
Appeal Decision

Site visit made on 10 May 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2021

Appeal Ref: APP/B9506/W/20/3255144

Moor Farm, Barrow Hill Road, Copythorne SO40 2PH

- 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 Michael Rudderham against the decision of New Forest National Park Authority.
 - The application Ref 20/00092, dated 7 February 2020, was refused by notice dated 2 April 2020.
 - The development is use of land for the storage and logging of felled timber.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site was already in use for the storage of felled timber at the time of my visit. I have determined the appeal on the basis that permission is being sought retrospectively for the change of use described on the application form.

Main Issues

3. The main issues are:
 - a) whether the development preserves or enhances the character or appearance of the Forest North East Conservation Area and whether it conserves the natural beauty of the New Forest National Park; and
 - b) whether the change of use complies with local plan policy on business and employment development.

Reasons

Conservation area and New Forest National Park

4. The appeal site extends to approximately 0.11 ha and is located to the north of Moor Farm, a detached dwelling in rural surroundings. The land is accessed by a private unmade track which runs west from Barrow Hill Road and serves Moor Farm and Crowhaven Farm.
5. The site and its immediate environs form part of the Copythorne character area of the Forest North East Conservation Area. This area is characterised by a linear ribbon of housing along Barrow Hill Road and Copythorne Crescent, backing onto a network of small parliamentary enclosures, interspersed with woodland. Moor Farm lies within this area of countryside behind the road frontage.

6. The location is such that there are no public vantage points from which the development can be seen. Vegetation along rear garden boundaries means that there is very limited visibility from properties along Copythorne Crescent. Nevertheless, conservation areas and National Parks have intrinsic qualities which make them worthy of protection. It does not follow that development will be acceptable simply because it cannot be readily seen.
7. In addition to felled timber I saw small quantities of fencing materials, piles of rubble and the remains of a large bonfire in the centre of the site. The quantity of materials being stored in the open was modest, but the use was spread out across a wide area giving rise to an untidy appearance. The edges of the site are demarcated by timber post and rail fencing to which trellising panels have been attached. This boundary treatment is alien to its rural surroundings.
8. The site extends beyond the curtilage of Moor Farm into an area of former paddock. It is not well related to the existing complex of buildings and has encroached onto undeveloped land. I note that the appellant describes the use as a 'minor excrescence'. Whilst I accept that forestry and arboriculture are by their nature rural activities, the size of the external storage area makes it visually obtrusive and a scar on the local landscape. The development has eroded the character and appearance of this part of the conservation area and harmed the natural beauty of the National Park.
9. I have considered the suggestion that the northern and western boundaries could be landscaped and note that the appellant is prepared to remove the trellising. However, there can be no guarantee that any new hedging would establish, or that the planting would be effective in the long term. As such, I do not consider that landscaping would be sufficient to mitigate the visual harm.
10. The appellant explains that levels of activity on the site vary, but that the primary operation, tree surgery, takes place off-site. Whilst this may continue, any future intensification in the use could harm the tranquillity of the rural landscape, whether that be through additional traffic or noise from chainsaws. Such matters would be difficult to control effectively through conditions. This is not a determining factor, but it weighs against a grant of permission.
11. Paragraph 172 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. Paragraph 194 states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Applying my section 72¹ duty, any harm to a conservation area must be given considerable importance and weight, even where that harm is less than substantial for the purposes of the Framework.
12. Accordingly, I conclude that there is conflict with Policies SP7 and SP16 of the New Forest National Park Local Plan 2016-2036 (LP) insofar as these seek to protect the character and appearance of conservation areas and conserve the character of the New Forest's landscapes.

Local plan policy on business and employment development

13. The Authority's position on business and employment development is set out in LP Policy SP42. This states that small scale employment development that helps

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

the well-being of local communities will be permitted through re-use or extension of existing buildings, the redevelopment of existing business use employment sites, farm diversification or home working. The policy gives particular encouragement to businesses that help to maintain the land based economy and cultural heritage of the National Park, and it further supports proposals which provide the local community with a variety of employment opportunities, where these do not have an adverse impact on the special qualities of the National Park.

14. The application site includes a small open shelter building, but it mainly comprises open storage. Such activity does not fall within any of the categories of development permissible under Policy SP42. The forestry and arboriculture company occupying the site (Arbwise Ltd) is an important component part of the land based economy, undertaking work for clients such as the National Trust and Forestry Commission. Nevertheless, it does not make a significant contribution to employment or the well-being of the local community.
15. There is no specific business need to operate from this particular site given that the owner lives off-site. The appellant has explained that one of the reasons for relocating to Moor Farm was to provide security for equipment and timber, following vandalism and thefts at previous rented premises. However, it is not clear what other options have been explored which might include re-using existing buildings or sites which already have established business uses.
16. LP Policy SP42 strikes a careful balance between supporting business activity and seeking to ensure that such development is sensitive to the National Park. In this regard, it is consistent with the Framework's provisions for supporting a prosperous rural economy and conserving the natural environment. The development does not comply with the policy and there are no considerations which persuade me that a departure from the policy would be justified.

Other Matters

17. There are no objections from the Environmental Protection Officer or Local Highway Authority. The Authority does not allege any adverse impacts in relation to highway safety or the living conditions of local residents. Based on the information before me, these matters would not justify dismissal of the appeal.

Planning Balance and Conclusion

18. The development conflicts with local plan policy in relation to business and employment development, the protection of conservation areas and the natural beauty of the New Forest National Park. I have taken account of all arguments put forward in support of the application, including the benefits in terms of security and the short daily commute for the business owner, but these do not outweigh the harm. Accordingly, I find that there are no material considerations to indicate a decision otherwise than in accordance with the development plan.
19. For the reasons given above and having regard to all matters raised, including the representations of support, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR