



Appeal Decision

Site visit made on 26 November 2024

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/B1740/W/24/3348063

Land adjacent to Lavenham, Sway Road, Lymington, Hants SO41 8NN

- 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 Steven Peters against the decision of New Forest District Council.
 - The application Ref is 23/11313.
 - The development proposed is barn in conjunction with forestry storage and agricultural use.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). This included revisions to policies that are pertinent to the appeal, such as those relating to development in the Green Belt. During the appeal the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In my decision, I have had regard to the parties' written responses.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposed development would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal site is within the South West Hampshire Green Belt. The Framework attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open

and identifies the essential characteristics of Green Belts are their openness and their permanence.

5. Policy ENV2 of the New Forest District Local Plan 2016 – 2036 Part One: Planning Strategy (LP) explains that the openness and permanence of the Green Belt will be preserved with particular regard to its stated purposes and those of national policy for the Green Belt. It further states that development proposals in the Green Belt will be determined in accordance with national planning policy.
6. More detailed guidance on development in the Green Belt is given in the Framework. In particular, Paragraph 154 of the Framework states that development in the Green Belt is inappropriate development. However, it lists certain forms of development that are not regarded to be inappropriate. This includes buildings for agriculture and forestry (Paragraph 154(a)).
7. Paragraph 155 of the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states that the development of homes, commercial and other development should not be regarded as inappropriate where (a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to Paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework Paragraphs 156 and 157.

Whether building for agriculture/forestry

8. The appellant explains that the site is used for the storage of cordwood and sold when demand is high for the timber. The timber originates from woodland called Royden Woods, which is owned by the Hampshire and Isle of Wight Wildlife Trust and located within the New Forest National Park. It is felled by contractors, Wessex Woodland Management Ltd, and then some of the timber is currently moved by the appellant to the appeal site for storage.
9. The appellant also explains that pigs are kept and weaned at the site, and then sent to the abattoir for pork production. Currently, two pigs are raised on site at one time but there is the intention to increase this to four pigs. The pigs are formally registered with the Animal and Plant Health Agency.
10. The proposal is to erect the proposed building, which would be two bays with a roller shutter door for one of the bays, and it would be used to store machinery and timber. It is further asserted by the appellant that the building would also serve an agricultural purpose.
11. The building would allow the appellant to dry the timber in the building as it is currently kept, in the majority, in Royden Woods, with some of the timber stored on the site as well. The appellant states that the Wildlife Trust is keen for the timber to be moved from their woodland after the appellant has purchased it from them.
12. The facts of the matter are that the site is physically separated from the woodland where the timber originates, and the site and woodland are in separate ownership. The appellant has confirmed that the timber is purchased from the Wildlife Trust, and it is not stored on the appeal site on behalf of the Wildlife Trust or as part of

the Wildlife Trust's subcontracted forestry business. There is no evidence before me of the contractual arrangement with the owner of that woodland and I therefore do not have certainty of the details about that partnership or the length and security of the agreement.

13. The evidence shows that the appellant purchases the timber and then moves it to the site for storage, and this means that the forestry business that takes place in Royden Woods is a separate business entity to the appellant's operation. The appellant's operation is limited to buying timber and storing it on his land and is more akin to commercial storage. I note that the wood would naturally dry when stored within the building, but whilst the storage would allow for that process to take place it is nevertheless linked to the broader function of storing the wood. It is therefore not fundamentally part of the forestry operations taking place in Royden Woods and forms a separate planning unit. As such, the conclusion reached in the *Fuller*¹ judgement is not a determinative matter in the consideration of the appeal.
14. My attention has been drawn to an allowed appeal for the erection of a forestry building at Yaughar Wood, Warren Lane, Hartlip, Sittingbourne². However, that appeal was materially different to the appeal before me as the appellant owned the woodland that the proposed forestry building would serve. Notwithstanding the Inspector's conclusion that there was a reasonable need for that building, that appeal does not alter my judgement.
15. Turning to the agricultural use of the site, the appellant states that small scale items relating to the pigs would be stored in the building. The evidence suggests that most of the building's internal space would be used for the storage of a tractor and wood, and that the tractor would be used to load the wood into the building. I have not been provided with information confirming that the tractor would be used in relation to any agricultural operations on the holding.
16. Based on the evidence, a large proportion of the proposed building would be used for purposes linked to the alleged forestry operation which I have established does not constitute forestry operations. Therefore, even if the proposal would contain elements linked to agriculture, it would remain a minor element. Furthermore, I do not have a mechanism before me to ensure that the building is only used for agricultural purposes and not for the building's purpose for storage of wood and implements that I find to be inappropriate development.
17. Accordingly, I find that the proposed development would not meet the exception set out in Paragraph 154(a) of the Framework.

Grey belt

18. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
19. The site is an undeveloped agricultural field and therefore does not meet the Framework's definition of previously developed land. Furthermore, the site sits in

¹ *Fuller v Secretary of State for the Environment* [1988]

² Appeal decision reference T/APP/V2255/A/97/286193/P7

the setting of Lymington and adjoins the boundary of the Buckland (Lymington) Conservation Area, which encompasses Buckland Manor, an Iron Age hill fort (Buckland Rings Fort) and countryside on the northern edge of Lymington. It is also close to the edge of the New Forest National Park. The site is therefore in a historically sensitive area of the Green Belt, which forms part of the hinterland of the settlement of Lymington.

20. The site and its undeveloped nature, together with adjoining agricultural land, contributes positively towards the setting and the special character of the historic town of Lymington. The site therefore strongly contributes to Green Belt purpose (d) of Paragraph 143 of the Framework. As such, it does not meet the definition of grey belt in Annexe 2 of the Framework and so fails to meet Framework Paragraph 155(a) for this reason.
21. The proposal does not, therefore, meet all three of the required criteria (a), (b) and (c), so fails to meet Framework Paragraph 155 overall.

Finding on inappropriateness

22. For these reasons, I conclude that the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Effects on openness of the Green Belt

23. Openness can be perceived spatially and visually. Spatially, given that there are currently no buildings on the site, the construction of the proposed building would result in a considerable increase in building volume. The proposal would therefore inevitably reduce the spatial openness of the site.
24. Visually, the appeal site is seen clearly from Sway Road due to the absence of natural screening along the site's boundary with the road. The proposed development would lead to the introduction of a sizeable building with a significant ridge height. The site currently has timber and machinery stored on the site, and there are also pigs kept on the land that are housed in pig arcs. However, these are essentially temporary items and structures that can easily be removed from the site. Whereas the proposal would introduce an immovable and permanent structure on to the site. As such, the visual openness of the site, which is seen in relation to the agricultural fields beyond it, would be compromised, and this would cause considerable harm to the openness of the Green Belt.
25. On this basis, the proposal would fail to preserve the openness of the Green Belt, contrary to the objectives of the Framework and Policy ENV2 of the LP.

Character and appearance

26. The proposed building would have the appearance, and be finished with the external materials, of a typical modern barn that one would expect to be seen in the countryside. As such, it would not appear as incongruent built form within its rural setting. Furthermore, the site is adjacent to a row of detached dwellings that line the western side of Sway Road. The proposed development would therefore not appear as isolated development in the countryside.
27. For these reasons, the proposed development would not cause material harm to the character and appearance of the area. Consequently, the proposal would comply with Policy ENV3 of the LP, which seeks, in part, for development to

contribute positively to local distinctiveness and enhance the character and identity of the locality, and that development is sympathetic to its environment and context.

Other considerations

28. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
29. The appellant states that the proposed development would assist the rural economy and would prevent the need for a similar building on National Park land. However, it has not been sufficiently demonstrated that a building to serve the Wildlife Trust's forestry business could not be sited outside the Green Belt or the National Park. Furthermore, given the relatively small scale of the proposal, the contribution to the rural economy would be limited. As such, I afford moderate weight to these considerations put forward by the appellant.

Green Belt balance and conclusion

30. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause significant harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by the Framework.
31. Balanced against that are the other considerations discussed above. However, for the reasons given, those other considerations in this case, taken cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
32. As such, I conclude that the proposed development would cause harm to the Green Belt and it would be contrary to the objectives of the Framework and Policy ENV2 of the LP, which seek to protect the Green Belt against inappropriate development and safeguard its openness.

Conclusion

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

K Reeves

INSPECTOR