

Appeal Decision

Site visit made on 11 January 2018

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 25 January 2018

Appeal Ref: APP/B9506/D/17/3186027

Faeries Cottage, Emery Down, Lyndhurst, SO43 7EA

- 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 Mrs Emma Monahan against the decision of the New Forest National Park.
 - The application Ref 17/00578, dated 4 July 2017, was refused by notice dated 30 August 2017.
 - The development proposed is replacement of tiled roof on barn with thatched roof.
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue in this appeal is the effect of the proposed development on the setting of the listed building of Faeries Cottage. The second main issue is the effect on protected species.

Reasons

Effect on setting of the listed building

3. The barn the subject of this appeal is a later addition to the site, having been erected around 1999. It lies close to the original house of Faeries Cottage and a garage building (where evidence indicates was an altered former barn), both of which are thatched. The barn is of a different character and appearance than the main timber frame and brick infill of the Cottage, and has a tiled roof rather than thatch. These differences mean the barn already forms a contrast to the appearance of the Cottage, but that is not a discordant or intrusive contrast.
 4. A thatched barn would similarly be a contrast to the Cottage, but in my opinion would similarly not be intrusive: the fundamental characteristics of the barn in terms of its massing, scale, siting, form and function would remain, and it would only be the roofing materials that alter (I consider the change in ridge height/roof thickness arising from the use of thatch compared to the tile to be insignificant, as proven by the appellant's drawings). The barn is on higher ground than the Cottage, but this would not lead to any accentuated prominence arising from the new roofing materials.
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5. The newly roofed barn would thus similarly sit comfortably next to the Cottage and not dominate or detract from its setting. It is evident from the information submitted by all parties that outbuildings to Faeries Cottage have come and gone over the years, and the proposed modification to the roof of the barn would be a further change, and one that would not be harmful.
6. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building. For the reasons given I consider that setting would be preserved, and so the significance of the heritage asset would not be harmed. Thus, there would not be any conflict with Policies DP1, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Plan (CSDMP) 2010, the general thrust of which is to seek high quality design that does not erode the character of the National Park, or with Section 12 of the National Planning Policy Framework.

Effect on protected species

7. The Council's second reason for refusal was on the basis of potential for harm to protected species, including bats and nesting birds, and an absence of any survey to ascertain this matter. The appellant states that the interior of the roof is tightly clad, and the building is heated and regularly used. I saw that was the case at my site visit, but I also observed the exterior of the tiled roof appeared to contain a number of crevices.
8. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. Paragraph 99 states that '*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*'. From what I saw at the site visit the barn appears to have a reasonable likelihood of species being present, but I cannot conclude without a survey. In this situation the Circular advises that '*the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted*'. In these circumstances I therefore cannot attach a planning condition requiring a survey to be undertaken.
9. Based on what I have seen and read I therefore conclude on the second issue that the proposed development may have a harmful effect on protected species. This would be contrary to Policy CP2 of the CSDMP, which refuses permission for development that would harm nature conservation, and would be contrary to Section 11 of the Framework and Circular 06/2005.

Conclusion

10. Although I have found no conflict in relation to the first issue, the harm arising from the second issue outweighs that matter. The appeal is dismissed.

C J Leigh

INSPECTOR