



Appeal Decision

Site visit made on 2 July 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/B1740/W/23/3335812

Martinique Farm, East Martin Road, East Martin, SP6 3JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. Shering against the decision of New Forest District Council.
 - The application Ref is 23/10808.
 - The development proposed is described as 'proposed replacement of redundant storage buildings with 3 no new dwellings and 2 no garages'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was determined based on plans that included proposed roof-lights. However, amended site and elevation plans omitting the roof-lights were provided to the Council before its determination of the application. These amended plans were also submitted as part of the appeal, and the Council and other interested parties have therefore had the opportunity to submit representations in respect of them.
3. At the final comment stage of this appeal, further amended plans have been provided upon which references to roof-lights have been removed from those plans not previously amended. Although the Council and interested parties have not had the opportunity to comment upon these most recently provided plans, the Council has agreed that the amendment of the plans to remove the roof-lights is not a substantive change to the scheme and would not result in procedural unfairness. I have no reason to conclude otherwise, and therefore proceed to determine this appeal based upon the amended plans which do not include roof-lights.
4. A Unilateral Undertaking (UU) completed following the submission of the appeal has also been provided. It includes an obligation relating to the payment of financial contributions towards habitat mitigation projects and air quality monitoring, as well as a 'checking fee'. The Council has had the opportunity to comment on the UU. I return to this matter later.
5. In 2023, all designated Areas of Outstanding Natural Beauty (AONB's) in England and Wales became 'National Landscapes'. However, their legal designation and policy status remain unchanged. For clarity, within this decision letter, the Cranbourne Chase AONB is referred to as the Cranbourne Chase National Landscape.

Main Issues

6. The main issues are the effect of the development on;
- the character and appearance of the area, with particular regard to the distinctive qualities and natural beauty of the Cranbourne Chase National Landscape; and
 - whether the appeal site is a suitable location for the proposed development with particular regard to the local development strategy.

Reasons

Character and appearance

7. The appeal site is within the Cranbourne Chase National Landscape. In determining this appeal, I therefore have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of the National Landscape.
8. Policy STR2 of the New Forest District Council Local Plan 2016-2036 Part One¹ (the Local Plan Part 1) states that development should not have an unacceptable impact on the special qualities and purposes of the Cranborne Chase Area of Outstanding Natural Beauty. Furthermore, paragraph 182 of the National Planning Policy Framework (the Framework) indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's.
9. The quality of the section of the Cranbourne Chase National Landscape which the appeal site is within, stems in part, from its generally rural, verdant, and pastoral character and appearance, as well as from the sporadic dwellings and generally utilitarian buildings within it. The evidence indicates that the 3 buildings that are subject of this appeal, were historically part of a former farm that also encompassed neighbouring land and buildings that are now parts of Cherwell and/or Futchers Farms.
10. Despite the presence of tall hedges parallel to the lane facing elevation of the appeal site, during my site visit, the upper parts of both the roof of barn B and the 'boxy shaped' structure at the end of barn C were visible from the lane. Furthermore, trees, hedges and/or plant growth around much of the rest of the periphery of the appeal site, obscure views of large parts of the existing buildings on the site from land outside of it.
11. Nevertheless, and having regard to the distinctive characteristics and qualities of the area, the 3 relatively low and simple former agricultural buildings on the site make a positive contribution to the established character and appearance of the area, and to the quality of the National Landscape it is within. So do the trees and hedgerows around the periphery of most of the site. Furthermore, while the areas of hardstanding within the appeal site appear to include a former yard area and a track, such areas are not extensive and have a neutral effect on the character and appearance of the area.
12. The long ridgeline of the proposed dwelling at plot 3 would be of a similar height to the existing 'boxy shaped' structure at the lane side end of barn C. Moreover, the pitches of the roofs of all of the proposed dwellings would

¹ New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy – New Forest District outside the New Forest National Park – 2020

increase from those of the existing buildings on site. A result of these changes is that large sections of the roofs of the proposed buildings would be significantly taller than the buildings that would be replaced. As such, and notwithstanding the proposed removal of the 'boxy shaped' structure at the end of barn C, the proposed replacement buildings would be more prominent both from the nearby lane and from other locations outside of the site. This is due to their height and increased massing.

13. Rooflights have been omitted from the scheme, and any increase in the area of buildings across the site would be minimal. However, due to the form and height of the dwellings, and the addition of detached garage/carport buildings with gable roofs, the proposed development would have an obviously domestic character and appearance. Such development would be incongruous with the prevailing patterns and forms of development in the area, and albeit in a small way, it would have a harmful urbanising effect on both the character and appearance of the appeal site and the wider area. It would not therefore conserve or enhance the landscape and scenic beauty of the Cranbourne Chase National Landscape.
14. For these reasons, the development would cause harm to the character and appearance of the area, with particular regard to the distinctive qualities and natural beauty of the Cranbourne Chase National Landscape. Consequently, it would conflict with policy DM20 of the Local Plan Part 2 and policy STR2 of the Local Plan Part 1. While policy DM20 does not distinguish between sites within and outside of National Landscapes, collectively, policies DM20 and STR2 require residential development to be of a design, scale, and appearance that is in keeping with the rural character of the area, and to prevent development that would have an unacceptable impact on the special qualities and purposes of the Cranbourne Chase National Landscape.

