



Appeal Decision

Site Visit made on 10 May 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/B1740/W/21/3267842

Land rear of 11 Marine Drive, Barton-On-Sea, BH25 7EG

- 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 Mark Simmonds against the decision of New Forest District Council.
 - The application Ref 20/10992, dated 10 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is for a chalet style dwelling, detached garage, bin and cycle store.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of coastal change on the proposed dwelling.

Procedural Matter

3. There was an initial reason for refusal relating to the effect of the development on internationally significant ecological sites. On provision of a legal agreement and payment towards mitigation the Council have withdrawn reason No 2 of their decision notice. As such, this is not a main issue for this appeal.

Reasons

4. The site of the proposed house falls within an area designated as a Coastal Change Management Area (CCMA) where the indicative erosion zone is between the years 2055 and 2105. Policy DM6 of the New Forest District (outside the National Park) Local Plan Part 2 is relevant as it addresses the issues of CCMA's with specific mention of Barton on Sea.
5. Policy DM6 states that "New residential development will generally not be appropriate", although sets out a number of exceptions. The appellant states that the proposed dwelling meets with the exception for "subdivisions of properties, including residential subdivisions". Indeed, I understand the argument that the proposal would 'subdivide' the existing plot to create a new planning unit for the new build dwelling. There is no further explanation within the supporting text, but the Council explain that the reference to subdivision is not to provide an exception for a new build dwelling. However, I also note that policy CS5 of the Core Strategy states that "vulnerable development will not be permitted within the defined coastal erosion zone".
6. Whilst there might be some ambiguity in the wording of the policy, it seems clear to me that it is not the intention of the policy to allow for new build

dwellings. For instance, the other criteria restrict even the size of extensions to dwellings and size increases in replacement dwellings, indicating strongly that the policy is primarily seeking to restrict new build development.

7. As the policy map indicates that this site may be threatened by coastal erosion in the latter decades of this century, it would seem reasonable to avoid new build dwellings which would likely still be in existence and occupied at this time. Even with the timber frame as proposed, I am not convinced that it is likely that the proposed dwelling would not be in existence at the time when it is imminently threatened by encroaching coastal erosion.
8. This policy approach is reflected in the National Planning Policy Framework (the Framework), which at Paragraph 168 "development in a Coastal Change Management Area will be appropriate only where it is demonstrated that it will be safe over its planned lifetime and not have an unacceptable impact on coastal change", along with other criteria. From the evidence I am not convinced that the development would likely be safe over its planned lifetime due to coastal erosion. A new dwelling in this location could potentially result in future risk to those occupying the development.
9. The exceptions under policy DM6, based on the Council interpretation of the policy, would allow for some additional households through subdivision of existing dwellings, but without new built dwellings in the CCMA the potential additional amount of people at risk would be limited.
10. For these reasons the proposed dwelling would likely be at threat from coastal erosion within its lifetime and therefore would be in an inappropriate location, contrary to the policies of the Framework and also, at the very least, the intentions of policy DM6 of the New Forest District (outside the National Park) Local Plan to avoid vulnerable development in coastal erosion zones.

Planning Balance

11. The proposed dwelling would provide an additional dwelling in an accessible location. There has been no objection from the Council on issues such as highways or design. The proposal could also have some biodiversity gains. However, the potential impact of coastal erosion to the proposed dwelling means that it will not be safe over its planned lifetime and this matter significantly and demonstrably outweighs all the benefits.

Other Matters

12. The proposed dwelling would come into a zone where it could affect the nutrient levels within the River Solent. If I was to allow the appeal then I would require more information on this matter, including comment from Natural England, prior to undertaking an Appropriate Assessment. However, as the appeal is being dismissed, I have not pursued this matter further.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR

