
Appeal Decision

Site visit made on 8 October 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/B9506/W/19/3227855

Land adjacent to Dene Lodge, Vaggs Lane, Hordle SO41 0FP

- 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 & Mrs Godwin against the decision of New Forest National Park Authority.
 - The application Ref 18/00999, dated 18 December 2018, was refused by notice dated 27 February 2019.
 - The development proposed is the demolition of the existing outbuilding and erection of a detached dwelling and carport with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The New Forest National Parks Authority (NPA) adopted the New Forest National Park Local Plan 2016 – 2036 (NPNPLP) on 29 August 2019. Policies quoted in the decision notice have now been replaced with Policies DP2 and SP17 which, as adopted policies, are afforded substantial weight. This policy change has been brought to the attention of the appellants.

Main Issues

3. The main issues are: a) whether there are grounds to justify making an exception to the national and local policies of restraint on residential development in the countryside of the New Forest National Park; b) the effect of the development on the character and appearance of the site and the National Park (NP); and c) the effect of the development on the integrity of the New Forest Special Protection Area (SPA).

Reasons

Policy Considerations

4. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
5. The appeal site lies within the open countryside for planning policy purposes, outside of any settlement boundary and within the National Park. The statutory purposes of a National Park designation are to conserve and enhance the

natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of its special qualities by the public. The National Planning Policy Framework ('the Framework') also states¹ that great weight should be given to conserving landscape and scenic beauty within National Parks, areas which have the highest status of protection.

6. New residential development in this location is restricted to replacement dwellings, agricultural or forestry workers' dwellings and affordable housing for local needs. These circumstances do not apply here. The Framework also makes clear that within NP's the scale and extent of development should be limited in order to avoid cumulative effects.
7. Neither the former plan or the newly adopted development plan supports the principle of new residential development at the appeal site. The earlier appeal decision², involved the conversion, alteration and enlargement of the existing barn, and represents a material consideration. So too does the planning approval³ which is extant and currently provides a fall-back position for the appellants.
8. Nonetheless, the appeal proposal substantially differs from the earlier approvals as it does not involve the reuse of the existing building. As a new build dwelling it would conflict with Policy CP8 of the NFNPLP which states that development which would individually or cumulatively erode the Park's local character or result in a gradual suburbanising effect within the NP will not be permitted. It also conflicts with the Framework which strictly limits development in National Parks and requires that great weight be given to conserving and enhancing their landscape and scenic beauty.

Character and appearance

9. Buildings in the vicinity of the appeal site are very loose knit, located well outside the built-up area of Hordle to the south and Ashley to the east. Residential properties close to the site vary in size and are generally set back from the roadside edge. In this context the appeal site is distinctly rural in appearance.
10. The proposal takes an alternative approach to previous permissions and involves the removal of the barn and its replacement with a building incorporating an extensive excavated basement below a two storey L shaped structure, the upper storey of which would be contained within the roof with several gabled dormers to the front and rear. It would represent a larger building than that which exists or has been permitted due to the rear wing running at right angles into the ridge rather than two more modest structures linked with a single storey element. It would be wider, deeper and of greater bulk when viewed from either the north east or south west. It would also be located marginally further forward on the site than Dene Lodge but significantly further forward than The Orchards. These factors combined would emphasise the bulk and massing of the building.
11. Whilst the overall height of the dwelling would not be dissimilar to the extant permission the accommodation would be substantial with four bedrooms, three

¹ Framework 2019 - Paragraph 172

² Appeal ref APP/B9506/W/15/3005853

³ LPA ref No 17/00883

bathrooms, dressing room, and two large living spaces. Basement accommodation would include a workshop, cinema room, plant room, utility room and office with the latter lit by external lightwells and the provision of a separate external staircase. The appellants state that the floorspace increase is limited with the building increasing in depth from 15.6 metres in the approved scheme to 16.55 metres however this compares to a depth of the existing building of around 5 metres. I would not describe this amount of accommodation as modest though it is accepted that the existence of a basement would have little effect on the external appearance of the proposal.

12. Even so, as a substantial property it would be significantly more prominent on the site than the existing barn and would be of a greater magnitude than the extant permission such that the nature of the residential use would be intensified by the provision of a large family dwelling albeit part of it underground. I do not agree that the benefit suggested by the appellants of pulling the built form into the site away from the rear boundary would better reflect the sporadic pattern of development in the locality as it would, in my view, give greater emphasis to the built form. Moreover, the minimal difference in roofline between the front part of the dwelling and the rear wing would make little material difference in distinguishing the two parts of the building even though the sunroom at the rear of the site would have a discernibly lower ridgeline. Cumulatively these impacts would lead to a larger structure with a more prominent and dominant effect on this part of the NP. An effect which would be harmful, and which would not be sufficiently mitigated by the appellants suggestion to timber clad the rear part of the building.
13. Consequently, the proposal would conflict with Policies DP2 and SP17 of the NFNPLP; to the objectives of the Framework and to the Design Guide of the Authority⁴. Together these seek not to permit development which would individually or cumulatively erode the character of the NP and to ensure that the character and natural beauty of the NP is conserved or enhanced.

Special Protection Area

14. The Authority, subsequent to the refusal of permission, have established that there is evidence of high levels of nitrogen in the water environment with evidence of eutrophication in the Solent's European Sites Special Protection Area (SPA). As there would be significant effect from new residential development within the NP the Authority raised the issue that the adverse impacts upon the ecological integrity of the SPA cannot be ruled out. Development would therefore be contrary to Policy SP5 and the Conservation of Habitats and Species Regulations 2017 (as amended). In order to address this the appellants have completed an assessment and provided a Unilateral Undertaking to contribute towards mitigating that impact. I do not have any comment from the Authority as to whether the UU would meet their requirements however, as the appeal is failing for other reasons, I do not need to consider this matter further.

⁴ New Forest National Park Local Development Framework Design Guide – Supplementary Planning Document 2011

Other Matters

15. The appellants assert that there is a presumption in favour of development as outlined in paragraph 11 of the Framework. That same paragraph makes clear⁵ that these provisions do not apply within the National Park where the application of policies protect areas of particular importance and provide clear reasons for refusing development.
16. The appellants argue that the proposal should be compared with the extant approval, whilst this provides a fall-back position for the appellants which is a material consideration it is significant that this proposal differs from earlier schemes to which different circumstances and indeed different policies applied. In the context of a new building in the NP which is not an alteration or conversion of an existing building other considerations apply.
17. I have had regard to the fact that the proposal would provide for adequate parking and access, that there would be no issue with the density of the development and that there are no objections in relation to ecology or trees. I am also mindful of the appellants emphasis on making effective use of underutilised land. However, these matters all need to be balanced against the great weight that the Framework gives to conserving and enhancing the natural beauty of the NP to which great weight must be given.
18. The appellants contend that there was inadequate opportunity to negotiate alterations to the design however this is generally the domain of pre-application discussions rather than the application process. The proposal may have been scaled down from that advanced at pre-submission however such discussions are not binding on the Authority and I must assess the formal decision on the appeal scheme as submitted.
19. It has been argued that the approved design does not lend itself to family living and the appellants wish to provide for accommodation for an elderly relative. I note the reasons why the appellants want a larger house, however little weight can be attached to personal circumstances which, whilst important, would be subject to change. They do not outweigh the restrictive provisions which apply in the NP such as would justify a decision other than in accordance with the development plan.

Conclusions

20. In the light of the above and having considered all other matters the appeal is dismissed.

Janet Wilson

INSPECTOR

⁵ at footnote 6 to Paragraph 11 of the Framework