Development strategy

15. The appeal site is outside of the built-up area boundary of those settlements identified within the Local Plan Part 1, and outside of the small rural village of Martin - as identified within policy STR4 of the Local Plan Part 2. As such, for planning policy purposes it is deemed to be within the countryside.
16. Together, policies STRAT1, 2, 3, 4, and 5 of the Local Plan Part 1 and policy DM20 of the Local Plan Part 2, form part of an overall strategy for development in the District. This strategy generally seeks to direct most new development to those settlements with the widest ranges of employment, facilities, and services, and, to accessible locations where there would potentially be less need to travel. Outside of locations where site-specific policies apply or the defined built-up area boundaries of settlements, it is indicated that the primary objectives are to conserve and enhance the countryside and natural environment, as well as to protect the qualities and scenic beauty of the Cranbourne Chase National Landscape and the New Forest National Park.
17. In countryside locations, policy DM20 of the Local Plan Part 2, indicates that residential development will only be permitted where it meets one of a closed list of exceptions. These exceptions do not include the replacement of redundant buildings with dwellings. The appeal has not been advanced on the basis that the development would accord with any of the exception criteria at a)-d) of Policy DM20. On the basis that the scheme proposes the replacement of redundant buildings in the countryside with dwellings, it would not constitute

either limited extensions or replacement of existing dwellings. The application form indicates that the proposal is for market rather than affordable housing, and, it has not been demonstrated that the development would provide agricultural or forestry workers dwellings in accordance with Policy DM21.

18. Furthermore, given the relatively remote location of the appeal site, future occupiers of the development would be likely to need to travel to access the range of services and facilities ordinarily required for day-to-day living. In addition, I have previously found that the development would cause harm to the character and appearance of the area.
19. For these reasons, the appeal site is not a suitable location for the proposed development with particular regard to the local development strategy. Consequently, and in respect of this main issue, it would conflict with policies STR2 of the Local Plan Part 1 and policy DM20 of the Local Plan Part 2.

Other matters

20. I have been provided with details of 2 extant planning permissions for alternative development schemes on the site subject of this appeal. The first, ref: 22/11012, permits the conversion of redundant storage buildings into 3 dwellings, and the second, ref: 23/11191, permits the replacement of the same buildings with 3 dwellings.
21. I accept there is a more than theoretical possibility that either one of the permitted schemes could be implemented. However, the development subject of this appeal, would, overall, be taller and have a greater massing and a more domestic appearance than both of the fall-back schemes. As a result, and for the reasons previously given, the implementation of the appeal scheme would result in harm being caused to the character and appearance of the area. Based on the evidence, such harm was not found in either of the schemes subject of extant planning permissions.
22. In terms of thermal efficiency, I accept that there is more scope to secure environmental benefits from new-build dwellings than from the conversion of existing buildings. However, even if it would be easier to secure funding and quotes for new-build, and compliance with the associated regulatory regimes would be simpler for such development, I have no reason to consider that these benefits would be any greater than if the development permitted under 23/11191 were to be implemented.
23. For these reasons, neither of the fallback schemes weigh in favour of the development subject of this appeal.
24. My attention has been drawn to planning permissions authorising the replacement of an existing barn with a dwelling (at least one of which would be larger than the barn it would replace), on land east of Sandle Lodge. However, that site was not within a National Landscape. In this case, I have found that the appeal scheme would cause harm to the character and appearance of the area and to the landscape and scenic beauty of the National Landscape it is within. As such, those consents relating to land east of Sandle Lodge permissions do not lead me away from my findings in respect of this appeal.
25. The main parties agree that the Council cannot demonstrate a five-year supply of housing land, and a 3.07-year housing land supply has been referenced by both. Paragraph 11. d) of the Framework is therefore relevant. It sets out that

permission should be granted unless certain circumstances apply. One such circumstance, at 11. d) i. is where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 of the Framework confirms that the policies referred to in 11.d) i. include AONB's. Given that I have found that the implementation of the development would cause harm to the character and appearance of the area, with particular regard to the distinctive qualities and natural beauty of the Cranbourne Chase National Landscape, the presumption given by paragraph 11. d) is not triggered in this case.

26. The development would contribute in a small way to meeting the Government's objective of significantly boosting the supply of homes and to reducing the Council's housing land supply shortfall. Given the size of the shortfall, moderate weight is attributed to the benefit that would result from the delivery of 3 dwellings.
27. Economic benefits would also arise during the implementation of the permission and from the contribution that future residents would make to the local economy. It has also been indicated that the development would include measures to secure energy efficiency. The planting of wildflowers and native hedgerows could also deliver benefits in terms of biodiversity. However, given the small scale of the scheme, the weight that may be attributed to any such benefits is limited.
28. The appeal site is within the zone of influence of; the New Forest Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites; the River Avon SAC; and the Avon Valley SPA and Ramsar sites (the habitat sites). These habitat sites are all afforded protection under the Conservation of Habitats and Species Regulations 2017 – as amended (the Habitat Regulations). Had I been otherwise minded to allow the appeal, as the competent authority I would have been required to undertake an appropriate assessment, as per regulation 63. (1) of the Habitat Regulations. However, for the aforementioned reasons, I am dismissing this appeal. That being the case, the development subject of this appeal will not go ahead, and there is no need to undertake an Appropriate Assessment, or to further consider the potential effects of the development on the identified sites.
29. Even if the financial contributions outlined within the submitted UU were made to mitigate harms to the New Forest SAC, SPA, and Ramsar sites, this would be a neutral consideration in determining this appeal.

Conclusion

30. Overall, and for the reasons given above, the proposal conflicts with the development plan when taken as a whole. There are no material considerations either individually or in combination that outweigh the identified harm and associated development plan conflict.
31. For the reasons given above, this appeal should be dismissed.

V Simpson

INSPECTOR