
Appeal Decision

Site visit made on 3 May 2017

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

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

Decision date: 16 May 2017

Appeal Ref: APP/B9506/W/16/3165402

Little Timbers, New Lane, Bashley, New Milton, Hampshire BH25 5TR

- 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 John Watt against the decision of New Forest National Park Authority.
 - The application Ref 16/00686/FUL, dated 9 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is to reuse an existing lawful building for permanent residential purposes.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The copy of the application form submitted with the appeal is undated, and I have therefore taken the date of the application to be that given on the National Park Authority's decision notice.

Main Issue

3. The effect of the proposal on the character and appearance of the area, which lies in the countryside.

Reasons

4. The site is occupied by a timber building subject of the appeal, together with a large wooden barn. It forms part of a larger landholding which encompasses a number of fields, formerly used as part of a horticultural business. A dwelling stood on the site but it burnt down in 1990. Subsequent attempts to obtain planning permission for a new dwelling on the site have failed, and in 2011, an appeal ¹against one such proposal was dismissed, with the Inspector finding that the former dwelling had been abandoned.
5. The appeal building benefits from the grant of a certificate of lawful development which certifies that the use of the building for recreational and leisure purposes but specifically excluding overnight accommodation was lawful on 22 September 2014.
6. Policy CP12 of the Core Strategy and Development Management Policies (adopted in 2010) (CS) directs new residential development in the New Forest

¹ Ref: APP/B9506/A/10/2138756

- to four named villages and indicates that other proposals will be permitted in particular circumstances, none of which apply here. The site lies outside of the defined villages, and therefore the proposal conflicts with the policy.
7. The policy pre-dates the publication of the National Planning Policy Framework (the Framework). In such cases the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
 8. The Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. One of the main aims of Policy CP12 is to protect the special qualities of the New Forest, and thus the policy is consistent with the Framework to that extent.
 9. Paragraph 55 of the Framework warns against new isolated homes in the countryside unless there are special circumstances, and gives as an example, where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Policy CP12 does not reflect this more flexible approach, and I consider that its application would not necessarily be inimical with the protection of the special character of the New Forest. Thus, the provisions of the Framework are an important material consideration to be weighed against the conflict with Policy CP12.
 10. Both the timber building and the site have a strongly rural appearance, and from the road the building appears like an agricultural or stables building, appropriate for its semi-rural context. The site is screened from the road by a solid gate and fence, and when the gate is open, the informal surfacing reinforces the rural character of the site. The lack of maintenance of the building, such as moss growing on the roof, distinguishes the proposal from residential development.
 11. Paragraph 55 indicates that special circumstances to justify an isolated dwelling may occur where two-preconditions are met. One of these is where the building is disused or redundant, and there is no dispute here that the building is disused. The other is that the re-use should and lead to an enhancement to the immediate setting. I do not see how, in the context of a semi-rural area, the change of a rural building to a dwelling within a residential curtilage would achieve that. To my mind, the upgrading of the timber building referred to in the engineer's report, the provision of parking areas, gardens, domestic enclosures and paraphernalia would result in a marked change from a low-key rural site to a more manicured and obviously residential site. This would not result in an enhancement to the site's immediate setting; rather it would harm the semi-rural qualities that contribute to the attractiveness of the area, and would conflict with both local and national policies which aim to protect the special qualities of the New Forest.
 12. I therefore conclude on the main issue that the proposal would result in material harm to the character and appearance of the area in the countryside, and would conflict with CS Policy CP12. To a lesser extent, there would be some small adverse effect on the wider landscape, which CS Policies D1 and CP7 aim to protect.

Other matters

13. Whilst the appellant does not argue an agricultural justification for a dwelling in this location, I see that there is some merit in the argument that a residential presence would make it easier to attend to horticultural activity on the wider site, and to keep the land in good order. However, it cannot be guaranteed that this benefit would be realised in either the short or the longer term, and even if it were, it would not outweigh the harm that I have found.

Conclusion

14. I conclude that the proposal would conflict with the development plan as a whole, and for the reasons given above, the appeal should be dismissed.

JP Roberts

INSPECTOR