

Appeal Decision

Site visit made on 31 October 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/B9506/D/16/3156267

Barnfield Lodge, South Weirs, Brockenhurst, Hampshire SO42 7UQ

- 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 Linton Connell against the decision of the New Forest National Park Authority.
 - The application Ref 16/00419, dated 28 April 2016, was refused by notice dated 14 July 2016.
 - The development proposed is extensions to existing outbuildings to create additional car garages and partial demolition of existing outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to existing outbuildings to create additional car garages and partial demolition of existing outbuildings at Barnfield Lodge, South Weirs, Brockenhurst, Hampshire SO42 7UQ in accordance with the terms of the application Ref 16/00419, dated 28 April 2016, subject to the schedule of conditions in this decision.

Application for Costs

2. An application for costs was made by Mr Linton Connell against the New Forest National Park Authority which is the subject of a separate decision.

Preliminary Matters

3. I have used the description of development given within the decision notice of the New Forest National Park Authority (the 'Authority') in the banner heading above. This is more accurate than that which was used in the application form, in that it sets out that the proposal would entail the partial demolition of existing outbuildings.¹ However references to the 'replacement' of these buildings in this decision should be read as referring, for brevity, to both the extension and partial demolition of the existing outbuildings.
4. There is some ambiguity in the information before me as to the name of the host property to which the proposal would relate, which appears to be variously referred to in the information before me as Barnfield Lodge, Barnfield and

¹ Section 1.1 of the appellant's appeal statement describes the proposal as to 'extend and partially demolish several outbuildings'.

simply The Lodge. For the avoidance of doubt in this decision references to Barnfield Lodge are to the host property, being that to which planning permission Ref 14/00521 relates.

5. The plans supporting the original application are before me.² An additional plan, 8237-802 REV C, has also been submitted which compares the proposal in application Ref 16/00419 to that approved via planning permission Ref 14/00410. It is not clear from the information before me that the Authority have had the opportunity to comment on this plan, and therefore I have not had regard to it in line with the principles established in the *Wheatcroft* judgement regarding procedural fairness.³
6. Similarly I must discount plans entitled 8237-900 and 8237-902 submitted at appeal from my consideration. Although these plans represent an amendment to a relatively minor aspect of the proposal, it is not evident from the information before me whether all parties have had an appropriate opportunity to consider the scheme thus revised. Conversely plan 8237-901, likewise submitted at appeal, is purely factual in illustrating the land holdings associated with the host property, and on this basis I am satisfied that there is no reason to disregard it in determining this appeal.

Planning Background

7. The proposal relates to a group of outbuildings of varying forms associated with the Barnfield Lodge estate, all utilitarian in design and in varying states of disrepair. Planning permission was granted in 2014, Ref 14/00410, for the replacement of these buildings with two outbuildings amounting to approximately 217 square metres in floorspace which would reach a maximum height of approximately 5 metres (hereafter referred to as the 'original permission').
8. A further application was made, Ref 15/00881, and subsequently withdrawn, for the replacement of these buildings with one building amounting to approximately 225 square metres in floorspace and reaching a maximum height of approximately 6 metres. The Authority are of the view that the proposal to which this appeal relates is for '*an outbuilding of similar appearance*' to the proposal in application ref 15/00881, and the appellant has equally addressed the differences between the proposals.
9. Although I must determine the proposal on its particular merits, the planning background here is significant given that I understand permission Ref 14/00410 is extant, though has not been commenced, and hence could be undertaken in any event irrespective of the outcome of this appeal.

Main Issue

10. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

² Those entitled 8237-800 REV B, 8237-801, 8237-802 REV B, 8237-803.

³ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982].

11. Barnfield Lodge is a grand property which, although recently extended and altered, retains an essentially traditional appearance as a consequence of its form and external materials. Set within extensive grounds, it is at a south westerly reach of the hamlet of South Weirs, which is a short distance from the village of Brockenhurst and within the gently undulating landscape of the New Forest National Park.
12. As noted above the proposal relates to the replacement of a group of outbuildings which are presently arranged in two blocks. Of different styles and employing different materials, all appeared at the time of my site visit either to be unused or to accommodate miscellaneous items relating to the estate. All, to varying degrees, have fallen into disrepair. It is not disputed that these buildings comprise approximately 211 square metres of floorspace and vary in their maximum height from 3.9 to 4.2 metres.
13. The appeal site is accessed via a private track which joins the carriageway to the north which is also named South Weirs. This track curves around the property Worthys Farmhouse and its plot such that the appeal site is at some distance from the nearest public right of way. Whilst there is a private field access to the west of the appeal site, it did not appear to me from my site that there are other public vantage points, close-by or more distant, from which the existing collection of outbuildings is readily visible.
14. Aside from occasional vehicular accesses, South Weirs is flanked along its southern side in this location by established hedgerows and mature trees. As a consequence of the screening afforded by such intervening natural features, and indeed by Worthys Farmhouse itself, at the time of my site visit the existing collection of outbuildings was barely perceptible from the carriageway South Weirs. The visual prominence of the outbuildings is further reduced by their sitting within a depression in the topography of the land, which slopes down from Barnfield Lodge to the south, east and west.
15. Policy DP1 '*General Development Principles*' of the Authority's *Core Strategy and Development Management Policies Development Plan Document* adopted in December 2010 (the 'DPD') requires that all development is designed so as to be appropriate and sympathetic to its surroundings. This approach is reiterated and expanded upon in both policies DP6 '*Design Principles*' and CP8 '*Local Distinctiveness*' of the DPD.
16. The Authority's *Design Guide Supplementary Planning Document* adopted in December 2011 (the 'SPD') guides that proposal should be sensitively designed with reference to landscape character and, of particular relevance to this appeal, sets out that '*outbuildings should be incidental and subservient to the dwelling in scale and appearance*'. Encouragement in the SPD is given to ensuring that the form of, and materials used in, outbuildings harmonise with the host property.
17. The supporting text to policy DP12 '*Outbuildings*' of the Local Plan identifies that insensitively designed or located outbuildings may be visually intrusive and detrimental to the character and appearance of the New Forest. However there

appears to be a disjuncture between the rationale for this policy and its requirements which are, briefly stated, that outbuildings are within the residential curtilage, for incidental use, and do not comprise habitable accommodation. There appears to be no dispute in the information before me that the proposal would comply with these requirements, and hence there is no reason for me to assess the proposal's compliance with this policy (particularly as matters of character and appearance are covered by other policies and the SPD).

18. Paragraph 115 of the *National Planning Policy Framework* (the 'Framework') sets out that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection these respects. The Framework also gives strong encouragement to requiring good design, and references specifically that proposals should respond to local character and that it is proper to seek to reinforce local distinctiveness.
19. The proposal is for the replacement of the existing structures with an outbuilding amounting to approximately 217 square metres in floorspace with a maximum main ridge height of approximately 5 metres (notwithstanding that certain pitched elements of roof would exceed this height). In floorspace this represents a fractional addition compared to that of the present outbuildings. Whilst the proposal would exceed the floorspace and height of the existing outbuildings, the Authority does not object to the proposal in these respects given that it would be comparable with that which has already been permitted.⁴
20. Given that the overall scale and height of the proposal is comparable to that permitted by the original permission there is nothing inherent to the roof form proposed or the arrangement of doors and windows that would appear detrimental either to the host property or to the character of the area (either in themselves or in comparison to the development permitted via the original permission).
21. However a single building as opposed to two is now proposed, and I accept that a single building may appear more bulky compared to two. Nevertheless the separation distance between the two blocks of outbuildings currently present is not apparent other than when directly within the appeal site for the reasons given in paragraphs 13 and 14 above. Moreover the separation distance between the two permitted buildings is modest, 2.5 metres,⁵ in relation to the overall scale of the building proposed here or those permitted.
22. Whilst the proposed outbuilding would be generous, it would be in scale, bulk, height and form clearly subservient to Barnfield Lodge. This subservience would in my view be reinforced by the siting of the proposal on a lower ground level than that of the host property, by its utilitarian appearance through the use of timber cladding and presence of eight garage doors, and indeed could be ensured functionally by the imposition of a condition limiting its use to that which is incidental to the host property.

⁴ As indicated in paragraphs 11.2 and 11.3 of the Authority's officer report supporting application Ref 16/00419 where the floorspace of the proposal is given as the same as that which has been approved via the original permission, and in paragraph 11.7 thereof where the height is described as '*similar to that of the approved 2014 scheme*'.

⁵ In paragraph 6.9 of his appeal statement

23. Buildings nearby do not commonly feature clock towers, as is proposed here. There is also limited information as to the planning considerations that applied to the clock tower elements of buildings that the appellant has brought to my attention, and indeed no detailed comparison of this element of the proposal compared with the design of these examples. As such examples of clock towers elsewhere do not carry weight in favour of the proposal.
24. Nevertheless, and notwithstanding that the clock tower element of the proposal would introduce a more domestic design feature compared to the utilitarian design of the outbuildings currently present or to those permitted, it is a very minor element of the proposal. It would reach a height only fractionally above that of the main element of the proposal and is of small lightweight form. As with the proposal as a whole, it would not be readily visible from beyond the confines of the appeal site. For these reasons, and irrespective of its design merits, the clock tower element would not in my view result in demonstrable harm.
25. Taken as a whole the proposal would be within a depression in the topography, step down in line with the lie of the land, be substantially screened from public vantage points along the carriageway South Weirs and would be barely perceptible from more distant vantage points. I appreciate that the design is different from that which has been permitted and that the outbuilding by consequence may appear more domestic rather than utilitarian. However such effects would not in my view be unacceptable given the physical context of the appeal site, the relationship of the proposal to the host property, and the planning background to this case.
26. For the above reasons, I therefore find that the proposal would not have an unacceptable effect on the character and appearance of the host property or the surrounding area. Consequently, in the absence of demonstrable harm, the proposal does not in my view conflict with the relevant provisions of policies DP1, DP6 and CP8 of the DPD or with relevant elements of the SPD or the Framework.

Other Matter

27. The north western boundary of the appeal site abuts *The Weirs Conversation Area*. However the Authority does not indicate that the proposal would in their view fail to preserve the character or appearance thereof. I have no reason to disagree with that assessment, particularly on account of my finding in respect of the main issue in this case.

Conditions

28. It is necessary to require compliance with the relevant plans in the interest of proper planning and for the avoidance of doubt. To prevent the development from giving rise to materially different effects to that which have been considered by all parties, including via the use thereof as ancillary accommodation, it is further necessary to impose an associated condition.

29. I note that a condition has been suggested by the Authority's Land Drainage Officer relating to means of disposal of surface water from the appeal site which has not subsequently been proposed by the Authority at appeal. As there is no evidence before me to indicate that the proposal is liable to give rise to significant additional surface water run off compared to the existing buildings, nor that the surrounding area is particularly sensitive in this respect, I am not of the view that such a condition is necessary.

Conclusion

30. For the above reasons, and taking all other matters into account, the proposal does not conflict with the development plan taken as a whole or with the approach in the Framework. I therefore conclude that the appeal should be allowed.

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans supporting application Ref 16/00419: 8237-800 REV B, 8237-802 REV B.
- 3) The development hereby permitted shall only be used for purposes incidental to the host dwelling, Barnfield Lodge, and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.