

Appeal Decision

Site visit made on 26 January 2016

by Geoff Winslow BSc (Hons.) MA MRTPI

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

Decision date: 29 February 2016

Appeal Ref: APP/B9506/W/15/3136219

St Andrews Lodge, Forest Lane, Hightown Hill, Hampshire BH24 3HF

- 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 & Mrs R Leader against the decision of The New Forest National Park Authority.
 - The application Ref 15/00358/FULL, dated 5 May 2015, was refused by notice dated 17 June 2015.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the proposed development as a "replacement agricultural building". Whilst such a building may have existed on the land, it was clear from my site visit that there is currently no agricultural building on the appeal site. Accordingly, the proposed development is in fact simply the erection of an agricultural building. I have therefore adopted the description of the proposed development set out on the Council's decision notice.

Main Issues

3. The main issues in this case are:
 - Whether or not the proposed development would be commensurate with the level of agricultural activity taking place on site, having specific regard to the character, landscape and scenic beauty of the New Forest National Park; and
 - The effect of the proposed development on the users of the Public Right of Way.

Reasons

Scale of the proposed development and effects on the New Forest National Park

4. The appeal site relates to a parcel of agricultural grazing land located within a sensitive rural setting to the south of St Andrews Lodge. Whilst I accept that the Council's appeal questionnaire states that the site is not in or adjacent to, or likely to affect a Site of Special Scientific Interest (SSSI) or an Internationally designated site - i.e. a Special Area of Conservation (SAC), Special Protection Area (SPA) or RAMSAR this is clearly an error. The fact of
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the matter is the appeal site is located within the designated boundary of the New Forest National Park and immediately adjacent to the open forest which is itself designated as a SSSI, SAC, SPA and RAMSAR. In addition, the site lies within the Poulner Wood and Pastures Landscape Character Area 8¹.

5. The locality, including the narrow, winding Forest Lane which serves as the principal means of access to the appeal site, is characterised by forest small holdings and residential dwellings set within irregular field parcels dedicated in the main to pasture land. Bearing in mind the sensitivity of the locality and, as anticipated by paragraphs 115 and 118 of the National Planning Policy Framework (the Framework), I am mindful of the statutory obligation to conserve and enhance the landscape and scenic beauty of the New Forest National Park and its wealth of ecological designations. It therefore follows that the effect of the proposed development, on the local area is a significant consideration in this appeal.
6. The appeal scheme proposes the introduction of an agricultural barn measuring approximately 18 metres in length, 7.5 metres in width and 4 metres in height. As such, it would be a significant addition to the area and markedly different in appearance to the smaller, domestic scale outbuildings that can be seen on neighbouring small holdings whilst approaching the appeal site from the Forest Lane. Whilst I accept that the design of the proposed building would be similar to those at Foulford Farm and Moorton Stud the Council maintain that these buildings were erected on large agricultural land holdings before the National Park was designated and current local development plan policies came into force. I have no substantive evidence to refute the Council's claims and therefore I give very limited weight to the appellants' argument that the example barns in the vicinity of the appeal site provide any form of precedent or indeed justification for the proposed development.
7. The appellants contend that the proposed barn would be required to serve a variety of land-based uses including agricultural and commoning activity. To substantiate the point, they refer to Policy CP17 of the New Forest National Park Local Development Framework Core Strategy and Development Management Policies Development Plan Document, December 2010 (the DPD). However, beyond possessing commoning rights to turn out ponies and a unique brand number (ST 399), no such activity is currently taking place on site. Therefore, there is little evidence currently to suggest that the proposed agricultural barn would be required to maintain a land-based business that, as anticipated by Policy CP17, would uphold the character and cultural identity of the New Forest National Park, even if this is the long-term intention of the appellants.
8. Policy DP20 of the DPD provides specific guidance on the acceptability, or otherwise, of agricultural buildings. The aim of the policy is to enable development that is demonstrably necessary to sustain agricultural activity. To be deemed acceptable, buildings required for agriculture must be supported by evidence that demonstrates a functional need. In addition, the scale of any agricultural building must be commensurate with that need. I accept that the appellants do not have access to any form of building to support their existing and planned agricultural/commoning activity. However, the scale of the

¹ New Forest National Park Landscape Character Assessment, April 2015

proposed barn is nonetheless significant, particular when considered in the light of the small-scale agricultural activity currently taking place on the land.

9. The proposed barn, by virtue of its size would offer a degree of long-term flexibility to allow for the purchase and stabling of ponies in line with Defra's Code of Practice for the Welfare of Horses, Donkeys and their Hybrids. Indeed, from the submitted plans it is evident that the appellants would wish to install loose boxes within the barn that meet the required standards. However, by their very nature, commoners ponies tend to spend much of their time out in the Forest and therefore have little need for stabling for any significant periods of time. Thus, whilst I accept the appellants have a desire to purchase ponies and augment their current flock of sheep, this would not necessarily justify building a barn of the size proposed at this stage. Indeed, as alluded to by the Council, there may be other, more modest and hence more acceptable forms of development that could take place on the land to help service the appellants' longer-term aspirations.
10. The proposed barn would provide safe, secure storage for animal food, farm machinery, building materials for maintaining Forest Lane and other land-based paraphernalia. However, the appellants' current agricultural requirements extend only to the keeping of 11 sheep. Therefore, in the light of Policy DP20, the limited requirements associated with the keeping of the current flock of sheep mean there is no justification to support a barn of this scale. Moreover, the storage of machinery and materials for the maintenance of Forest Lane would also not be deemed a requirement that would support the scale of the proposed agricultural barn. After all, Forest Lane is a private road predominantly serving residential dwellings rather than agricultural land. Therefore its maintenance would be largely for domestic, rather than agricultural purposes and thereby substantially different to the circumstances that say farmers on isolated land holdings may face when needing to maintain traditional farm tracks for agricultural purposes.
11. I therefore conclude in relation to this main issue that the proposed development would not be of a scale that is commensurate with the agricultural needs of the appellants' land holding. In addition, by virtue of its scale, it would be harmful to the character, landscape and scenic beauty of the New Forest National Park. Consequently it would fail to accord with Policies DP1 and DP20 of the DPD which collectively seek to ensure new development is appropriate in terms of scale, appearance, form, siting, layout and therefore commensurate with the functional agricultural needs of the land holding.

Effect of the proposed development on the users of the Public Right of Way

12. It is a matter of fact that Footpath 38 is not currently aligned with its legally defined route through the appellant's land holding. This is a matter that goes beyond the ambit of this appeal and, on the basis of the information before me, is seemingly being addressed through separate channels by the appellants' solicitors. At present, a clearly marked and fenced permissive route runs across the land holding to the immediate south and west of the proposed barn before following the line of the appellants' driveway towards Forest Lane. A map illustrating the permissive and definitive footpaths was submitted as appendix RL3 to the appellants' initial appeal submission.
13. During my site visit I experienced the appeal site from the permissive route. The path provides an important link to the open forest to the east and is largely

free from vegetative screening. Moreover, if it remains on its current permissive route, users of the path would be brought close to the site of the proposed barn. Whilst the view that users of the path would have of the development would be relatively short-range, due to its overall size the impact of the barn would nonetheless be immediately apparent and thereby serve to limit views through to surrounding areas. I note that the appellants would be willing to accept a condition requiring the planting of an indigenous field hedge along the eastern side of the permissive path. However, in my opinion, this would only serve to enclose the path and thereby further reduce the sense of openness that users would expect to experience whilst walking the route to gain access to the open forest to the east.

14. I therefore conclude that the proposed development would have a deleterious effect on the scenic beauty of the area that, in turn, would materially affect the enjoyment footpath users would anticipate experiencing whilst walking in the sensitive, open landscape around the appeal site. Consequently, it would fail to accord with Policies DP1 and CP8 of the DPD which collectively seek to ensure that new development respects the natural environment and therefore does not individually or cumulatively erode the Park's local character or result in a gradual suburbanising effect.

Conclusion

15. For the reasons set out above and having considered all other matters, I conclude the appeal should be dismissed.

Geoff Winslow

INSPECTOR