



Appeal Decision

Site visit made on 11 February 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/B1740/W/19/3240484

7 Barker-Mill Beach Hut, Hordle Cliff, Milford on Sea, Hampshire

- 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 Mrs Clare Cassie against the decision of New Forest District Council.
 - The application Ref 19/10577, dated 1 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as "Replacement beach hut and decking on Barker-Mill No. 7 site. Full details on supplementary sheet and drawings with some photographs of existing structure."
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Decision

1. The appeal is dismissed.

Main Issue

2. The site is located within the Green Belt. The Council do not consider the proposal to be inappropriate development in the Green Belt. I have no reason to disagree with this stance. Accordingly, the main issue raised in this case is the effect of the proposal on the Highcliffe to Milford Cliffs Site of Special Scientific Interest.

Reasons

3. The appeal site comprises an existing beach hut, set above the level of the adjacent shingle beach and access via a set of steps which lead up the face of the vegetated cliff. A small decked area lies to the front of the hut. The hut sits within numerous other beach huts which line the cliff, both in single lines and multiple rows along the cliff at the back of the beach.
4. The site lies within Highcliffe to Milford Cliffs Site of Special Scientific Interest (the SSSI). From the evidence before me, the principal reason for the designation of the SSSI is the geology of the area, which is exposed by natural erosion process. However, the site is also designated due to the presence of a biological interest, particularly the variety of plant life present which provides habitat for a range of invertebrates.
5. The proposal would replace the existing hut at the appeal site with a new hut and decking area. The Council highlight that the footprint of the hut itself would not increase, however the proposal would result in an increase the area of the

external deck as well as a repositioning of the stepped access. The proposal would see an increase of approximately 5.96 square metres of decked area.

6. The Council contends that the presence of the beach huts has a negative impact on the SSSI, given that they prevent the erosion of the cliff and as a result the diverse fossil mammal fauna is not exposed. In this regard, the site sits behind a wide shingle beach which limits the natural erosion of the cliff behind, as does the presence of vegetation on the cliff. However, I agree that the presence of the beach huts would likely further reduce the amount of erosion taking place and the increase in the area covered by built development, even to a modest extent, would further protect the cliff from erosion. As such, there would be a further diminution of the erosion process. The further prevention of cliff erosion would therefore have a harmful effect on the SSSI.
7. In addition to the above, the increase in the area of the decking would result in a further shading of the cliff, of the area below the increased deck area. There is concern that this will affect the vegetation at the site, as a result of changes to natural process, light availability and temperature, with consequent effects on the invertebrates that the vegetation supports. In this regard, I note that no ecological information has been submitted that would demonstrate that the development would not result in any adverse effect or outlining any mitigation measures that may be appropriate. I note that the appellant makes reference to the existing decking area not suppressing existing vegetation. Indeed, at the time of my site visit, I observed some vegetation growing up through the existing decking. However, in the absence of information to the contrary, I cannot be satisfied that the new area of decking would not result in further shading impacting on the variety of plant life. This view is reinforced by the comments of Natural England, which objects to the proposal.
8. Mention has also been made of the increase in area being so small so as to not be material. This argument could be put forward on many schemes which cumulatively would result in significant harm and as such I have given this argument little weight. I note that the appellant submits details of an academic paper referring to erosion of the cliffs near to the site. However, whilst this examines coastal erosion within the vicinity, it does not provide a detailed assessment of the impacts of the specific development proposed and therefore does not persuade me that the proposal would not result in the adverse effects that I identify above.
9. I therefore find that it has not been demonstrated that the proposal would not have a harmful effect on the special interest of the Highcliffe to Milford Cliffs Site of Special Scientific Interest. No public benefits have been advanced that would outweigh the identified harm. Thus, the proposal conflicts with policy DM2 of the New Forest District Local Plan Part 2: Sites and Development Management (2014) which requires development does not adversely affect the SSSI, unless the benefits outweigh the adverse impacts.

Other Matters

10. The appellant cites the reasons for seeking an increase in the size of the decking area, which include making the decking and stairs safer as well as making the use of the hut more convenient. There is also reference to the design of the proposal reflecting that of existing huts. Whilst these matters are noted, I consider that they are not sufficient to outweigh the harm that I identify above. There is also reference to other nearby huts having larger areas

of decking than that which currently exists at the appeal site. This is noted; however, those are existing developments and as such do not provide a justification for allowing an increase in the decking at this location.

11. The appellant further provides an excerpt of a previous appeal¹ on the site, which concluded that a previous proposal would have little or no effect on vegetation and associated species. However, I have no substantive information in respect of the details of that previous proposal, including whether or not in that case there was an objection from the statutory nature conservation body, Natural England. I also have no information in respect of the policy context in place at the time of that decision. In any event for the reasons given above, I find differently in respect of the scheme that is before me.
12. I am conscious of support for the proposal from interested parties due to the investment that the scheme would bring. However, this does not outweigh the harm that I have identified.

Conclusion

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

Martin Allen

INSPECTOR

¹ APP/B1740/A/02/1099829