
Appeal Decision

Site visit made on 12 December 2017

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2018

Appeal Ref: APP/B1740/W/17/3181718

**Land rear of Rose Cottage, Woodcock Lane, Hordle, Lymington, Hants
SO41 0FG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Davies (Box Space Limited) against the decision of New Forest District Council.
 - The application Ref 17/10420, dated 21 March 2017, was refused by notice dated 14 June 2017.
 - The development proposed is demolition of existing workshop building and erection of 1 no. three bed detached dwelling with associated access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing workshop building and erection of 1 no. three bed detached dwelling with associated access at Land rear of Rose Cottage, Woodcock Lane, Hordle, Lymington, Hants SO41 0FG in accordance with the terms of the application, Ref 17/10420, dated 21 March 2017, and the plans submitted with it, subject to the conditions on the attached list.

Background

2. The application is in outline. The only detailed matter of a consideration at this stage is access. All other detailed matters are reserved for later consideration.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Character and appearance

4. The appeal site lies within the village of Hordle. It lies to the rear of a ribbon of development along Woodcock Lane. The site once comprised the rear most part of the back garden of Rose Cottage, but has since been subdivided from it. Vehicular access would be onto Woodcock Lane via an existing track in a gap between Rose Cottage to the north and Ramblers to the south. Currently on site there is an old workshop/garage structure.
5. Although an outline application the appellant has provided a sketch plan showing the location of the proposed building roughly centrally on the plot and

sketch elevation drawings showing an attractive barn type structure with horizontal wood boarding and red roof tiles.

6. The Council is concerned with the backland location of the site. However, there is to both north and south of the site backland development. And although it is in the form of estate development it does give a built up appearance to the land to the rear of Woodcock Lane. Moreover, within New Forest settlements it is not uncommon to find some relatively substantial ancillary buildings to the rear of older established housing such as that fronting much of Woodcock Lane in the vicinity of the site. On the appeal site a sensitively designed dwelling with the appearance of this type of ancillary building would look entirely in keeping. The appellant has shown in his sketch elevations how this could be achieved and at reserved matters stage the Council would be able to require development of appropriate size and design.
7. It is concluded that the proposed development would not detract from the character and appearance of the surrounding area. There would be no conflict with Policy CS2 of the New Forest District (outside the National Park) Core Strategy (2009) which requires new development to be appropriate and sympathetic to its setting

Other matters

8. The Council had initially been concerned about the proposal on highway safety grounds. However, the appellant submitted amended plans showing that visibility splays would be provided across adjoining land in accordance with the Council's requirements. The appellant has entered legal agreements with the adjoining landowner to ensure this and says that he expects the provision of the visibility splays to be secured by planning condition. In the circumstances I am satisfied that this could be achieved by a Grampian condition.
9. The Council concedes that it has no five-year housing land supply. This is a matter in favour of the proposal, albeit a limited one given the small scale of the development.
10. There is some concern about increased traffic using the narrow access past The Ramblers. However, even were the existing building on the site little used, as some neighbours claim, the amount of traffic generated by this small scheme would be insufficient to endanger those adjoining the track subject to some form of speed restriction adjoining The Ramblers. This could be covered by condition.
11. I am satisfied that the site is sufficiently well screened and distant from neighbouring houses to ensure that the dwelling on the site could be constructed in a way that would cause no harm to living conditions through loss of privacy.
12. In accordance with the Habitat Regulations 2010 an assessment has been carried out on the likely significant effects associated with the recreation impacts of residential development on the New Forest and Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation being secured. The appellant does not contest this. The Council has provided a detailed explanation of the appropriate mechanism for securing a contribution towards habitat mitigation measures, which includes the account that needs to be taken of

Regulation 123 of the Community Infrastructure Regulations 2010 as amended. From what I have seen and read I am satisfied that such mitigation could, on the particular circumstances raised by the Council, be secured by means of a negatively worded planning condition. I note that this view has now been supported in a number of appeals including APP/B1740/16/3162691. I have found no reason to come to a different view. I am thus satisfied that the necessary mitigation can be secured by condition.

Conditions

13. Given the lack of harm on the main issue, and my observations on the “other matters” referred to above I am minded to allow the appeal and have therefore considered the conditions suggested by the Council that go beyond those referred to above.
14. As this is an outline application I shall impose the standard outline conditions. To prevent over-development of the site and protect the character and appearance of the area I shall require the demolition of the existing building. I shall impose a drainage condition to ensure that the site is satisfactorily drained.
15. Although not referred to by the Council I shall, to ensure an acceptable appearance to the development, require details to be submitted and approved of the surface treatment of the site access way.

Conclusion

16. For the reasons given above the appeal is allowed.

R J Marshall

INSPECTOR

Conditions

- 1) Details of the, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Construction of the dwelling hereby permitted shall not commence until the building shown to be demolished on plan number PO6A has been demolished and all material removed from the site.
- 5) Visibility splays of 2.4m by 43m shall be provided in both directions at the junction of the proposed access with the public highway before development commences. These visibility splays shall thereafter be kept free of any obstacles over 600mm in height at all times.
- 6) The building hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 7) No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must provide:

a) for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document), or for mitigation to at least an equivalent effect; and

b) details of the manner in which the proposed mitigation is to be secured, including arrangements for the monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.

The development shall be carried out in accordance with the approved mitigation.

- 8) No development shall commence on site until a speed restriction scheme on the access way has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the speed restriction has been constructive in accordance with the approved scheme and that scheme shall thereafter be retained.
- 9) No development shall commence on site until details are submitted to and approved in writing by the Local Planning Authority of the materials to be used on the access way. These works shall be undertaken in accordance with the approved details prior to first occupation of the building hereby permitted.