



Appeal Decision

Site Visit made on 21 June 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/B1740/W/21/3271066

Land adjacent to Hill View, Ringwood Road, Sopley, BH23 7BE

- 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 & Mrs R J & D Cook against the decision of New Forest District Council.
 - The application Ref 20/11361, dated 3 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is to erect a self-build three-bedroom chalet bungalow in a farmhouse style.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would be inappropriate development in the Green Belt, the effect on the character and appearance of the area, and the effect on European Sites designated for their nature conservation importance.

Reasons

Green Belt

3. Policy ENV2 of the New Forest District outside the New Forest National Park Local Plan Part 1 2020 (LP1) seeks to preserve the openness and permanence of the Green Belt. It states that development proposals within it will be determined in accordance with national policy.
4. Paragraph 145 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings is inappropriate in the Green Belt unless covered by one of the clearly defined exceptions. The exception at paragraph 145(e) is limited infilling in villages. The Council has indicated that the site is within the village of Sopley, so the development is not inappropriate development in the Green Belt. The location within the settlement also means that the distinct identity and gaps between settlements, referred to in the LP1, would not be affected.
5. Some of the exceptions in the Framework require consideration of effects on openness as to whether development would be inappropriate in the Green Belt, but that is not the case for the exception at 145(e). Effects on openness are, by implication, already considered and accepted within that exception. As such the development would not run contrary to the fundamental aims of Green Belt policy to prevent urban sprawl by keeping land permanently open, nor to the

essential characteristics of Green Belts, namely their openness and permanence. Therefore, irrespective of any effect on openness that may arise from the replacement of an existing small structure at the site with a larger dwelling, there would be no conflict with national policy for the Green Belt, no harm to the Green Belt and, by extension no conflict with the aims of LP1 Policy ENV2.

Character and appearance

6. The site is located in a ribbon of housing development. While the site is a notable gap in the built form, the line of dwellings is broadly continuous. Gaps and views between dwellings are not a strong characteristic of the area. As such the presence of a dwelling that filled most of the gap would do no harm to the character and appearance of the area in itself.
7. The area has a rural character and appearance, but the housing is varied in style, scale, use of materials and individual design. The adjacent Avon Farmhouse is two-storey and typical of the wider vernacular, but there are a significant number of single storey dwellings and those with rooms in the roof within the ribbon.
8. The proposal may be of simple form with little decoration, but its low profile could not be said to be heavily massed, so the gable elevation would not be imposing within the area. While the Rural Residential Design Guide may not identify the proposed style as appropriate for the rural area, its compatibility with the surrounding forms that it would be sited amongst would mean that no particular harm would result.
9. Parking would be visible to the front of the dwelling and there may not be space for significant landscaping around it. However, this would be little different to many of the other dwellings in the vicinity and, despite the absence of a detailed site layout plan, there is no substantive evidence that the boundary hedge could not be retained. Some domestic paraphernalia may be visible about the dwelling but being sited within the row of dwellings, there would be no obvious encroachment into the countryside.
10. From the limited detail available, it is not clear whether substantial new landscaping can be accommodated along the boundary with Avoncroft Farmhouse. However, although the existing timber fence is a solid, somewhat stark structure, it is not high or intrusive. There are other examples within the area. Moreover, as an existing structure, the proposal would not result in harm from its continued presence. Therefore, whether or not complete replacement with a more appropriate hedge boundary can be achieved through submission of a landscaping scheme, the retention of the fence would not harm the appearance of the area.
11. With regard to the foregoing, I find that there would be no harm to the character and appearance of the area and no conflict those aims of LP1 Policy ENV3 that seeks to ensure that proposals are in keeping with the rural character of the area, sympathetic to their context, strengthening the character and identity of the locality. The Council's decision notice also alleges a conflict with Policy DM20 of the New Forest District (outside the National Park) Local Plan Part 2 2014 (LP2) on the basis of harm to the rural character of the area. However, my findings on this issue indicate that no such conflict would arise for this reason.

European sites

12. The site is close to the New Forest Special Area of Conservation (SAC), New Forest Special Protection Area and New Forest Ramsar Site (collectively the New Forest European Sites). It is also within the catchment of the River Avon, which is designated as the River Avon SAC and Ramsar site (the River Avon European Sites). Increased residential development could lead to adverse effects on these European Sites which I have assessed within the framework of appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). My findings are set out below.
13. The New Forest European Sites face potential adverse effects from increased recreational pressure. The Council has adopted a mitigation strategy, in consultation with Natural England, that sets out a series of infrastructure and non-infrastructure measures for mitigating the adverse effects. A planning obligation has been provided that would make financial contributions towards the measures. While the contributions in the obligation appear to be well above those stated as necessary by the Council, it is evidence that adverse effects can be avoided in this way.
14. The River Avon European Sites are at risk of adverse effects from phosphates entering the River Avon catchment. The Council indicates how previous interim measures to secure phosphate neutrality in new development only applied until March 2020 and that there is currently no alternative strategy in place. I have been provided with no clear mechanism from the appellant by which adverse effects may be avoided.
15. I appreciate that the appellant may struggle to see why a small scale development such as that proposed should be prohibited in the absence of a workable strategy. However, while the effects from this proposal alone may be very small, the Habitats Regulations require me, as competent authority, to consider the proposal in combination with other development. Collectively, the grant of permission and construction of several small residential developments could have a cumulative adverse effect on phosphate levels. However small, each development, then, must demonstrate phosphate neutrality.
16. In the absence of mitigation, following appropriate assessment, I am unable to conclude that the proposal would not, in combination with other development, lead to adverse effects on the River Avon European Sites. This brings the proposal into conflict with those aims of LP2 Policy DM2 and LP1 Policy ENV1 that seek to secure nutrient neutral development so as to prevent adverse effects on the integrity of the River Avon European Sites.

Other Matters

17. There is some discussion in the evidence about the acceptability of housing in Sopley in terms of the development plan's overall spatial strategy. However, permission was not refused for any such reason and, whatever the situation, it would not alter this decision.

Conclusion

18. I have found that the proposal would not conflict with Green Belt policy and would not harm the character and appearance of the area. However, my findings in respect of European Sites bring the proposal into conflict with the development plan as a whole. As these findings also mean that I am unable to

agree to the project under the Habitats Regulations, this matter must be decisive. Other material considerations, including the benefits associated with the delivery of additional housing are insufficient to outweigh this position.

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

M Bale

INSPECTOR