



Appeal Decision

Site visit made on 13 December 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/B1740/W/21/3278686

Wheatsheaf Hotel, Christchurch Road, New Milton BH25 6QJ

- 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 Cordage 23 Ltd against the decision of New Forest District Council.
 - The application Ref 21/10431, dated 23 March 2021, was refused by notice dated 4 June 2021.
 - The development proposed is erection of 2 No.3bed detached dwellings (Use C3) on the land adjacent to the public house (Sui Generis), utilising the existing access off Church Lane with reconfiguration of car park and associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - the effects of the proposal on the character and appearance of the area, including whether or not it would preserve or enhance the Old Milton Green Conservation Area and setting of the grade II Church of St Magdelene; and
 - the effects of the proposal on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar Site, the Solent and Southampton Waters Ramsar Site, and Solent Maritime Special Area of Conservation (the protected sites).

Reasons

Character and appearance

3. The appeal site comprises part of the car park and beer garden associated with the Wheatsheaf Pub, which lies wholly within the Old Milton Green Conservation Area (CA). To the rear of the site, beyond the intervening tree line, is the grade II listed Church of St Magdelene. Under Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act 1990, I am required to have special regard to the desirability of preserving the listed building or its setting, and separately, must also pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. The compact CA is characterised by the features and buildings of the old village, including the village green, the alignment of the through road and the significant Church. There are also numerous buildings from c.1900s with traditional appearance and/or decorative features that derive from the village's

early origins. Whilst the area is car-dominated, the 'Green' and other green spaces on the edges help retain an attractive, village-like quality to the CA. The overall quality of the CA is, to an extent, also undermined by a number of modern buildings of unsympathetic scale and appearance, some with poor quality signage and frontages.

5. The listed Church stands prominently within a spacious churchyard, with its side elevation and tower visible from the main through road. Its listing description summarises its special interest as its C17 tower, late Georgian nave and good quality additions on its eastern end by Sir Howard Robertson. Whilst the age, historical association of the building and some of its specific components are the key contributors to significance, and despite its principal orientation towards Church Lane, its commanding position within the open churchyard and glimpsed views from, and towards the historic settlement that it served are also factors that contribute to the same.
6. The Pub itself is a traditional two storey building with hipped roof, characterful window arrangement and traditional-style canopied frontage. A gable-fronted brick outbuilding also lies adjacent to the site within the car park and also has a historic quality to it. The host building, the Pub, is noted in the 'Old Milton Conservation Area Character Statement' as a building which contributes to the specialness of the CA. As a tarmacked car park, the appeal site is not a particularly positive feature of the streetscene or CA, but offers a degree of openness and a treed backdrop to the streetscene, with glimpsed views of the listed church beyond.
7. The proposal seeks to introduce two dwellings onto the car park, facing towards the main road. The dwellings would be detached, but with a minimal gap between them. They would observe the same front building line as the pub's detached outbuilding, but there would be an intervening gap between them to enable vehicular access to the newly positioned pub car park to the rear. The replacement beer garden would be smaller and closely located to the rear of the pub.
8. The dwellings would each be single-fronted with deep pitched, slated roofs and upper windows directly beneath the eaves line. There would be a modestly projecting bay window on the ground floor and gable canopied porches. The front elevations would be painted render with brickwork to all other elevations. There would also be rearward projections on each dwelling, beneath a pitched roof far lower than the main ridge height.
9. The introduction of the dwellings would result in a notable change within the streetscene. Given their siting adjacent to the modestly-scaled pub and outbuilding, their scale would appear disproportionately large, particularly in relation to their overall bulk, and the height and mass of their roof forms. Their design and appearance would be fairly bland, appearing as typical suburban estate homes without any evidence of the way in which they have been devised to draw reference from the pub, other historic cottages on Southern Lane or elsewhere in the surrounding area. That there has already been harm from modern development within or adjoining the CA does not justify further harm.
10. The siting of the dwellings would necessitate the removal of an existing semi-mature tree (a protected Beech) from the Church Lane side of the site. This and the degree to which the dwellings and associated parking and landscaping

would appear cramped within the site would also be detrimental to the quality of the streetscene and CA.

11. I note from the submitted 'Built Heritage Statement' (Pegasus, 2021) that the car park was historically occupied by dwellings and then later by a low level post office building, albeit much before the designation of the CA in 1993. In this sense, the proposal would introduce built form onto the site, similarly to how it would have been in the past. However, the proposal would not be of a high quality as claimed and could not be said to be an enhancement of the 'visually unappealing' car park. The loss of the connection between the Church and the street scene on Christchurch Road to two imposingly-scaled but characterless dwellings would be to the detriment of the character and appearance of the area, the CA as a whole and to the setting of the listed Church. These effects would not be mitigated through the replacement of a feature tree at the site's frontage, the establishment and maturing of which would be uncertain or at least take some time.
12. The truncation of the existing beer garden envisaged in the Built Heritage Statement as giving rise to minor heritage harm to the setting of the non-designated Wheatsheaf Pub, would be, in my opinion, of negligible effect. However, the harm to the enclosure of the listed Church would be more harmful given the cumulative effects of the enclosure of the churchyard by modern development or land uses, particularly given the siting of the adjacent caravan park. Though there would be a greater degree of screening of the dwellings by the existing tree line, their scale and bulk would still be noticeable. Consequently, the manner in which the Church could be experienced with glimpsed views affording some connection to the central historic core of the settlement would be eroded.
13. For the reasons outlined above, the proposal would be harmful to the character and appearance of the area and the CA and would also harm the setting of the grade II Church of St Magdelene. It would therefore conflict with Policy NM4 of the New Milton Neighbourhood Plan (NP) (2021) which seeks to secure development that creates a sense of place, while addressing the character and scale of the surrounding buildings and landscape. Conflict would also arise with, in particular, Policies DM1 of the Local Plan Part 2¹ and ENV3 of the Local Plan Part One². These Policies also seek to ensure that development conserves or enhances the significance, character and appearance of heritage assets and achieves high quality design that contributes positively to local distinctiveness.
14. Whilst NP Policy NM10 is referenced in the Council's decision notice, this Policy does not appear to apply to buildings and structures of heritage or townscape value other than those explicitly listed in the NP Policy. It does not, therefore, apply to the appeal proposal.
15. The harm to the CA and to the setting of the Church would result in 'less than substantial' harm to their significance as heritage assets, with reference to the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework indicates that where a proposal would lead to less than substantial harm to the significance of designated heritage assets, it should be weighed against the public benefits of the proposal. I return to this matter below.

¹ New Forest Local Plan Part 2: Sites and Development Management (2014)

² New Forest Local Plan 2016 – 2036 Part One: Planning Strategy (2020)

Protected Sites

16. The appeal site is within the zones of influence of the aforementioned protected sites. Significant effects on the features of interest of the protected sites cannot be ruled out from residential development in this location, both individually and cumulatively with other schemes. For the New Forest protected sites, such effects would arise from increased recreational use by new residents and possible air quality effects. For the Solent and Southampton Waters protected sites, such effects could arise from increased nitrate loading from wastewater associated with new overnight accommodation that discharges to the same.
17. A planning obligation made under S106 of the Town and Country Planning Act 1990 has been submitted by the appellant. The S106 provides for contributions to offset the recreation effects and to enable air quality monitoring to take place within, and surrounding the New Forest protected sites.
18. In respect of the increased wastewater, no project-specific mitigation proposal has been offered to achieve nitrate neutrality. Until such time as a specific mitigation strategy has been devised and agreed, the Council suggests that a Grampian Condition should be imposed and an appropriate assessment undertaken on submission of details to discharge such a condition. In the context of advice in the Planning Practice Guidance to avoid imposing such a condition unless there is certainty about the action in question being performed within the time limit imposed by the permission, and not using such conditions to secure financial contributions unless in exceptional circumstances, I have reservations about such an approach.
19. In any event, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an appropriate assessment/s. Consequently, I have not taken this matter further.

Planning Balance and Conclusion

20. For the reasons outlined above, the proposal conflicts with the development plan, when taken as a whole.
21. The public benefits of the proposal include the delivery of two family-sized dwellings in a sustainable location where there is an under-supply of the same. The Council accept that it cannot demonstrate a five year supply of housing land which adds weight to the delivery of housing as a benefit of the scheme, though the tilted balance is not engaged. Associated advantages include the economic benefits that would result from the construction phase, and longer-term economic input from reliance on services and business by additional residents to the area.
22. Whilst the collective benefits attract reasonable weight in the overall balance, they do not outweigh the identified harm to the significance of the identified heritage assets or indicate that a decision should be taken other than in accordance with the development plan in this case.
23. The appeal is therefore dismissed.

Hollie Nicholls

INSPECTOR