

Appeal Decision

Site visit made on 7 November 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th January 2017

Appeal Ref: APP/B1740/W/16/3155045

**New Forest Water Park, Ringwood Road, Fordingbridge, Hampshire
SP6 2EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Jury against the decision of New Forest District Council.
 - The application Ref 16/10025, dated 6 January 2016, was refused by notice dated 11 March 2016.
 - The development proposed is described as the relocation of clubhouse approved by planning permission 13/10191 for additional use for fishery manager accommodation (requiring a variation of condition 4 of the planning permission).
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision notice describes the proposal as a "clubhouse with additional use for fishery manager". This is a more appropriate description and I have dealt with the proposal on this basis.

Main Issue

3. The effect of the proposal on the character and appearance of the countryside.

Reasons

4. The site lies on the west bank of one of the three Hucklestone Lakes which comprise the New Forest Water Park. The northern lake is used primarily for water sports, and the middle lake, which is already used for coarse fishing, is intended to play a more important angling role in future. A large clubhouse and associated facilities have been provided at the north-west shore of the northern-most lake, pursuant to a planning permission granted in 1990, but the middle lake has no built facilities.
 5. The Council has already approved a clubhouse building at the northern end of the middle lake, originally under a 2011 outline planning permission, but more recently under planning permission Ref: 13/10191, dated 13 May 2013, and it is intended that this proposal should be a substitute for it. I shall refer to this in more detail below, but it follows that the Council does not object in principle to the provision of a clubhouse to serve the middle lake. The Blashford Lakes Strategic Management Plan recognises that the lakes provide an important
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local resource for recreational fishing and one of the objectives of the plan is for the continuation of fishing.

6. The previously approved building was aimed at providing facilities for users of the lake, and comprised a small kitchen, a lounge refreshment area, and about a third of the floorspace devoted to changing rooms. Thus, the building was primarily aimed at providing facilities for users of the lake. The current proposal is to serve a different need and shows that, besides a small bathroom and changing room, the bulk of the proposed floorspace would be occupied by a large room described as "workshop/client facilities" with a smaller store, and a room in the roofspace, occupying about a third of the footprint as "personal space" for the caretaker/fishery manager.
7. Thus use of the building is different from that originally permitted, moving from the provision of facilities for lake users to facilities for a caretaker. There is already a residential presence on the site in the form of a flat attached to the existing clubhouse and a residential mobile home which is also used by a caretaker. The "personal space" is indicated as being to provide overnight accommodation for the caretaker on an occasional basis, to provide security and oversee night time fishing.
8. I accept that there may be a need for the facilities proposed. However, the size of the building is significant. The "personal space" is substantial, about the size of a small flat, and appears to me to disproportionate in relation to the basic requirements for a bed and furnishings necessary for a single caretaker to spend the occasional overnight stay. As a result of providing spacious accommodation in the roofspace, the proposed building would be noticeably higher and bulkier than that previously permitted.
9. The proposed building would be sited on the western side of the lake, just north of a small mounded promontory, in an area of woodland, partly overhanging the water. In terms of its location, it would be in a more prominent position than the approved building, and would be visible from a number of viewpoints around the lake and from the access road leading from the A338 road to the east of the site. Although there may not be much additional activity outside of the building, over and above that already associated with the lawful recreational use of the site, I would expect there to be some. As the building would be located in a more tranquil part of the water park, the additional activity would add to the prominence of the development.
10. The building would nestle in amongst a shoreline area of woodland on a fairly steep bank, and its materials, including timber cladding would help it blend in with its surroundings. However, it would require the loss of a number of trees, none of which are especially large or prominent specimens, but they contribute to the sylvan appearance of the shoreline. The building would project out over the water, and the deep plinth would appear as though the building were a full two storeys high when seen from the opposite side of the lake. Its height and bulk would make it stand out in relation to the undeveloped natural rural context. In my judgement, the proposal would damage the rural character of the area.
11. Whilst Policy DM25 of the Local Plan Part 2: Sites and Development Management permits development associated with a local recreational need, it is subject to provisos, one of which is that there will not be an unacceptable impact on the rural character of the area. Proposals have to be properly

justified, and on the basis of the evidence before me, I am not satisfied that the harm to the character and appearance of the countryside that would result from the development is outweighed by the need for the scale of building proposed.

12. I therefore conclude on the main issue that the proposal would result in material harm to the character and appearance of the rural area, and would conflict with Core Strategy Policy CS2 which deals with design, and with Policy DM25 to which I have referred above. Core Strategy Policy CS10, which deals sets out the spatial strategy for the district is only of general relevance.

Other matters

13. On my visit I noted that works had taken place in the vicinity of the clubhouse permitted by the 2013 permission. I wrote to the parties to ask whether a specified operation had been carried out and the appellant confirmed that it had, and suggested that a condition could prevent both permissions from being implemented. However, as a matter of law, a condition cannot remove the benefit of a planning permission, and only a planning obligation under Section 106 of the Town and Country Planning Act 1990 could prevent both being implemented. Thus, even if the proposal were acceptable on its own, in the absence of a legal agreement, two buildings could be constructed, for which there is insufficient justification and the appeal would have been dismissed for this reason.

Balancing exercise and conclusion

14. The proposal would bring with it economic benefits to the water park, to which I attach moderate weight. However, the harm to the character and appearance of the area would be significant and outweighs other benefits. Thus, the proposal cannot be considered to be sustainable development.
15. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and should be dismissed.

JP Roberts

INSPECTOR