



Appeal Decision

Site visit made on 23 July 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/B1740/W/19/3225208

Merrie Leas, Fryern Court Road, Burgate SP6 1ND

- 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 Mrs E Harvell-Childs against the decision of New Forest District Council.
 - The application Ref 18/11639, dated 7 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is demolition of an existing outbuilding and erection of a detached dwelling, associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made in outline with all matters reserved. Therefore, where details of the access, appearance, landscaping, scale or layout have been provided I have treated them as indicative only.

Main Issue

3. The main issue is whether the site is a suitable location for residential development with regard to its effect on the character and appearance of the area.

Reasons

4. Policy CS10 of the New Forest District (outside the National Park) Core Strategy 2009 (the CS) sets out the Council's spatial strategy. This seeks to direct development towards defined towns and villages. As the site would not fall within either, a range of restrictions set out in Policy DM20 New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management 2014 (the LP2), which addresses residential development in the countryside, are applicable. The development type and location proposed would be inconsistent with these policies. In this regard the Council's particular concern is the effect that the development would have on the character and appearance of the area.
5. The site occupies a rural location, forming part of a larger field which has been subdivided by fences. This is bordered by other, similarly enclosed fields, and has a long, hedged frontage on Fryern Court Road. Merrie Leas lies

- immediately to the west, and a further dwelling stands immediately beyond this.
6. Notwithstanding the scattered presence of agricultural buildings, the 2 existing dwellings stand alone, separated by reasonably long distances from clusters of dwellings located to the east and west along Fryern Court Road. Indeed, the prevailing character of the immediate setting of the site is one of open countryside.
 7. The development would introduce a third dwelling with a frontage on and accessed from Fryern Court Road. Based on the plot location, this dwelling would stand somewhat separated from Merrie Leas, but would nevertheless be viewed directly in relation to the 2 existing dwellings.
 8. Building scale, appearance and layout all remain to be fixed, however the addition of the proposed dwelling would as a matter of fact, inevitably increase the amount and presence of built form at the location. Even if the existing outbuilding was removed, the development would occupy a much broader frontage on Fryern Court Road than at present and would be spread over a much greater area. In each regard the development would be at odds with the prevailing open character of the location and would perceptibly diminish the broader sense of separation between existing clusters of residential development to the east and west. The development would as such, have an intrusive urbanising effect on the surrounding countryside, harming its existing character and appearance.
 9. The Council indicates that future occupants would be reliant on cars to access facilities and services. Whilst I see no reason why occupants couldn't cycle into adjacent Fordingbridge, given the distance involved it is more likely that they would drive. The number of vehicular movements generated by the development would however be small, and unlikely to cause any material harm to the character and appearance of the area in itself. Nonetheless, the vehicular access to, and parking on the site, would however contribute to the general domestication and urbanisation of the site, despite the potential to provide boundary screening.
 10. Lighting falls within the scope of the reserved matters. Light spill from the development could therefore be minimised by design. It is however unlikely that light spill would be entirely eliminated. Given the absence of street lights in the vicinity, and the secluded nature of the location, any light spill would emphasise the presence of the development during the hours of darkness. Relative to any existing light spill from the adjacent dwellings, it would also draw emphasise the increase in the amount of development at the location. In each regard this would contribute to the harm that would be caused to the character and appearance of the area by the development.
 11. Land to the south and to the west of the appeal site falls within a large area proposed to be allocated for a mixed-use development. The master plan provided however shows that parts of this allocation both adjoining the site, and with a frontage on Fryern Court Road, would remain as undeveloped spaces. On this basis the mixed-use development would be unlikely to fundamentally alter the existing open rural character of the immediate setting of the appeal site. As such the proposed allocation does not alter my view of the harm that would be caused by the appeal scheme.

12. The Council has expressed additional concern regarding the potential for the current occupants of Merrie Leas to construct buildings under permitted development rights. Though I accept that loss of the existing outbuilding might generate a need for replacement, addition of such buildings could presumably occur whether or not the proposed development took place. As such I give this matter little weight.
13. For the reasons outlined above I conclude that the location of the development would be inappropriate given the unacceptably adverse effect it would have on the rural character and appearance of the area. It would therefore conflict with Policy CS10 of the CS, which seeks to direct development towards the District's towns and villages; Policy DM20 of the LP2, which amongst other things states that development should not be harmful to the rural character of the area; Policy CS2 of the CS, which amongst other things states that development shall not cause unacceptable effects by reason of visual intrusion; and the National Planning Policy Framework (the Framework), insofar as this states that decisions should recognise the intrinsic character and beauty of the countryside.

Other Matters

14. The appellant has drawn attention to paragraphs 68 and 79 of the Framework, which relate to the development of small sites, and to isolated homes in the countryside. However, insofar as paragraph 68 relates to decision making, it is not applicable to the appeal site because it does not lie within an existing settlement. Furthermore, as neither party claims that the proposed dwelling would be isolated, paragraph 79 is also not applicable.
15. The appellant has also referenced paragraph 78 of the Framework, which states that housing should be located where it will enhance or maintain the vitality of rural communities. In this regard paragraph 78 presents a more flexible approach than is set out within Policy DM20 of LP2.
16. It is reasonable to consider that future occupants would make use of services in Fordingbridge, which despite its size, and its definition as a District Centre by Policy CS10 of the CS, may still be considered rural in its general character. In this context however, the scale of any contribution made by a single outlying dwelling to the social and economic vitality of Fordingbridge would be minimal. Insofar as the proposed dwelling would, with 2 others, stand alone, the extent of any more immediate social or economic benefit to the rural community would also be very limited. Consequently, these considerations do not outweigh the harm that would be caused by the development, or the identified conflict with Policy DM20.
17. The Council accepts that it does not have a 5-year supply of deliverable housing sites, and so policies most important for determining the application are out-of-date. Under paragraph 11 of the Framework planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the Framework that protect areas or assets of particular importance provide clear reasons for refusal.
18. The appellant asserts that the Council currently has a 4.5-year undersupply of deliverable housing sites, though a smaller shortfall is claimed by the Council. Even if I was to arrive at the same conclusion as appellant however, I consider

that the harm caused to the character and appearance of the area would significantly and demonstrably outweigh the limited benefit that a single dwelling would provide in social and economic terms, including in helping to relieve the shortfall in deliverable housing sites. Consequently, paragraph 11 does not support the granting of planning permission in this instance.

19. Both parties agree the need to mitigate the effect of the development on habitats sites. However, given that I am dismissing the appeal on other grounds, this is not a matter I need to consider further.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR