



Appeal Decision

Hearing Held on 26 April 2021

Site Visit made on 27 April 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/B9506/W/20/3257388

Land at the former Flying Boat Inn site, Calshot Road, Calshot SO45 1BP

- 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 H Ghahramanizadi, FB Estates Ltd against the decision of the New Forest National Park Authority.
 - The application Ref 19/00953, dated 17 December 2019, was refused by notice dated 19 February 2020.
 - The development proposed is the erection of seven dwellings, access and parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the New Forest National Park Authority (the Authority) against Mr H Ghahramanizadi, FB Estates Ltd. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant's name is spelled differently on the application and appeal forms. I have used the spelling from the application form.
4. The appeal relates to an application for outline planning permission. Approval is sought for access and layout at this stage. I have, therefore, treated drawing No. 5798-WLA-A-0111 rev H as a firm part of the proposal, with all other drawings as illustrative.
5. After the hearing closed, I was given sight of an email exchange between the interested party who appeared at the Hearing, the Authority and appellant. This was in respect of the condition of the site, in particular that fly tipping had occurred. As the appellant responded to the email and, by the time of my site visit, there was no obvious evidence of fly tipping, no party has suffered injustice from this late evidence.

Main Issue

6. The main issue is whether the proposal is in an appropriate location, with regard to development plan policies that seek to control development in the National Park.

Reasons

7. The spatial strategy of the New Forest National Park Local Plan 2016-2036 (LP) does not permit housing anywhere outside 4 defined villages or on allocated sites, other than in clearly expressed circumstances that do not apply here. As such, the proposal is contrary to the spatial strategy of the LP as expressed in Policies SP4 and SP19.
8. The LP proposes to deliver half of its required housing through windfall sites. Delivery in this way has, historically, been above that planned for in the LP, but the appellant suggests that the new policy framework is more restrictive and the extent of anticipated delivery is unrealistic. Nevertheless, while the appellant's agent perceives that people are currently being dissuaded from starting the planning process, there is no rigorous analysis to support these assertions or that insufficient permissions are now being granted. The LP has relatively recently been adopted following examination and there is currently a healthy supply of housing land. Therefore, while the supply figures include a period under the previous development plan, the appellant's concerns over the plan's ability to deliver its housing requirement are of very limited weight.
9. The National Planning Policy Framework (the Framework) favours the use of previously developed land over greenfield sites. During the preparation of the LP, the Authority promoted a greenfield site adjacent to the appeal site for residential development. The appellant does not understand why the Authority considered that site acceptable but not the appeal site, which, despite its absence from the Authority's Brownfield Sites Register, is previously developed land (PDL). Whether or not the Authority's approach to its Brownfield Sites Register is wrong, it is of little consequence to this appeal against a refusal to grant planning permission, where the primary consideration in this regard is that the site is PDL.
10. In any case, the once proposed adjoining allocation was not carried forward into the adopted LP. Therefore, this background, historic planning decisions at the appeal site that pre-date the LP, and that the proposal is significantly smaller than the allocation would have been, now have limited influence over my decision.
11. The area around Calshot is set to be transformed by the redevelopment of the nearby Fawley Power Station, which would include 120 dwellings within the National Park on land that I am told is part of a site of importance for nature conservation. However, the part of that site for development within the National Park does lie slightly detached from Calshot which, on the basis of the evidence before me, would, therefore, retain an identity of its own such that the appeal proposals would not, in themselves, be inconsequential to the area.
12. An inland area of Calshot is characterised by a significant amount of estate-style development, with a clear, formal built form. The site lies between this and a less formally structured coastal area. While the former Flying Boat Inn once formed a central point in the settlement and, historically, there were many more buildings here, it is now a break in the built form that affords views across the site from the road to the undeveloped landscape of the National Park beyond.
13. The site has a somewhat unkempt appearance. Despite its elevation above the road, the floor slab of the former building is clearly visible, as is a significant

retaining wall on the roadside boundary. To accord with ecological advice, it is likely to remain in this condition for the foreseeable future, which detracts from the scenic beauty of the surrounding landscape. The proposed built form would be broadly compatible with nearby residential development and a well-designed scheme could result in some improvement to the appearance of the site itself. However, development would ultimately intrude, at least in part, into views of the landscape beyond the site, to the detriment of its open rural character. Therefore, I find that the overall landscape and scenic beauty of the National Park would be conserved. In accordance with Framework Paragraph 172, this must be given great weight.

14. Calshot is deficient in services and facilities. Development of adjoining land within the appellant's control for community facilities could address some accessibility shortcomings, benefiting future occupiers and existing residents of Calshot. However, while it may have been a long-standing intention of the appellant to develop the site in this way, there is no firm plan to do so. It is not part of this proposal and there is no mechanism to secure such facilities before me. There may be some additional support to a nearby café, but due to the scale of development, this would be limited. Therefore, I attach any benefits that may result from these matters minimal weight.
15. I am well aware that the development of sites outside the defined villages on PLD has been allowed elsewhere in the National Park. However, the specific circumstances of each case must be carefully analysed and a judgement made as to whether material considerations exist to outweigh any conflict with the development plan.
16. That the site is PDL weighs in favour of the proposal, but as this is a location where the LP clearly does not envisage any new housing, that weight is limited. Conserving the Landscape and scenic beauty of the National Park must be given great weight and designation as a National Park does not inflate the weight to be given to the LP's spatial strategy. Nevertheless, I must still make this decision in accordance with the development plan, unless material considerations indicate otherwise.
17. The proposal is for a modest development, with notable local support, that would do no particular harm to the purposes of the National Park. It would deliver additional housing, which is a benefit in itself. However, the proposal is clearly contrary to the LP's spatial strategy. This is a key component of the approach to managing development across the National Park and, therefore, I find the proposal to be contrary to the development plan, read as a whole. Even attributing great weight to the conservation of landscape and scenic beauty, in the absence of clear benefits in this regard, this does not indicate that a decision should be taken otherwise than in accordance with the development plan.

Conclusion

18. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR

Appearances

FOR THE APPELLANT:

Scott Stemp of Counsel
Bob Hull DipTP MRTPI
Martin Noble

FOR THE LOCAL PLANNING AUTHORITY:

Clare Ings BSc BTP MRTPI – Senior Planning Officer
David Illsley BA (Hons) MA MRTPI – Policy Manager

INTERESTED PARTIES:

Maxine Round

Documents submitted at the Hearing

- Email from Ian Barker to Clare Ings re. ecology
- New Forest National Park Authority: Mitigating recreational impacts on New Forest designated sites Supplementary Planning Document, July 2020
- Natural England: Advice on achieving nutrient neutrality for new development in the Solent Region, Version 5 – June 2020
- Bird Aware Solent: Solent Recreation Mitigation Strategy, December 2017
- New Forest National Park Authority: Local development Framework Monitoring Report, 2020
- New Forest National Park Authority: Brownfield Sites Register
- New Forest National Park Authority: Brownfield Sites Plans
- Costs Response on behalf of the Appellant
- Closing Note on behalf of the Appellant
- Calshot draft local plan allocation plan