



Appeal Decision

Site visit made on 15 January 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2019

Appeal Ref: APP/B9506/W/18/3213579

Lester Cottage, Mill Lane, Burley BH24 4HR

- 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 Martin Baily against the decision of New Forest National Park Authority.
 - The application Ref 18/00032, dated 16 January 2018, was refused by notice dated 13 April 2018.
 - The development proposed is the demolition of existing dwelling and construction of replacement dwelling, re-cladding of existing garage and extension of driveway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Parties have had the opportunity to submit comments in relation to the new Framework in their appeal submissions and where any were received these have been taken into account in my reasoning.
3. Although not included in the reasons for refusal, emerging policies have been referred to by the Authority in their appeal submissions. However, no details of the status of the emerging plan have been provided or copies of the policies themselves. As such, I have assessed the proposal on the basis of the adopted plan.

Main Issue

4. The main issue of the appeal is the effect of the proposed development on the character and appearance of the Burley Conservation Area (BCA) and the landscape and scenic beauty of the New Forest National Park.

Reasons

5. The appeal site is located within the BCA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. From my observations on site I would concur with the Burley and Fritham with Eyeworth Conservation Area Character Appraisals (Appraisal) that its significance lies, in part, in it being a settlement developed from its medieval origins as a Royal Manor with much of the land gained by

encroachment. The site is within the Forest Road, Mill Lane and scattered edge of forest character area. The Appraisal states this area is formed by scattered later development often fronting forest heathland.

6. The site also lies within the New Forest National Park. The Framework states that that great weight should be given to conserving landscape and scenic beauty in National Parks as these have the highest status of protection.
7. While the property is not included in the list of buildings of local, vernacular or cultural interest within the Appraisal, it is included in The 'Typical New Forest Cottage' Desk-based assessment. In so far that the assessment provides an understanding of the context of this type of dwelling it is useful. However, given the document is not adopted I have given it limited weight.
8. The existing dwelling is a typical forest cottage located in a prominent position and visible across the heathland from the south and east. While there has been more recent development to the west of the site that can be seen with the appeal property in certain views, Lester Cottage is clearly separate from this. There have been some unsympathetic alterations and extensions to the property that have partly eroded the dwelling's aesthetic value and it has limited architectural adornments. Nevertheless, it has retained the traditional scale, form and simplistic design that are characteristic of such dwellings. It is a dwelling of a particular era and style, having a strong historical connection to the social and political history of the area with links to Commoning Rights. Despite its condition and the changes that have been made to the building it still makes a positive contribution towards the BCA.
9. The condition/structural reports outline various issues with the building including its structural integrity. While demolition is said to be the best solution, a remedial work option is given and costings provided for the repair works. This indicates that the retention of the property is feasible even with the presence of the nearby trees. I acknowledge that current structural issues may not be easily remedied and would involve removing certain parts of the existing structure at a higher cost and over a longer period than the proposal. Nonetheless, there is no substantive evidence before me to indicate that the building is not capable of being retained or that the repair option is unviable. Therefore, it has not been demonstrated that demolishing the dwelling is the only possible course of action.
10. The proposed dwelling would be located in the same position within the plot and be of comparable overall proportions. Furthermore, it would use similar materials or re-use them where possible and have timber windows. Nevertheless, while the appeal scheme would in part replicate the appearance of the original property, it would not capture the historic authenticity of the original building. This would include the building style and construction which are characteristics of this type of dwelling. While the design of the proposed property itself is not a concern and there are other examples of this type of cottage in the area, the loss of a dwelling that currently contributes positively to the BCA would cause harm.
11. At the time of my site visit there was a fence to the front of the dwelling and the wider site was enclosed by fencing, gates, trees and hedges. As such, this parcel of land is already separated from the open forest heathland. The evidence before me indicates that there have previously been larger areas of yard/track at the site, although the land is now grassed over, and there was a

hedge to the front of the dwelling. The proposal would reintroduce an open ended hedgerow to the front of the dwelling with no further enclosures or separation of the site proposed.

12. While a building granted planning permission as an agricultural store would be used in association with the dwelling, there is no compelling evidence to lead me to find that the proposal would affect rights of pasture and mast which the Authority state relates to both the cottage and the adjacent area. Were the appeal allowed conditions could have been added in relation to permitted development rights, landscaping and materials to ensure that the proposal would not lead to the suburbanisation of the site. Therefore, even if parts of the land within the appeal site were not previously within the residential curtilage, I have found there would be no harm from the proposal in this regard.
13. For the purposes of the Framework, the Conservation Area is a designated heritage asset. Whether or not the site is a non-designated heritage asset I have found harm to the significance of the higher level asset. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of the Conservation Area. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
14. The benefits from a dwelling of modern construction with thermal improvements would be limited as the proposal is for a single property. Similarly, additional planting and the tidying of the site would not have significant public benefits. While there is reference to potential vandalism and anti-social behaviour at the site, there has not been any detailed evidence provided in relation to this. As such, the public benefits do not outweigh the identified material harm to the designated heritage asset. The proposal is therefore contrary to the historic environmental policies contained within the Framework.
15. The proposal would conserve the landscape and scenic beauty of the National Park and would not be harmful to its special rural qualities. Nevertheless, the proposal fails to preserve or enhance the character or appearance of the BCA. As such, it would be contrary to Policies DP10, CP7 and CP8 of the New Forest National Park Local Development Framework Core Strategy and Development Management Policies DPD. These, in part, seek to ensure development maintains or enhances the built environment and prevents the loss of dwellings that make a positive contribution to the character and appearance of the locality. Finally, the development would fail to meet the requirements of the Framework in relation to heritage assets.

Other Matters

16. My attention has been drawn to a previous appeal decision for a replacement dwelling (APP/B9506/W/17/3182917). However, that site was not within a Conservation Area. Therefore, the proposal would have been subject to different considerations and is materially different to this appeal. Planning permission for a replacement dwelling has also been highlighted (15/00701). Nevertheless, I have not been provided with full details of the proposal and therefore cannot be confident it represents a direct comparison to the scheme before me. In any event I have assessed the proposal on its own merits.

17. While part of the site within a Site of Special Scientific Interest, no parties have raised concerns in this regard. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider the matter further.
18. The reasons for refusal do not relate to matters such as ecology or impacts on trees. There is no substantive evidence to lead me to disagree. Nevertheless, the lack of identified harm is a neutral factor that does not diminish the harm that would arise from the development.
19. I note there has been no opposition to the proposal from local residents. However, this in itself is not a ground for granting planning permission unless founded upon valid planning reasons. I have found harm in this instance.

Conclusion

20. Therefore for the reasons given I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR