought to alter the surface of the access drive from block pavements to gravel, which together with the use of a more traditional field style gate, would ensure that the entrance to the site would retain its rural character in accordance with Policy SP17.
- 11.7 With regard to the outbuildings, the assessment must be made as to whether they conform to the criteria of Policy DP37. The principle requirement is that outbuildings should be proportionate and subservient to the dwelling in terms of their size, scale and design. In this case, two outbuildings are proposed, located adjacent to the southern boundary of the site and in place of a collection of existing dilapidated sheds and a former brick building, the majority of which has fallen down, though the gable end nearest to the road is still visible. The new outbuilding, closest to the road in this location, referred to as a home office, is to be a single storey structure, with a maximum height to the ridge of 4.1m and with a footprint equivalent to a double garage. The building would be constructed with natural timber cladding and a slate roof, the door and windows would be located in the northern elevation (the elevations on the initially submitted plans were incorrectly labelled and an amended plan has been received) facing into the garden. There would be rooflights in the southern elevation. It is considered that the overall size and scale of the proposed home office would be subservient and proportionate to the house and the simple design and construction materials are in keeping with the dwelling.
- 11.8 The other new outbuilding is located to the west of the home office and is a slightly narrower and longer building, with an internal floor area of around 47 square metres and a height of 3.4m. It is shown to be divided into two areas to provide workshop and garden storage. It is to be constructed of the same materials as the home office, though with solid timber doors (opening onto the garden) and no windows or rooflights. It should perhaps be noted that whilst the building is sizeable, in terms of its overall dimensions, it could be erected as permitted development and permission is only required due to its location to the side of the dwelling and proximity to the boundary of the curtilage.
- 11.9 In terms of meeting the other requirements of Policy DP37, the proposed uses of the outbuildings are considered to be incidental to the dwelling and this can be controlled by appropriate conditions. There is no habitable accommodation proposed and

the generous size of the site ensures that the remaining amenity area available to the dwelling is acceptable. As noted previously, there is some query about whether the entire site, as defined by the red line, can be considered to be curtilage, but the proposed outbuildings are located in place of existing structures, the openings of which also face into the garden and can reasonably be assumed to form part of the curtilage.

- 11.10 The site is located in the conservation area and, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy SP16 requires development not to harm the special interest, character of a conservation area. In this case, the alterations to the dwelling would not materially alter the appearance of the building and the primary visual impact would be from the new outbuildings, in particular the home office adjacent to the road. However, the fact that a building is visible does not necessarily result in harm and where, as in this case, the buildings are proportionate to the site and that the design and materials to be used are appropriate to the rural location, it is considered that the overall impact of the proposals would not be unduly intrusive in the surrounding area or detrimental to the special interest of the conservation area. The proposal would also result in the removal of some extremely dilapidated structures that do little to enhance the appearance of the conservation area.
- 11.11 In terms of impact on neighbouring properties, the dwelling and the outbuildings are at a sufficient distance, the closest being Firview to the south of the site 19m away from the proposed workshop, to ensure that there is no adverse impact on the amenities of the occupants, through loss of light, outlook or privacy. Concern has been raised about the potential commercial use of the outbuildings having an adverse impact through increased noise and traffic. However, both the home office and workshops would be restricted to uses that are incidental to the occupation of the house and their use for commercial purposes would represent a change of use that would require planning permission.
- 11.12 It is noted that the chief concerns raised by local residents relate to the potential use of the field to the south of the site, where works have taken place to remove the hedgerow along the road frontage and the creation of a wide driveway which has been surfaced with hard core. It is also asserted that electricity, water and drainage have been put in close to the site and it is queried whether this could be preparatory to turning the outbuildings into independent units of living accommodation. However, the site that is being referred to does not form part of the current application and it is necessary to consider the proposal on the merits of what has been submitted, in this case the alterations to the dwellings and the proposed outbuildings that are shown as

incidental to it. The issue of the hedgerow removal has been addressed in a retrospective hedgerow removal application (HRN/21/0355) which concluded that it did not meet the criteria for classification as important in terms of the Hedgerow Regulations. It is, however, recognised that the existing hedgerow along the road frontage of the site is of importance to the visual amenities and character and appearance of the area, together with its contribution to biodiversity, and a condition requiring its protection during construction and subsequent retention and maintenance would be appropriate.

- 11.13 It has been noted that the ownership certificate was incorrectly filled out in that the applicant is not the owner of the site. However, he has confirmed that this was a genuine error and his partner, who is the owner, has also confirmed in writing that she is fully aware of the application proposals. The error does not therefore prejudice the interests of any party so as to invalidate the application.
- 11.14 The proposed alterations to the dwelling would not exceed policy restrictions and are in keeping with the dwelling. The outbuildings are capable of being accommodated on the site without adverse impact on the character and appearance of the conservation area or neighbour amenity. The proposal is therefore in accordance with Policies DP2, SP16, SP17, DP18, DP36 and DP37 of the Local Plan.

## 12. RECOMMENDATION

Grant Subject to Conditions

### Condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Development shall only be carried out in accordance with drawing nos:
- 001 Rev C- Location and block plan
  - 003 Rev D- Proposed site plan
  - 005 Rev B- Proposed dwelling plans and elevations
  - 006 Rev B- Proposed outbuildings plans and elevations

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 buildings in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 No development shall take place above slab level until samples or exact details of the materials to be used for the facing and roofing of the outbuildings and driveway area 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).

- 4 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).

- 5 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).

- 6 The hedgerow along the road frontage of the site shall be protected during construction works, with the gap created by the existing gate planted with similar species to the adjacent sections of hedgerow. The entire hedgerow shall thereafter be retained in perpetuity and maintained in good condition.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

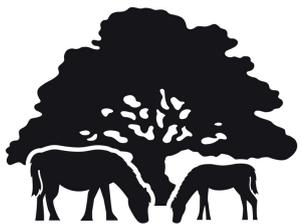
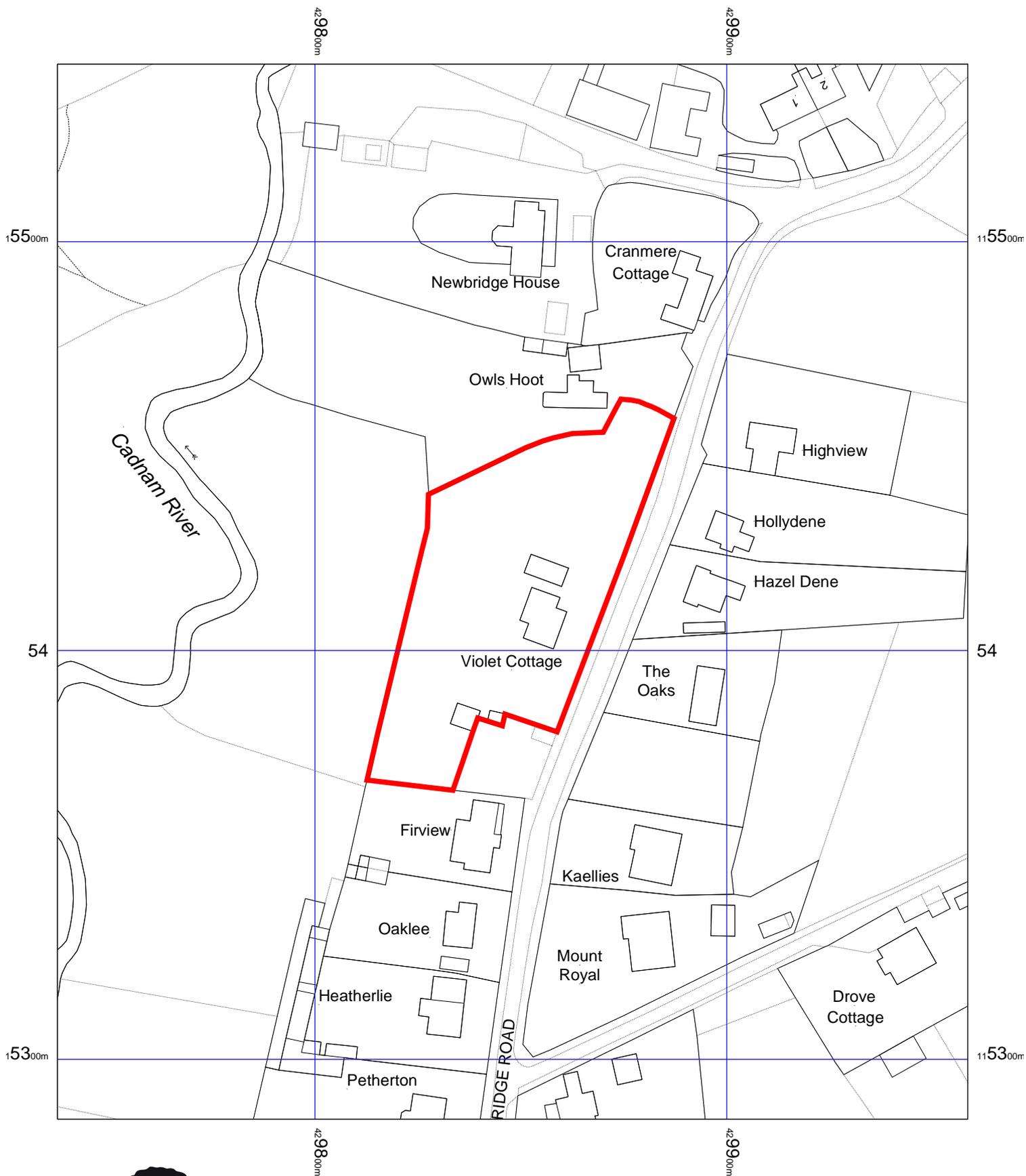
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Class C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by 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 that any future development proposals do not adversely affect the visual amenities of the conservation area through the proliferation of additional outbuildings and to comply with with Policies DP35, DP36, SP16 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

**Informative(s):**

- 1 The applicant is advised that not all the land included within the red edge of the application is considered to be residential curtilage and that the advice of the National Park Authority should be sought prior to any development within the area (notwithstanding that permitted development rights for some Class E has been removed by condition).



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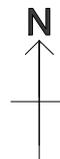
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