
Appeal Decision

Site visit made on 4 February 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/B9506/W/24/3355181

Land Adj to The Antlers, Arnewood Bridge Road, Sway, Lymington SO41 6DA

- 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 P McCarthy against the decision of New Forest National Park Authority.
 - The application Ref is 24/00566FULL.
 - The development proposed is sever plot and erect 1no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Further written comments regarding these changes were submitted by the main parties. This decision is based on the current Framework and has taken account of the further representations made on this.
3. Section 245 of the Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities when exercising their functions with regard to protected landscapes, which include National Parks. Moreover, relevant authorities must seek to further the statutory purposes of National Parks – which are conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated and promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public. I shall have regard to this amended duty in my assessments of the appeal proposal.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for new residential development having regard to relevant provisions of the development plan; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

5. Policy SP19 of the New Forest National Park Local Plan 2016 – 2036 (LP) sets out that new residential development will be permitted within the National Park to

maintain the vitality of local communities and support local services in circumstances that include where the proposal involves the development of land previously unallocated or unidentified (windfall development) within the Defined Villages of the National Park.

6. Sway is a Defined Village for the purposes of the development plan. It is one of the larger settlements in the National Park and there are a range of services and facilities in the village, such as food shops, public houses, post office, butchers, pharmacy, primary school, GP surgery, church, village hall, recreational facilities, and bus stops.
7. There is a pavement on Station Road, which provides a safe walking route from the appeal site into the settlement along the 30mph road. Additionally, there is street lighting the length of Station Road from the site to the centre of the settlement. The appellant states that the previously identified services and facilities are approximately 400 to 600 metres from the appeal site. It is also stated by the appellant that the railway station, which is on the mainline to London, is approximately 550 metres from the site. These figures are not disputed by the National Park Authority, and I am therefore content to rely on them. Moreover, notwithstanding its rural location, the site is positioned so as to enjoy reasonable access to a range of facilities and services.
8. However, even though on the periphery of contiguous residential development that emanates along Station Road from the edge of the settlement and thus not occupying an isolated location, the site falls outside of Sway's Defined Village boundary. Therefore, on the basis that no individually listed provision of Policy SP19 would be met (for example, the site is neither allocated for housing nor being considered as a rural exception site), there is identifiable conflict with the Authority's spatial strategy for delivering new residential development.
9. For these reasons, having regard to relevant provisions of the development plan, the appeal site, notwithstanding its accessibility credentials as outlined above, does not represent a suitable location for new residential development. The proposal would conflict with Policy SP19 of the LP, insofar as it permits new residential development within the National Park in only specified circumstances that are not applicable in this case.

Character and appearance

10. The appeal site contains a semi-detached dwelling, The Antlers, which is attached to Eastwood Cottage. Attached to the other side of The Antlers is an outbuilding that appears to be used for storage. Also within the garden of the site are a detached garage and a detached outbuilding. The two dwellings have a simple form when looking at them from the B3055. They appear as well proportioned, almost symmetrical, from that viewpoint, with similar window layouts and chimneys flanking on both sides. The attached outbuilding is single storey and forms a subservient attachment to the dwelling. Together, the two dwellings, represent a characterful part of the street scene and make a positive contribution to the character and appearance of the area.
11. The proposed development would involve the removal of the outbuildings and the garage, and their replacement with a two storey dwelling that would be attached to The Antlers. There is an existing two storey element at the rear of the existing dwelling, which is not overtly noticeable due to its position at the back of the site.

This would be extended as part of the proposal and the new dwelling would be attached to this. The height and form of the proposed dwelling would be similar to the existing dwelling. However, it would have a different window layout in the elevation facing the B3055.

12. The semi-detached dwellings sit centrally within the combined plots with substantial open and well-planted space around them that adds to the visual aesthetics of the site. I acknowledge that both dwellings have side extensions, but they are single storey and do not unduly compete with the host buildings or notably reduce the open space around the two dwellings. Whilst a high-density development in dwelling-per-hectare terms is not proposed, the proposal would introduce a dwelling that would occupy almost the entire area to the side of The Antlers. Its two storey form would lead to the loss of the visually open nature of the site, to the detriment of the current character and appearance of The Antlers and Eastwood Cottage and their contribution to the street scene.
13. The proposal would unbalance the existing simple built form and lead to a contrived arrangement between the new dwelling and The Antlers with the creation of a deep and narrow gap between the two dwellings. This would be a particularly incongruent feature in the context of the site's immediate environs. Further, the window layout would not be in keeping with the attached built form and the pastiche chimney would rival the prominent chimneys that form a key feature on the existing dwellings. These elements of the proposal would detract from the existing built form and would further exacerbate the harm to the character and appearance of the area.
14. The appellant has provided examples of terraced properties in the local area and given the overall width of those terraces. The issue with the proposal that I have identified does not specifically relate to the overall width created by erecting a dwelling to the side of The Antlers. The examples therefore do not address the identified causes of harm to the character and appearance of the area. Furthermore, relevance is reduced on the basis that the form of some of the examples appear to be their original construction or incorporating a sympathetic extension that reflects and respects the respective built context of those individual sites. Thus, the examples provided by the appellant do not alter my judgement on this main issue.
15. For the reasons given, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. Consequently, the proposal would conflict with Policies DP2, SP17 and DP18 of the LP, which collectively seek, in part, that development is appropriate and sympathetic in terms of scale, appearance, form, siting and layout, for development to achieve the highest standards for new design with particular regard to enhancing the built environment of the New Forest and to avoid built development that would erode the Park's local character. On this basis, notwithstanding various instances of development that exist in proximity to the site, I find that the duty to seek to further the statutory purposes of National Parks, most specifically in terms of conserving and enhancing natural beauty, would not be met.

Other Matter

16. It is my understanding from the Authority's Officer Report that the site lies in proximity to various Special Protection Areas. The Conservation of Habitats and

Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have ultimately found the proposal to be unacceptable for other reasons, it is unnecessary for me to consider undertaking appropriate assessments.

Planning Balance

17. As regards to the scheme's benefits, one additional housing unit with reasonable access to surrounding facilities and services would be created and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. However, even though small and medium sized sites can make an important contribution to meeting the housing requirement of an area, one additional unit would not make a noticeable difference to the housing supply situation across the Authority's area. It is thus a benefit that attracts limited weight. The proposal would also create jobs during the construction phase and provide support to the local economy and the vitality of the local community once occupied. These benefits attract minor weight in lieu of the scale of development being considered.
18. In terms of adverse effects, I have identified conflict with the Authority's spatial strategy. In addition, I have found harm to the character and appearance of the area in conjunction with an identifiable failure to seek to further the statutory purposes of National Parks. In my judgement, the scheme's limited benefits would not outweigh these adverse effects.

Conclusion

19. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR