



Appeal Decision

Site Visit made on 7 June 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/B9506/W/21/3268643

Land adjacent Dene Lodge, Vaggs Lane, Hordle SO41 0FP

- 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 Godwin against the decision of New Forest National Park Authority.
 - The application Ref 20/00443, dated 19 June 2020, was refused by notice dated 10 August 2020.
 - The development proposed is demolition of existing barn building and erection of a detached dwelling and carport.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing barn building and erection of a detached dwelling and carport at Land adjacent Dene Lodge, Vaggs Lane, Hordle, SO41 0FP in accordance with the terms of the application, Ref 20/00443, dated 19 June 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. Amended plans were submitted with the appeal. However, they make some substantial changes to the proposal and I cannot be certain that all interested parties have had the opportunity to consider them. As the appeal process should not be used to evolve the design of a scheme, I have, therefore, determined the appeal on the basis of the plans considered by the New Forest National Park Authority (the Authority).

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and special qualities of the New Forest National Park.

Reasons

4. Planning permission has previously been granted for the change of use of a barn at the site alongside a new build element to form a new dwelling. The most recent permission has been implemented and, although new dwellings are not normally permitted in this area, the Authority is satisfied that the principle of a residential use has been established at the site.
5. The current proposal is fundamentally different to the extant permission, involving the total demolition of the barn and erection of a wholly new build dwelling. The barn is an attractive, modest structure, reflective of the local vernacular giving it a legitimate presence in the distinctly rural scene. It is readily visible from Vaggs Lane and the open fields to the rear. The New Forest

National Park Design Guide Supplementary Planning Document 2011 (DG) advocates the retention of existing structures generally.

6. However, although retention would maintain the barn's positive contribution, there is no substantive evidence that it is a fundamental part of the character and appearance or historic development of the area, such that it should be retained for its own sake. I find that the loss of the barn would not, in itself, result in harm to the character and appearance of the area or special qualities of the National Park.
7. Previous applications for wholly new build dwellings have been refused and dismissed at appeal. Inspectors have noted the fundamental departure from the extant conversion scheme and concluded that greater harm would result to the character and appearance of the area. The evidence indicates that those earlier schemes involved dwellings with bulky rear projections that would be uncharacteristically dominant in appearance.
8. The current scheme is different. While the barn would be lost, the form and layout of development would more closely reflect that of the extant scheme that included the barn's retention. There would be no material difference in height to the previous refused schemes and the overall floor space would be large, but this dwelling would have two distinct components: A building with the appearance of a small cottage to the front, and a parallel timber clad 'barn-like' element to the rear, connected with a single storey link. The use of separate building components and linking sections is advocated in the DG as one mechanism for avoiding suburban design styles and breaking up bulk and massing.
9. The rear element would be taller than the existing barn but, as it sits apart from other existing nearby built forms, that is not in itself harmful. There would be little differentiation in height to the front, cottage-style, element and it would have a larger footprint. However, the relative footprints would not be appreciated from the road. Importantly, although it may have more fenestration than the barn in the extant scheme, it would still be of simpler detailed design than the front element. Despite its height, this, along with the use of timber cladding would give it a mellow, less formal, rural, subservient appearance that did not compete with the front element.
10. With regard to the above, I find that the design would include a number of devices set out in the DG that help to avoid suburbanisation. I see no reason to conclude that the simple presence of a new build dwelling should appear suburban, and the architectural forms proposed are inherently rural in their detailing and arrangement. They are not dissimilar to other dwellings and outbuildings elsewhere in the distinctly rural vicinity.
11. Unlike the more typically urban forms of the dismissed appeals, I, therefore, find that the proposal would not harm the character and appearance of the area. It would not be unsympathetic modern development of the sort that might harm the special qualities, landscape or scenic beauty of the National Park. There would be no conflict with those aims of Policies DP2, SP7, SP17 or DP18 of the New Forest National Park Local Plan 2019 that seek to promote high quality design which enhances local character and avoids gradual suburbanising effects.

Other Matters

12. Permission was also refused due to potential impacts of an air source heat pump on neighbouring residents. I have not accepted the amended plans, which the Authority's Environment Protection Officer confirms would address this concern. However, I see no reason that a planning condition could not be imposed to agree final details of the siting of the installation.
13. The site adjoins The Orchard, a listed building. The building is similarly sited on its plot to the proposal, and to Dene Lodge on the other side of the site. Its setting is, in essence, as part of a rural street scene comprising informally positioned dwellings and outbuildings. The introduction of the proposal would preserve the essential characteristics of that setting, so I find that no harm would result to the building's significance.
14. Policy SP21 seeks to impose a floor space limit of 100 square metres on new dwellings to deliver balanced housing stock across the National Park. As the Authority notes that the extant permission breaches the limit, adverse effects from this policy conflict have not been demonstrated.

Appropriate assessment

15. New residents at the site, in combination with other development, could result in additional recreational pressures on the New Forest Special Protection Area (SPA) designated for its nature conservation importance. The effect of this, I have assessed in the framework of appropriate assessment under the Conservation of Habitats and Species Regulations 2017 and my findings are set out below.
16. The New Forest SPA contains lowland heath, valley and seepage step mire, or fen, ancient pasture woodland, including riparian and bog woodland and a range of acid to neutral grasslands. It supports a rich bird fauna including internationally important breeding populations associated with these habitats. Species include Dartford Warbler, Honey Buzzard, Nightjar, Woodlark, Hen Harrier, Hobby and Wood Warbler.
17. Additional residents could lead to additional numbers of visitors, which, in combination with other development, may cause disturbance to habitats and bird species. A unilateral undertaking has been provided that would secure a contribution towards mitigation of adverse impacts. These include various measures such as access management, education and provision of alternative recreational green space.
18. Having sought the views of Natural England, I am satisfied that the contributions would provide adequate mitigation to avoid adverse effects on the integrity of the SPA.

Conditions

19. A plans condition is required in the interests of certainty. To protect the character and appearance of the area, details are required of the external facing materials, fenestration, porch, brick detailing, gable end junctions, and a landscaping scheme. In the interest of highway safety the access and turning areas must be provided. To protect the living conditions of neighbouring residents, details of the siting of the air source heat pump are required. To secure biodiversity gain and avoid any harm to protected species that might

unexpectedly be present at the site, the recommendations of the submitted ecological report should be carried out.

20. The Authority has suggested a condition that the outbuilding is not used as habitable accommodation, in order to protect the character and appearance of the area. However, there is no substantive evidence as to why such uses would harm these interests, so I have not imposed the condition. The Authority has also recommended the removal of permitted development rights. Planning Practice Guidance says that such conditions should only be imposed exceptionally. Protecting the character and scenic beauty of the countryside of the National Park should be given great weight, but mindful that there is no blanket removal of permitted development rights within the National Park, there is no clear reason that this dwelling should be singled out for exceptional control. Therefore, I have not imposed this condition either.
21. I have made some revisions to the Authority's suggested conditions in the interests of clarity and precision, to ensure that the triggers relate to appropriate stages of the development process and to ensure compliance with the National Planning Policy Framework.

Conclusion

22. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DR1 (Location Plan); 14078/S1; 18-039/ED1; S019.6C; S019.8B; S019.10B; S019.12A; S019.13; S019.14; S019.15.
- 3) Prior to their installation, samples or exact details of the facing and roofing materials to be used in the dwelling and outbuilding hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling and shall thereafter be maintained as such.
- 4) Prior to their construction/installation, plans, which shall be drawn to a scale of not less than 1:20, showing the following architectural details for the dwelling shall be submitted to an approved in writing by the Local Planning Authority:
 - a) Typical fenestration detail for the first-floor dormers of the dwelling;
 - b) the porch and front door;
 - c) the corbel/brick detailing to the chimney;
 - d) the gable end junctions with the roof.

The approved details shall be implemented prior to the occupation of the dwelling and thereafter maintained as such.

- 5) Prior to the occupation of the dwelling hereby permitted, a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority showing:
- a) the details and written specification for all boundary treatments;
 - b) the materials of the final surfacing, including finished levels of all the hard surfaces;
 - c) the details of any additional planting and that to be retained.

The approved landscaping scheme shall be implemented in its entirety in the first planting season (September to March) following the occupation of the development, unless otherwise agreed in writing by the Local Planning Authority, maintained for a period of two years (during which any dead or dying plants shall be replaced with plants of the same size and species) and thereafter retained as such.

- 6) Prior to the occupation of the dwelling hereby permitted, the vehicular access, driveway and garage shall be constructed in accordance with the details shown on the approved plans and shall thereafter be maintained as such.
- 7) Notwithstanding details shown on the plans hereby permitted, prior to its installation, full details of the proposed siting of the air source heat pump shall be submitted to and approved in writing by the Local Planning Authority. The air source heat pump shall be only installed in accordance with the approved details and shall thereafter be maintained as such.
- 8) Unless otherwise agreed in writing by the Local Planning Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report (New Forest Ecological Consultants, 18 February 2019). The specified enhancement measures shall be implemented prior to the occupation of the dwelling and shall thereafter be retained at the site in perpetuity.