The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/B9506/W/19/3241143
Manor Farm Buildings, Forest Road, Burley BH24 4DQ

- 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 T Adams against the decision of New Forest National Park Authority.
- The application Ref 19/00543, dated 5 July 2019, was refused by notice dated 18 September 2019.
- The development proposed is conversion of three former farm buildings to a house and two outbuildings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:

   - the local provision of housing; and
   - the character and appearance of the area, including the New Forest National Park (the National Park), and Burley Conservation Area (the Conservation Area).

Reasons

Housing

3. Policy SP21 of the New Forest National Park Local Plan 2016-2036 (2019) (the LP) seeks to restrict the internal floorspace of new dwellings to no more than 100m². This is in relation to servicing an identified local need for 1-3 bedroom dwellings. The proposed development would involve provision of a 4-bed dwelling with an internal floor space quoted at 240m², and outbuildings providing an additional 115m². The development would therefore clearly conflict with Policy SP21.

4. The above conflict is acknowledged by the appellant, who further accepts that it would be possible to design a compliant scheme within the floorspace available. Thus, no clear justification for the failure of the proposed development to comply with Policy SP21, or to service the identified local need for 1-3 bed houses, has been provided. I see no other reason why this should be considered acceptable.

5. I therefore conclude that the development would fail to meet the prioritised local need for 1-3 bed houses, further increasing the imbalance in the local housing stock, causing social harm to the broader community. The development would as such conflict with Policy SP21 of the LP as outlined above.

Character and appearance

6. The site lies within the National Park. It is therefore necessary to take account of the statutory purposes of the designation, which include the conservation and enhancement of natural beauty and cultural heritage; and advice in paragraph 172 of the National Planning Policy Framework (the Framework), to give the conservation and enhancement of cultural heritage and landscape and scenic beauty great weight in National Parks. The site is additionally located within the Conservation Area, within which it is necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

7. In support of the national park designation, Policy SP19 of the LP generally directs residential development to within 'defined villages', thus limiting scope for housing within the broader rural landscape. Policy DP49 of the LP provides further support for this objective by restricting scope for reuse of buildings outside the defined villages, particularly where this would be for residential purposes. The site in question is located outside a defined village, and both parties agree that the proposal would conflict with Policies SP19 and DP49. However, they disagree over whether this conflict would result in harm.

8. The site comprises 3 former agricultural buildings. One of these buildings is collapsing on all sides, a second is roofless. The third, largest building, is generally more intact than the 2 smaller buildings, but it is nonetheless in poor condition, and is collapsing at its south east end. These buildings stand adjacent to a number of larger agricultural buildings of more modern origin. The group as a whole is screened by trees to the south, but the landscape is predominantly open in other directions from which it is exposed to views across a long distance.

9. The appellant indicates that the buildings date to 1900 and before, though neither party advances a case for that they hold any heritage value, or that they make any particular contribution to the significance of the Conservation Area. Indeed, in this regard the Burley and Fritham with Eyeworth Conservation Area Character Appraisals identifies the significance of the zone within which the site is located as principally residing in the parkland surrounding Burley Manor Hotel. The 3 buildings are nonetheless of discernibly traditional form and construction, and typical of the scattered agricultural buildings to be found within the surrounding landscape. Thus, despite their condition, both their character and appearance is inherently compatible with the broader landscapes of both the National Park and Conservation Area.

10. Following the development the physical presence of the buildings would be little different than had they been intact. However, they are not intact, and in the absence of any evidence to the contrary, I doubt that they would be capable of reuse without significant reconstruction and/or renewal of fabric. In this regard I note that most of the external walls of the main building would, if retained, be encased beneath timber boarding, which is currently a material seen on only a very small part of the building, where its replacement with brickwork is

otherwise proposed. The configuration of external openings would also differ from those currently present. Consequently, the buildings would be subject to significant visual change and related loss of both traditional agricultural character and integrity, with the likely result being that the development would be perceived as a substantially new-build dwelling with outbuildings. This would be the case even if some reclaimed materials were to be employed in construction.

11. Residential use of the site would also result in inevitable domestication of its immediate setting through typical garden uses, and the accumulation of associated paraphernalia within the curtilage. The external visual effects could be contained to some extent by the proposed boundary treatments, and subject to some control through restriction of permitted development rights. They would nonetheless visually accentuate the domestic character of the scheme as a whole. The overall effect would be the erosion of the rural character of the surrounding landscape of both the Conservation Area and National Park. The harm caused would be accentuated by the high level of visual exposure of the site.

12. It follows that the development would not preserve or enhance the character or appearance of the Conservation Area, and having regard to paragraph 196 of the Framework, I consider that the development would cause less than substantial harm to its significance.

13. In view of the considerable importance and weight to be given to the statutory objective of preserving or enhancing conservation areas, I attach considerable importance and weight to the harm that would arise. The scheme would provide a single dwelling whose construction would make a minor contribution to the local housing stock, and an equally minor contribution to the local economy. Any public benefits would therefore be very limited, and further reduced in this case by the fact the dwelling would not service the local need for 1-3 bed houses. Such benefits would consequently be insufficient to outweigh the harm identified. Paragraph 196 of the Framework therefore provides a clear reason for refusal of planning permission.

14. Both parties have additionally drawn reference to paragraph 79 of the Framework, which amongst other things, states that decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings, and enhance their immediate setting. Whilst I note the scatter of dwellings within the broader area, given that none lies in close proximity to the site, it can be reasonably judged to be isolated. Thus paragraph 79 is relevant.

15. In this context the Authority contends that redundancy has not been demonstrated, also citing a similar requirement set out in part (d) of Policy DP49 of the LP. Whilst no specific study of the capacity for agricultural use of the buildings has been submitted, it is self-evidently the case that no such use would currently be possible on account of the dangerous, semi-derelict and collapsed condition the buildings. Be that as it may, in view of my findings above, the proposed development would not enhance the immediate setting of the site. Consequently paragraph 79(d) of the Framework does not provide support for the development, but rather provides a further indication that a grant of planning permission should be avoided.

16. For the reasons outlined above I conclude that the development would cause unacceptable harm to the character and appearance of the area, including the National Park and the Conservation Area. The development would therefore conflict with Policies SP7 and SP17 of the LP which each seek to conserve and enhance the National Park; Policies SP19 and DP49 of the LP as outlined above; Policy SP16 of the LP which states that proposals will be resisted where they would harm the significance or special interest of a heritage asset; Policy DP2 of the LP, which states that new development proposals must enhance local character and distinctiveness; and relevant provisions of the Framework relating to national parks, conservation areas and the countryside.

Other Matters

European sites

17. The Authority undertook an Appropriate Assessment of the scheme which identified a likely significant effect on a range of European sites. These were listed as the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites; the Solent and Isle of Wight Lagoons SAC, Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar sites; and the River Avon SAC, SPA and Ramsar. The effects would be due to increased recreational pressure, and pollution. Planning permission was subsequently refused on the basis that the scheme would fail to mitigate its effects on the New Forest and Solent and Southampton Water SPA.

18. The Authority and appellant have since agreed that mitigation for the above effects could be secured through use of standard and Grampian conditions. These would relate to payment of contributions in line with local guidance, water efficiency standards, and measures that would achieve nutrient neutrality. I note however that uncertainty exists in relation to such measures, which have yet to be identified. I also note advice within the Planning Practice Guidance which indicates that use of a negatively worded condition to require an applicant to enter into a planning obligation or other agreement is unlikely to be appropriate except in exceptional circumstances. Neither of these matters appears to have been addressed by the parties.

19. Had I been minded to allow the appeal, and thus the circumstances existed in which planning permission could be granted, it would have been necessary for me to examine the above matters in further detail, liaising with the main parties and Natural England as appropriate. However, as I am dismissing the appeal for other reasons, further consideration is not required.

Permitted development

20. The appellant draws attention to permitted development rights for the conversion of agricultural buildings set out within Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and a Written Ministerial Statement providing the policy background. However, Class Q is not applicable within national parks, and even outside them Class Q sets out conditions and limitations, and is subject to a process of prior approval. The proposed development has not been subject to any assessment on this basis. Thus, even were the site not located within the National Park, there can be no assumption that Class Q would enable the development to take place. Consequently, whilst I acknowledge that reuse of agricultural buildings can clearly make a contribution to the supply of

housing wherever they are located, the existence of Class Q attracts no weight in favour of the scheme.

21. I note the appellant's further reference to views expressed by an Inspector in another appeal relating to the conversion of a listed office building in Worcester. However, I see no obvious similarity between this case and the appeal scheme. It has not therefore had any bearing on my decision.

Conclusion

22. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR