
Appeal Decision

Site visit made on 4 December 2015

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 22 January 2016

Appeal Ref: APP/B9506/W/15/3131073

Land adjoining Mandel and Staddle Stones, Chapel Lane, Nomansland, Wiltshire SP5 2DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs J Ford against the decision of New Forest National Park Authority.
 - The application, Ref. 15/00126 dated 9 February 2015, was refused by notice dated 23 April 2015.
 - The development proposed is described as 'Residential outline incorporating existing residential access (5/2004/1755 – resubmission)'.
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Application for Costs

1. An application for costs was made by the New Forest National Park Authority ('the NPA') against Mr & Mrs J Ford. This is the subject of a separate Decision.

Decision

2. The appeal is dismissed.

Procedural Matter

3. The application is in outline with all matters reserved for subsequent approval. However Drawing No. OPL01 submitted with the application shows the siting, floor plan and elevations of a proposed bungalow and the supporting Planning Statement says that these details should be regarded as being indicative. I have therefore had regard to them.

Main Issue

4. The main issue is whether the proposal for a new dwelling on this site and in this location would be appropriate having regard to prevailing planning policies and all other material considerations.

Reasons

5. Policy CP12 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 ('the Core Strategy') sets out the five categories of new residential development that will be permitted within the National Park to meet the requirement for an additional 220 dwellings between
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2006 and 2016. It is not part of the appellants' case that the proposed dwelling would fall within any of these categories so I shall not repeat them here.

6. For the appellants it is instead argued that there are a number of other material considerations that support the grant of outline permission. Firstly, outline planning permission for a dwelling on the site was granted on 5 October 2004 and it is considered that there are extenuating circumstances that precluded an application for the approval of reserved matters, and that in any event works to the access pursuant to condition no. 6 constitute implementation of the consent. However the time period for an application for a reserved matters approval is set in statute and in my view there is no discretion available, whilst I also share the NPA's view that without such an application there is no legal basis for regarding works to the access as a lawful commencement of development.
7. A second consideration is the suggestion that Staddle Stones, the property from which the application site has been severed, comprises two separate dwelling units and that this can be lawfully established. However, I again concur with the NPA that this would only be potentially relevant if this appeal was accompanied by a legal undertaking that Staddle Stones would be returned to a single dwelling in the event of permission being granted for the appeal scheme (as opposed to a stated intention to provide such an undertaking, albeit that I acknowledge the NPA's refusal of a LDC has precluded this). That said, even in that event I do not consider that this procedure would fully address the full range of objections to the proposal.
8. In this context it is also suggested for the appellants that the appeal site can accommodate a new dwelling without harm being caused and that Nomansland has elements of sustainability in terms of facilities and accessibility that support the case for a new dwelling. In terms of the site itself, it is surrounded on all sides by residential development, has an adequate access and is of a size similar to some of the other dwelling plots in Chapel Lane. I am not therefore convinced that a dwelling of more modest scale than that indicated would necessarily erode local character to a material degree and contribute to a suburbanising effect as alleged by the NPA.
9. For this reason I can understand why the then Salisbury District Council saw fit to grant outline permission in 2004. However since then the conferring of National Park status has significantly reinforced the constraints on the scale and location of development and I consider it important to adhere to the spatial strategy for open market residential development set out in the adopted Core Strategy. As Policy CP12 does not include Nomansland as a Policy CP9 'defined New Forest village', in my view it would be wrong to grant further permissions outside the specified locations on an 'ad hoc' basis unless there is a compelling case so to do.
10. Whilst I have taken account of the material considerations advanced in favour of the appeal scheme, these are not sufficient for me to allow the appeal and grant outline permission contrary to the Core Strategy. I have also carefully considered Government policy in the National Planning Policy Framework 2012, ('the Framework') in particular Section 6: 'Delivering a wide choice of high quality homes', but nothing I have read has changed my view. I also attach

limited weight to the potential for fly tipping, as I consider the location of the site within an enclave of residential property would make this very unlikely.

11. Turning briefly to the second reason for refusal, the location of the site within 400m of the New Forest Special Protection Area (SPA), I note that Natural England has no objection to the proposal subject to appropriate mitigation against the adverse effects of increased recreational pressure on the SPA arising from an additional dwelling.
12. In the absence of a legally binding obligation accompanying the appeal to address mitigation for this pressure and indeed the post refusal requirement for an open space financial contribution, I consider that the proposal would be contrary to Core Strategy Policies CP1 & CP2 and Government policy in the Framework.
13. Overall, and having taken into account all other matters raised including support from some local residents, I conclude that the proposal for a new dwelling on this site and in this location would not be appropriate having regard to prevailing planning policies and all other material considerations.
14. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR