

Appeal Decision

Site visit made on 12 December 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 18 January 2018

Appeal Ref: APP/B9506/W/17/3182917

Prospect Cottage, Upper Common Road, Pennington SO41 8LD

- 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 Mr & Mrs Murray and Mr King against the decision of New Forest National Park Authority.
 - The application Ref 17/00098, dated 1 February 2017, was refused by notice dated 16 May 2017.
 - The development proposed is replacement dwelling (Demolition of existing dwelling and garage).
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling (Demolition of existing dwelling and garage) at Prospect Cottage, Upper Common Road, Pennington SO41 8LD in accordance with the terms of the application, Ref 17/00098, dated 1 February 2017, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The description of development has been taken from the Council's decision notice and accords with that set out in the appeal form. Although it differs from the one set out in the application form, it more precisely describes the development proposed. Accordingly, I have used it above.

Main Issues

3. The main issues are the effect of the proposed development on non-designated heritage assets.

Reasons

4. The appeal site is located on a corner plot to the west of Upper Common Road and is accessed via a gravelled track. It is surrounded by land designated as a Site of Special Scientific Interest and located within the New Forest National Park. The appeal property itself consists of a nineteenth century traditional two storey cottage which has been the subject of numerous extensions and alterations. It is in a poor state of repair with extensive structural and modernisation works being required to bring it up to an acceptable standard.
5. The proposal would involve the demolition of the existing dwelling and its replacement with a dwelling of similar size and appearance. Policy DP10 of the

Core Strategy¹ permits the replacement of existing dwellings, except where they make a positive contribution to the historical character and appearance of the locality. However, the Council has identified the existing dwelling as a non-designated heritage asset, considering its significance to be derived from its age, aesthetic value and group value.

6. Planning Practice Guidance advises that non-designated heritage assets include buildings identified as having a degree of significance meriting consideration in the planning process. It goes on to explain that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process².
7. The significance of a particular asset is derived from its historical origin and a failure to identify it as such does not reduce its historical significance. Nevertheless, in this case, the appeal property does not feature on any locally published list or on the Historic Environment Record. Furthermore, although the appellant's evidence originally indicated that the property is around 200 years old, further evidence submitted as part of this appeal points towards it having been built at some point between 1868 and 1898. While it is clearly of some age, there is no evidence to suggest that it has any particular significance in the historical evolution of the New Forest.
8. Moreover, while I accept that it has some limited vernacular interest, in view of the numerous alterations already undertaken, coupled with those permitted by the Council under planning permission reference 16/00990, any aesthetic or group value that it may have had has been significantly eroded. It does not, in my view, hold any greater significance than many other properties that are located within the New Forest. In addition, I do not consider it makes any meaningful contribution to the historical character or appearance of the area.
9. Consequently, I am not persuaded that there is sufficient justification for its classification as a non-designated heritage asset and, as such, find no conflict with Policy DP10 of the Core Strategy. For similar reasons, I find no conflict with Policy D7 of the Core Strategy which requires proposals to protect, maintain or enhance amongst other things, local vernacular buildings.

Other Matters

10. The Council has also referred to Policies D1 & D6 of the Core Strategy in its reason for refusal. These policies support sustainable development which is of a high quality design and which enhance local character and distinctiveness. However, the Council has not raised any particular concerns in respect of the sustainability of the proposal or any objections in respect of the proposed design of the replacement dwelling. As such, I have not considered these matters further.
11. The Council's second reason for refusal relates to an absence of information regarding protected species which may be affected by the proposed development. As part of this appeal, the appellant has submitted a bat survey which concludes that the building is no longer utilised as a bat roost. This has

¹ New Forest National Park Local Development Framework Core Strategy and Development Management Policies DPD (2010).

² Para 039 Ref ID 18a-039-20140306.

not been challenged by the Council as part of this appeal and I have no reason to conclude otherwise.

12. I have noted the other appeal decisions referred to by the Council. However, although I do not have full details of those schemes, I note that they all pre-date the introduction of the National Planning Policy Framework and are concerned with non-designated heritage assets situated within conservation areas. As such, I do not consider they provide any particular assistance in my determination of the current appeal. In any event, each application should be considered on its own merits and that is the approach I have taken in determining this appeal.

Planning Conditions

13. I have had regard to the various planning conditions suggested by the Council. In addition to the standard time commencement condition, I consider a condition requiring the development to be carried out in accordance with the approved plans to be necessary in order to provide certainty. A condition requiring further details of the materials to be used is necessary in the interests of preserving the character and appearance of the New Forest.
14. A condition regarding the storage of materials, machinery and resultant waste and spoil is necessary in view of the sensitive nature of the surrounding countryside. Likewise, although I am mindful that the National Planning Policy Framework advises that conditions should only restrict national permitted development rights where there is a clear justification for doing so, in this case I consider the restriction of permitted development rights to extend or alter the replacement dwelling, or to erect a garage or outbuilding, is justified in order to meet the aims of Policies DP10 & DP11 of the Core Strategy.

Conclusion

15. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
LP.01 REV A; SL.01; PE.01 Rev A; PP.01 Rev A.
- 3) No development shall commence until full details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or carried out other than those expressly authorised by this permission.
- 5) All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site (as shown on Drawing No LP.01 Rev A) unless otherwise agreed in writing by the local planning authority.

END OF SCHEDULE