



Appeal Decision

Site visit made on 1 April 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 JUNE 2025

Appeal Ref: APP/B9506/W/24/3357267

Land off School Lane, Portmore, Boldre, Hants SO41 5QD

- 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 Ms J Mitchell against the decision of New Forest National Park Authority.
 - The application Ref is 24/00324/FULL.
 - The development proposed is new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was for a stable block with store, tack room, field shelters and new vehicular access. By agreement with the Authority, the application was revised to just the vehicular access and my decision is made on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Forest South East Conservation Area and natural beauty of the New Forest National Park.

Reasons

4. The appeal site is open paddock with two field shelters. The land is elevated from School Lane which bounds the site, and it is largely screened from the road by trees and hedgerow. The rest of the site is bordered by open paddock and the existing access track. The landscape within which the site is located is characterised by historic leafy lanes with raised banks on one or both sides with mature oak trees and vegetation growing along their lengths.
5. The site lies within the New Forest National Park (NP) and is identified as being within Landscape Character Area (LCA) 24: Lymington River, with the Landscape Type of Ancient Forest Farmlands. It is also located within the Forest South East Conservation Area (CA) Character Area H; Warborne, including Vicars Hill (H). The CA as a whole is served by a series of narrow roads and lanes and identified features of importance are the survival of historic boundary banks, hedges and field systems. The designation of the CA aims to ensure new development retains historic features. Character Area H of the CA is characterised by tightly hedged lanes which are important enclosure features. The retention of hedgerows is considered important as many are old and fundamental in understanding the

development of the landscape. Many of the banks and ditches associated with the hedgerows are also historic.

6. The parties disagree over the exact age of the bank that forms the boundary to School Lane and over whether the vegetation on top of the bank forms a hedgerow. However, in this location both the bank and associated hedgerow appear to have remained undisturbed by development and whilst I cannot be certain of their age based on the evidence presented, the bank and hedgerow have a similar appearance to others in School Lane and there is significant potential for them to be historic, but in any event, they form an established part of the landscape of the NP and the character and appearance of the CA.
7. The proposed vehicular access would introduce a break in the largely continuous bank on the east side of School Lane that would be out of character with this part of the CA. The proposal would also remove the hedgerow on top of the bank, which, although less well established in this location than elsewhere, still contributes towards the established character and appearance of the CA and landscape and scenic beauty of the NP. It is acknowledged that the new gate would be sited behind the existing fence line, however, the harm to the NP and CA would arise from the breach of the bank with an access track and the associated loss of hedgerow. This would have the effect of eroding the distinctive character which defines the landscape of the NP and the significance of the CA.
8. It is possible that the proposed development would lead to pressure for additional hardstanding at the top of the access for parking and turning to prevent the area becoming waterlogged, which, together with the breach in the bank and loss of hedgerow affording partial views into the site, would neither preserve or enhance the character or appearance of the CA nor conserve and enhance the natural beauty of the NP. Whilst this is a legitimate concern, it is not what is being proposed as part of the application. Therefore, whilst I have taken this matter into account it is not determinative.
9. Policy SP7 of the New Forest National Park Local Plan 2016-2036 (LP) states that great weight will be given to conserving the landscape and scenic beauty of the National Park. Under the policy, development proposals will be permitted if they conserve and enhance the character of the New Forest's landscapes by demonstrating that, amongst other things, they are informed by the New Forest National Park Landscape Character Assessment and are compatible with the distinct features and type of landscape in which the development is located. Policy SP7 is consistent with government policy set out in paragraph 189 of the National Planning Policy Framework (the Framework).
10. In addition to local and national policy, I must apply Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) which places a duty on relevant authorities to further the statutory purposes of the National Park as a Protected Landscape. This replaces the previous duty on decision-makers to 'have regard to' their statutory purposes. The LURA duty is active, rather than passive, and it emphasises the importance of National Parks, which already have the highest status of protection.

11. The animal welfare need for the new access and the importance of the site for back up grazing for New Forest ponies is understood. However, there is an existing access to the site via an unmade track from Warborne Lane which the appellant has access rights over. Beyond advising the access track is not owned by the appellant, it is unclear what avenues have been explored with the owner to upgrade the track and provide better access for larger vehicles which may also benefit the owner and provide wider benefits to members of the public using the footpath which runs along the existing access. It is possible planning permission would be required for improvements to the track, however, it is likely upgrading the existing track would be less harmful in landscape and visual terms than a new access track in the location proposed. The reasons for the new access do not justify the harm that would be caused to the landscape of the NP and character and appearance of the CA from the loss of the identified features where a less harmful alternative may exist.
12. Paragraph 215 of the Framework indicates that where, as in this case, a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits including, where appropriate, securing its optimum viable use. The appellant argues that the proposals would enable the grazing paddock to be used to its optimum viable use and that without the proposed access the land would not be sufficiently utilised in a manner appropriate to its use class. Even if I were to treat this as a public benefit, on the basis that with a new access directly off School Lane the site could be used for grazing across a greater proportion of the year, it would not outweigh the harm to the CA.
13. The appellant refers me to Policy DP51 of the LP which seeks to prevent the loss of back-up grazing land in the New Forest. It is suggested that since the existing access is not usable for several months of the year, this effectively limits the use of the site for back-up grazing. However, a decision to dismiss this appeal would not result in the direct loss of back-up grazing land and therefore there is no conflict with Policy DP51 of the LP. As explained above the appellant could explore the improvement of the existing access to avoid having to create a new one with the adverse impacts I have previously identified.
14. Accordingly, I conclude that the proposal fails to preserve or enhance the character or appearance of the Forest South East Conservation Area and also fails to conserve and enhance the natural beauty of the New Forest National Park. This brings the scheme into conflict with Policies SP7, SP15, SP16, SP17, DP2 and DP18 of the LP, national policy set out in the Framework and the statutory purposes of National Parks which seek to ensure development conserves and enhances the character of the natural and historic environment and landscape and preserves or enhances the character or appearance of a conservation area.

Other Matters

15. My attention has been drawn to an entrance almost opposite the appeal site. However, I do not have full details of the circumstances that led to the creation of the entrance or know if it is lawful so I cannot draw a direct parallel to the appeal proposal. In any event, the existence of the access only serves to illustrate the harm that can be caused through the loss of banks and hedging in this sensitive landscape.

16. The appellant cites the presence of numerous field gates in the area, but I have no evidence before me of the history of the field accesses to compare with the appeal site. The field accesses also differ from the proposal in that they are predominantly on level ground with no breach of bank and none occupy the east side of School Lane and this part of the CA.
17. Although comments are made in relation to the use of the existing access by multiple different users, I have not been provided with evidence to demonstrate that there is conflict such that the existing access cannot continue to be used safely.
18. The letters of support are noted. Matters raised that are not in dispute are that the size and function of the land would not change, there would be no significant effect on the Oak trees either side of the proposed development and traffic levels to the site would not alter as a result of the proposal. I have taken account of these considerations in my determination of the appeal but they do not alter my findings on the main issues.

Conclusion

19. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR