



Appeal Decision

Site visit made on 6 August 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2024

Appeal Ref: APP/B1740/W/23/3333156

Marsh Farm Cottage, Rockbourne, Fordingbridge SP6 3NF

- 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 Morris against the decision of New Forest District Council.
 - The application reference is 23/10726.
 - The development proposed is the conversion of a garage / workshop to ancillary accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal would impact upon the internationally important habitat sites of the New Forest Special Protection Area (SPA), Special Area of Conservation (SAC), and Ramsar; the River Avon Valley SAC, SPA, and Ramsar; the Solent and Southampton Waters SACs, SPA and Ramsar; and also the Dorset Heathlands SAC, SPA and Ramsar. One of the reasons for refusal of the original application was that the impact upon these habitat sites had not been adequately mitigated. To address these matters, during the appeal process the appellants submitted a signed and dated Unilateral Undertaking (UU) to provide contributions for avoidance, mitigation and monitoring measures. The Council have stated that the UU addresses the reason for refusal, and consequently the appeal turns on the main issue identified below. I shall return to the matter of the habitat sites later.
3. In November 2023 Areas of Outstanding Natural Beauty in England became known as "National Landscapes", and I have referred to this new name in my decision.
4. Near to the appeal property is a detached dwelling described on the drawings as Couttes Cottage, but referred to by the parties and in the listing details as Coutts Cottage. From the evidence before me it is the same property, and it is grade II listed. As required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
5. It was apparent from my site inspection that a timber building depicted upon the submitted drawings (dwg No 1131-20-01A) had been removed and that a

greenhouse had been erected, near to a vegetable garden. In addition, there is a gap within the hedgerow that borders the northern boundary of Marsh Farm Cottage. Ground works and levelling had occurred to the eastern side of the garage / workshop building, with kennels installed within the car port. Notwithstanding these changes, I have determined the appeal on the basis of the submitted drawings, rather than what has occurred on site.

Main Issue

6. The main issue is the effect of the scheme upon the character and appearance of the area, having particular regard to its location within the Cranborne Chase National Landscape.

Reasons

7. Marsh Farm Cottage is a detached bungalow positioned at the end of a long track that provides access to a loose knit scatter of houses. To the south of the appeal property is Coutts Cottage, and paddocks and fields surround both dwellings. The track provides access to the parking spaces of Marsh Farm Cottage, and also the garage, the equestrian buildings and uses associated with the appeal property.
8. Close to the hedgerow that defines the garden of Marsh Farm Cottage is the garage building. Constructed of timber under a slate roof, this single storey building has a legible functional appearance, comprising a two-bay car port, and a double-doored workshop. The building has been set down within the hillside, with a levelled gravelled parking and turning area in front of it, with a large manure bin nearby.
9. The site is within the Cranborne Chase National Landscape (NL), and the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing the landscape and scenic beauty of NLs. A key feature of the landscape near the appeal site is the river which flows through a defined valley, within which there are a few scattered homes and farmsteads. Near to the appeal property the river has a broad flood plain with gently rising valley sides upon which are fields and paddocks. These and the river are often defined by mature hedges and trees. The dominance of the watercourse and the sporadic scatter of dwellings and farmsteads that occur beyond the village create a tranquil, verdant rural landscape and scenic beauty.
10. The proposed dwelling would convert the existing garage building into a one-bedroomed dwelling. Unlike the functional, utilitarian appearance of the existing garage, the conversion would result in a building that would have a legible, residential appearance, including a new domestic style door and windows. Although the Council have raised no objection to the appearance of the converted building, the introduction of a dwelling in such a location would harmfully erode the landscape and scenic beauty of the NL. Even though constructed of traditional materials, the conversion of the building and domestic use of the land around it would result in a harmful spread and duplication of residential development and uses well beyond the small, discrete cluster of dwellings that is found at the end of the track. Despite the modest size of the dwelling, it would result in an additional home in the area, thereby unacceptably eroding the landscape and scenic beauty of the NL, contrary to the high level of protection afforded to these protected landscapes by the Framework.

11. Irrespective of the removal of a section of hedgerow and the presence of the vegetable patch and greenhouse, there is a clear and defined physical and functional separation between the cottage and the garage. Although the garage is described as being for residential purposes, its positioning well away from the cottage, along with its legible association with the equestrian uses and paddocks is such that it appears as a sporadic outbuilding in the countryside rather than as a building supporting the residential uses of the cottage. Moreover, the garage fronts the parking and turning area for the equestrian uses and as such has no active frontage with the cottage or its garden as it faces away from them. The garage has a separate access and track and no vehicular linkage with the cottage, thereby exaggerating the legible relationship with the equestrian uses rather than the cottage.
12. Whilst the appellants propose that the dwelling would be connected to the cottage through the provision of services and utilities, future occupants of the dwelling would not have to live as part of the household in the cottage, nor given the separate access would there need to be any physical linkages between the two. The dwelling would allow its occupiers to live completely independently of those in the cottage as it would provide a kitchen, bathroom, living space and bedroom.
13. The presence of a separate household, even a small one, would also result in a duplication of and a spread of residential uses and paraphernalia into the countryside. In addition to the parking of equestrian vehicles, there would also be domestic parking arising from the presence of another household, and this would duplicate the provision within this rural landscape as the cottage already has its own discrete area of parking that is positioned well away from the garage. This proliferation would extend well beyond the garden of the cottage, and in doing so would erode the rural character and appearance of the area. Despite being partly screened by hedges, landscaping cannot be relied upon to screen a development for its lifetime. Domestic uses and paraphernalia would creep into the countryside, and particularly so given the size of the red site area. In doing so the scattered cluster of residential properties and uses at the end of the lane would be harmfully extended into the countryside. This spread and concentration of dwellings would erode the tranquil rural nature of the area, to the detriment of the dominance of the qualities of the NL.
14. National policy makes it clear that isolated homes in the countryside should be avoided unless one or more of a list of circumstances apply, one of which is that there is an essential need for a rural worker to live permanently at or near their place of work. This objective is reflected in Policies DM20 and DM21 of the New Forest District Council Local Plan Sites and Development Management (2014) (SDM) as they support residential development in the countryside only where certain criteria would be met, one of which is that it would be required as an agricultural or forestry worker's dwelling. These policies are silent upon the matter of the conversion of buildings in the countryside to a dwelling, although the Framework's list of circumstances includes whether the development would re-use a redundant or disused building and enhance its immediate setting. In this instance the conversion would not be the re-use of a redundant or disused building, nor for the reasons given above, would the use enhance its immediate setting.
15. The dwelling would provide accommodation for a groom, who is currently living in the cottage so as to provide 24-hour care and supervision for four equines.

However, the equines are for the personal enjoyment of the appellants, and a resident groom would be a choice that would not meet the stringent requirements of national and local policy for dwellings within the countryside. Neither the modest benefits to the local economy arising from the employment of a groom nor the environmental benefits of an energy efficient home would outweigh the harms to the landscape and scenic beauty of the NL.

16. The appellants have suggested a condition linking the dwelling to the cottage, and the Council have also suggested one to remove permitted development rights. Having regard to the physical separation that exists between the two buildings, even with these conditions they would fail to mitigate the proliferation and duplication of residential uses and paraphernalia associated with two households.
17. For these reasons the scheme would have an adverse impact upon the character and appearance of the area, unacceptably eroding the special landscape and scenic beauty of the NL. This would be contrary to the requirements of the Framework, and the suggested conditions would not overcome these harms. The scheme would fail to accord with the requirements of Policies ENV3, ENV4, STR2 and STR3 of the New Forest District Council Local Plan Planning Strategy (2020). These policies seek, amongst other things, high quality development that contributes positively to local distinctiveness, being sympathetic to its context, that which successfully integrates into the local landscape character, and does not have an unacceptable impact on the special qualities and purposes of the NL. In addition, as referred to above the scheme would also be contrary to the requirements of SDM Policies DM20 and DM21.

Other Matters

18. The New Forest habitat site designations recognise the national and international importance of these habitats that include bogs, marshes, heaths and woodlands that support a variety of rare birds and insects. The Dorset Heathlands also host priority habitats and species, including birds, lizards and snakes as well as other typical species of heathlands. The River Avon habitat sites comprise a bio-diverse lowland river system that supports nationally and internationally important species, such as aquatic flora, invertebrates, fish, and birds. The New Forest and Dorset Heathlands are under significant pressure from public access and use, and a net increase in the number of dwellings and occupiers in the area would increase the pressure upon these important sites, as well as impacting upon air pollution. The River Avon is experiencing high levels of phosphates that includes from waste water from development, and in addition to impacting upon the river it also causes eutrophication of the protected Solent and Southampton Waters.
19. Given the location of the appeal site, future occupiers would be likely to impact upon these habitat sites thereby having a significant effect upon their integrity, including through increased recreational pressures, air quality impacts, and waste water. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes, and this duty falls to me as the competent authority. The appellants have provided a UU to secure the required mitigation measures, and the Council have confirmed it secures the required

contributions, and that a Grampian Style condition would address the phosphate levels in the River Avon Catchment.

20. Had I reached a different conclusion upon the main issue, it would have been necessary for me to undertake Appropriate Assessments and give further consideration to the likely effectiveness of the mitigation measures. In doing so I would have had regard to the UU and the suggested condition. However, as I am dismissing the appeal for other reasons, this has not been necessary.
21. Positioned to the southern side of the track, near to the appeal site is Coutts Cottage. This timber-framed thatched roof listed building has a commanding presence in the area, not just because of its historic form and appearance, but also because it is set up above the floodplain of the river. The vernacular style, form and materials of this house along with its substantial age and positioning within a countryside setting are all part of the special historic and architectural interest of this listed building. Coutts Cottage has a clear relationship to the surrounding land. However, Marsh Farm Cottage, the garage and equestrian uses have all impacted upon the setting of the listed building, changing part of the setting to residential and equestrian uses. Having regard to this, and the degree of separation between the garage and the listed building, along with the modest form of the proposed dwelling, the scheme would have a neutral impact upon the setting of Coutts Cottage.
22. Concerns of the appellants regarding the Council's handling of the application, including lack of communication, are procedural matters. Such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

Conclusion

23. For the above reasons the adverse impacts arising from the proposal would significantly and demonstrably outweigh the aforementioned benefits, and the suggested conditions would not overcome these substantial harms. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR