
Appeal Decision

Site visit made on 25 January 2016

by Les Greenwood MRTPI

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

Decision date: 9 February 2016

Appeal Ref: APP/B9506/W/15/3134182

The Barn, Old Romsey Road, Cadnam, Southampton SO40 2NP

- 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 and Mrs Peter Day against the decision of the New Forest National Park Authority.
 - The application Ref 15/00451, dated 5 June 2015, was refused by notice dated 19 August 2015.
 - The development proposed is a change of use from offices to residential use including use of the existing garage (with minor external alterations).
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is sustainability of the proposal in terms of its impact on:
 - (i) the rural economy;
 - (ii) the special qualities, rural character and appearance of the National Park and the Forest Central (North) Conservation Area and the setting of an adjacent listed building;
 - (iii) the provision of affordable housing; and
 - (iv) the ecological value of the nearby Special Protection Area (SPA).

Reasons

Rural economy

3. Cadnam is a somewhat dispersed village with a mix of commercial and residential uses. The Barn is a former barn, converted to offices in line with a 1987 appeal decision¹. The site access is to Old Romsey Road, a quiet side street, and there is a reasonably sized parking area to the front. The appellants, who live in Nuthooks House next door, have sold the business and seek to convert the building to residential use.
4. Cadnam is not listed in the Authority's Core Strategy and Development Management Policies Development Plan Document (CSDMP) as 1 of the 4

¹ APP/B1740/A/87/071849

defined main villages where new residential uses are normally allowed. Outside of these villages, CSDMP Policies DP19 and CP12 allow for the residential re-use of buildings where, amongst other things, the proposal would not result in the loss of an employment use, would provide housing for agricultural worker(s) or provide affordable housing. Policy CP15 further aims to retain existing employment sites throughout the National Park. These policies generally align with the National Planning Policy Framework's emphases on supporting businesses in rural areas and on locating housing where it will enhance or maintain the vitality of rural communities.

5. The appellants submit that there is a current, proven need for new dwellings in the Parish. I have seen no evidence of this, however. There is no suggestion that the Authority cannot demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 49 of the Framework, so the CSDMP's policies for the supply of housing are up to date and form the starting point for my consideration of the appeal.
6. I have likewise seen no evidence that the business use of the appeal site has caused significant problems with living conditions at neighbouring properties. The building, access, parking and site appear to me to be suitable for their permitted use. This is an office use which would fall within Class B1 of the Town and Country Planning (Use Classes) Development Order 1987 (as amended) – business uses which by definition can be carried out in any residential area without detriment to the amenity of that area. The barn is in close proximity to Nuthooks House, but it appears likely that it could be adapted so that a new office use could be carried out without undue effects on occupiers of that property.
7. The building has not been marketed for a new employment use and there is no indication that such a use would not be viable. There are complications and counter arguments here, however. Firstly, use of the office is limited by a condition of the 1987 appeal decision to '*micro-computer software development or similar activities*' only. This would very much limit the pool of potential new users. Secondly, the appellants state clearly that they would not allow a new business use, so that the building would remain vacant if not converted to residential use. In a 1996² appeal decision allowing residential conversion (a permission which was not implemented), the Inspector said that merely leaving the building vacant is not an option.
8. The planning condition's reference to *similar activities* is in my view somewhat vague. It could well be that the Authority would consider an application to vary that condition – such an approach has not been tested. I agree that leaving the building vacant would be a waste of an existing resource and see no absolute objection to a residential conversion in this mainly residential area. The appellants' stated preference to keep the building vacant is, however, a relatively short term situation which might well change over the course of the building's life. As such, I do not find it to be an overriding factor.
9. Finally, I note the Framework's advice that planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) should normally be approved where there is an

² APP/B1740/A/96/269697

identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. To my mind, the CSDMP does set out a need to protect the rural economy and I find no overriding need for more housing in the area.

10. Having considered the various factors here, I conclude that the proposal would not be sustainable in terms of its impact on the rural economy due to the loss of an existing, well located employment site. It therefore conflicts with the above-mentioned CSDMP policies.

Rural character of the National Park

11. The Barn is within the National Park, the primary purpose of which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest. It is also within the Forest Central (North) Conservation Area, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. Similar consideration must also be given to the setting of the adjacent grade II listed thatched cottage, St Jacques.
12. The proposal would involve only very minor external alterations and would not harm any trees, including those at the front of the site which are subject to a Tree Preservation Order. The Council's concern is that the cumulative impact of increasing residential uses outside of the main villages would result in a gradual suburbanising effect, harming the rural character and special qualities of the National Park.
13. In comparison to the permitted use, residential use here would likely represent a reduction in the intensity of use, in terms of traffic and activity. The site is within a predominantly residential part of the village where a change to residential use would not have any significant impact on rural character. The new use would be in character with this part of the conservation area and would be largely screened from the listed cottage. Such an inconsequential individual impact would not add significantly to any potential cumulative impact.
14. I conclude that the proposal would be sustainable in so far as it would not harm the special qualities, rural character or appearance of the National Park or the Forest Central (North) Conservation Area or the setting of the adjacent listed building. It therefore accords in this respect with the shared aims of the Framework and CSDMP Policies CP8, CP12 and DP19, to protect those interests.

Affordable housing

15. The proposed dwelling would be open market rather than affordable housing. The Framework advises Authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing. Except for particular cases such as agricultural workers' dwellings, the only housing development allowed outside of the 4 main villages by CSDMP Policies CP11 and CP12 is affordable housing, as an exception to normal restraint policies. The Council's Supplementary Planning Document *Development Standards* (DS) confirms that the delivery of affordable housing is a key priority and states that all residential development within the National Park is expected to contribute

towards provision. Financial contributions towards off-site provision are expected where only 1 or 2 dwellings are proposed.

16. I accept that there is a general need for more affordable housing in the National Park and consider that the Council's request for an affordable housing contribution here meets the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. Such a contribution cannot reasonably be secured by a condition. Although the appellant also accepts the need for such a contribution, no completed legal agreement or undertaking has been submitted. I must decide the appeal on the basis of the documents before me.
17. In the absence of a completed agreement or undertaking, I conclude that the proposal would not be sustainable in terms of provision for affordable housing. It therefore conflicts in this respect with the above-mentioned policies.

Ecology

18. The site is within 400m of the New Forest SPA, designated for its ecological value. Residential use here would be likely to result in more people and animals entering the SPA. CSDMP Policy CP1 requires developments near to the SPA to demonstrate that adequate measures are put in place to avoid or mitigate any potential impacts on the ecological integrity of the SPA. The DS details the contributions that would normally be required. I find that this requirement meets the tests of CIL Regulation 122.
19. Again, though the appellant has agreed to make a contribution, this is not secured by any completed agreement or undertaking. I conclude that the proposal would cause a very minor but cumulatively significant degree of harm to the ecological value of the SPA, in conflict with the above-mentioned policies and the Frameworks' aim to conserve and enhance biodiversity. In this respect, the proposal would not be environmentally sustainable.

Other matters

20. I note that, except for the condition limiting use of the building, the proposed change of use might have been acceptable as permitted development under the terms of the Town and Country Planning (General Permitted Development) Order 2015. A full planning application has been submitted, however, and I have assessed the proposal in light of the relevant policies and considerations.
21. I also note that the 1996 appeal Inspector came to a different conclusion on some issues. Circumstances have changed significantly since then, not least by the designation of the National Park and the adoption of new policies.

Conclusion

22. Although I have found in favour of the proposal on the second main issue and recognise the value of re-using an existing good quality building, I find on the whole that the proposal would not represent sustainable development in economic, social or environmental terms. I therefore conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR