

Appeal Decision

Site visit made on 10 February 2016

By Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February, 2016

Appeal Ref: APP/B9506/W/15/3133827

Land to the rear of 213 and 219 Lyndhurst Road, Ashurst, Hampshire.

- 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 Questmap against the decision of the New Forest National Park Authority.
 - The application Ref:15/00127 dated 21 January 2015, was refused by notice dated 17 April 2015.
 - The development proposed is change of use of the land from railway coal yard to site 6 mobile tourist cabins with parking and bin storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area, within the New Forest National Park;
 - b) Whether the proposal would be in accordance with development plan policies on the location of tourist accommodation; and
 - c) The effect of the proposals on protected species.

Reasons

Issue a) Character and Appearance

3. The appeal site is an area of open ground between the rear of two residential properties, Nos 213 and 219 Lyndhurst Road and the north bound platform at Ashurst railway station. Access would be taken from an existing access off Lyndhurst Road (A35) which already serves a large public house/ restaurant, Ashurst station and its car park and a small number of residential properties, including Nos 213 and 219. The appeal site and the surrounding enclave of development lies outside the defined settlement boundary of Ashurst. The open Forest, lies on the opposite side of the railway line from the appeal site and is a designated Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar site. I have noted the former use of the appeal site as a coal yard, but this site of open land, as

viewed today, does not detract from this rural edge location with the open Forest on the opposite side of the station platforms.

4. Whilst I agree that some short distance views into the appeal site would be screened by the two residential properties, I consider that it would be possible to see elements of the proposed development from within the station car park and at the entrance point into the development, as well as more glimpsed views by pedestrians using the A35 bridge over the railway line. Where views would be possible, I consider that it would be over a very cramped form of development dominated by the irregularly sited cabins and access way and car parking with very limited opportunities for landscaping. The cabins would appear 'shoehorned' within the site and tight to the boundaries, and at odds with the more open and spacious siting of development in the immediate surroundings. The Appellant has suggested that as the cabins would be mobile they could be re-sited, but given the number of cabins proposed and their individual size, there would not appear to be scope within the confines of the site to reorganise their proposed siting in order to overcome my concerns.
5. At the current time there are open and unrestricted views from the open Forest on the other side of the railway line and from the footpath which runs alongside the south bound platform towards the appeal site, as the station platforms are bound by low and open style fencing. These views form part of the character of this open and spacious local rural edge. The scheme proposes a 3m high acoustic fencing along the entire length of its boundary with the railway line. Whilst this would largely screen the development proposed from being viewed from the other side of the railway line, it would introduce a harsh and alien, urbanising feature which would harm the more open and spacious character of this locality.
6. There is some disagreement in the submissions before me regarding the height of the fence. The submitted plan (HDC/DP/006) shows a 3m high acoustic fence, although I acknowledge that the appeal site is set at a lower height than the adjoining platform and full height of the fence would not be seen from the other side of the railway. I have also noted that the proposal is for a fence and not a wall but to be effective it would necessarily be a solid, impermeable structure of considerable length which would be visually intrusive in the local landscape. The solid form of the structure is also shown on the cross section on the submitted plan. I also do not consider that the offer to paint the fence green would overcome the harm I have found as it would not alter the solid form and length of the structure.
7. There are a number of trees along the boundary of the site with the railway line. These are not specifically shown on the scheme plans but I have no reason to doubt the Appellant's objective to retain these trees. They help to soften this long open boundary when seen from the open Forest with the station platforms in the foreground. However, no detailed information has been provided to me regarding the impact of the proposed development on these trees, and particularly how it would be possible to retain these trees and erect the proposed acoustic fencing. Indeed the letter from the Appellant's Arboriculturalist dated 22 July 2015 and submitted with the appeal offers no detailed guidance and casts doubt on the proposal to retain the trees. Without any technical assessment in this regard, and taking into account the form of the proposed works and their relationship with these trees, I am not satisfied that

the future health of the trees, which contribute to the character and appearance of the rural edge in this locality, could be protected through the imposition of conditions, were no other matters of concern and planning permission were to be granted.

8. I therefore conclude that the proposed development would harm the character and appearance of the local area within the New Forest and on the edge of the open Forest. This would conflict with Policies DP1, CP2 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 (Core Strategy) as well as the National Planning Policy Framework (Framework) all of which seek for new development to respect the character and appearance of local areas as well as local distinctiveness. Moreover, Paragraph 115 of the Framework confirms that great weight should be given to conserving landscape and scenic beauty in the National Parks and I conclude that this proposal would fail to meet those objectives.

Issue b) Tourist Accommodation

9. Policy CP16 of the Core Strategy sets out where tourism development will be directed, including within the four defined villages or elsewhere through the reuse of existing buildings as part of a farm diversification project. The proposed development would not meet either of these criteria, in that the site does not fall within the Ashurst settlement boundary and the scheme would not involve the re-use of any existing buildings.
10. The Appellant has also referred to Policy DM13 Tourism and Visitor Facilities but I am not clear of the source for this policy and it does not appear to be part of the Core Strategy. Moreover, this policy appears to relate to the extension of existing hotels and guest houses which does not appear directly relevant to the appeal. Although close to the New Forest public house, there is nothing before me to suggest that this proposal is related to that commercial enterprise.
11. One of the purposes of National Parks is to promote opportunities for the understanding and enjoyment of the special qualities of such areas by the public and the provision of appropriate tourist accommodation could assist this purpose. I have also noted the support of the Council's Employment and Tourism Officer and agree that the proposed development would be sustainably located, immediately adjoining the Ashurst Railway station. However, the proposal is clearly in conflict with the locational criteria set out under Policy CP16 of the Core Strategy. Moreover given my conclusions under my first main issue, the proposal would also be in direct conflict with the first part of this Policy which supports opportunities for the understanding and enjoyment of the National Park, but in a way that either enhances or does not detract from its special qualities.
12. I therefore conclude that the proposed development would not be in accordance with development plan policies, and in particular Policy CP16 of the Core Strategy on tourism development and more specifically the location of tourist accommodation.

Issue c) Protected Species

13. The fourth reason for refusal related to the ecological information submitted at the application stage, which the Council concluded was insufficient to allow the

proper assessment of the impact of the development on protected species. A draft Ecological Assessment, dated June 2015 was submitted with the appeal including an extended Phase I Habitat Survey as well as a subsequent Phase II reptile survey. Whilst this has provided a fuller understanding of the impact of the proposed development on protected species, it does not fully satisfy the requirements of Policy CP2 of the Core Strategy with particular reference to whether appropriate mitigation proposals could be provided. This finding adds to the harm I have already concluded.

Other Considerations

14. One of the Council's reasons for refusal related to the absence of measures to avoid or mitigate any potential adverse effects on the ecological integrity of the SPA/SAC/SSSI and Ramsar site. At the appeal stage, the Appellant has submitted a unilateral undertaking to make a financial contribution to address this reason for refusal. Subject to some amendments requested, which have been completed, the Council has confirmed that the submitted unilateral undertaking overcomes this particular reason for refusal. However, given the conclusions I have drawn under each of my main issues, it has not been necessary for me to consider this issue in any further detail.

Conclusion

15. The two statutory purposes of the National Park are, first, to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and, secondly, to promote opportunities for the understanding and enjoyment of the special qualities of these areas by the public. I have found that the provision of tourist accommodation in a sustainable location could contribute to some extent to the second objective. However, this potential benefit is significantly outweighed by the harm I have concluded under my main issues. The development would fail to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Moreover, where there is a conflict between the two purposes for the National Park, greater weight is to be attached to the first purpose.
16. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR