
Appeal Decision

Site visit made on 4 January 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2019

Appeal Ref: APP/B9506/W/18/3199995

**Battramsley Farm, Shirley Holms Road, Boldre, Lymington, Hampshire
SO41 8NG**

- 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 CEM Powell against the decision of New Forest National Park Authority.
 - The application Ref 17/00784, dated 11 September 2017, was refused by notice dated 21 November 2017.
 - The development proposed is conversion of barn to residential and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An application for costs was made by Mr CEM Powell against New Forest National Park Authority. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including the New Forest National Park (the National Park).

Reasons

Background

4. Both parties make reference to Appeal APP/B9506/W/16/3165402, and specifically the Inspector's consideration of Policy CP12 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 (the CS) in relation to paragraph 55 of the previous version of the National Planning Policy Framework (the Framework). Policy CP12 sets locational criteria for new residential development, including reference to settlement boundaries, whilst paragraph 55 of the previous Framework, the relevant parts of which are now incorporated within paragraph 79 of the revised Framework, provided advice regarding isolated homes in the countryside.
5. Whilst I have limited details of appeal site referenced, the current appeal site lies within a cluster of contiguous development spread over a reasonably large sized area. This cluster includes several dwellings, and a number of buildings in a range of agricultural, commercial and other uses. On this basis, regardless of whether or not the site falls outside a settlement boundary, it is not 'isolated' in an ordinary and objective sense. As such advice within paragraph 55 of the

previous Framework, as carried forward in paragraph 79 of the revised Framework, is not applicable to the scheme.

6. I note the appellant's claim that the Council's decision turned upon its interpretation of paragraph 55 of the previous Framework. However a reasonable reading of the decision notice clearly indicates that paragraph 55 formed a material consideration in the Council's assessment, and that planning permission was otherwise refused principally in accordance with policies in the development plan. This was consistent with the Council's statutory decision making duty. Whilst I have arrived at a different conclusion regarding the applicability of the Framework's advice relating to isolated homes in the countryside, it is clearly necessary for me to consider the development plan policies quoted by the Council in my determination of this appeal.

Character and Appearance

7. The development involves 2 buildings, one of which would be converted for residential accommodation (the main building), the other used for storage (the storage building). The current or potential use of the main building for agricultural purposes is disputed between the parties, and I have been presented with no conclusive evidence either way. Nonetheless it has a clearly agricultural character, as do other buildings within the group of which it forms part. These buildings are arranged around and in relation to series of connecting, unenclosed yard spaces, as is typical within agricultural building groups.
8. Whilst the Council presents a general objection to residential use based on the type and location of the development outside a settlement boundary, it raises no apparent objection to the design of the proposed conversion itself, notwithstanding some necessary structural works. Indeed this would generally retain an agricultural appearance. In this context the Council's objection principally relates to the treatment of the proposed curtilage, with specific regard to domestication.
9. With reference to the plan 3851.003 Rev H (site and location plan), the main building, and to a lesser extent the storage building, would be set within an enclosed curtilage, the boundaries of which would be defined by a mixture of treatments, including close boarded fencing. This typically domestic product would sever both buildings from the broader yard space, thus divorcing them from their immediate spatial setting. Both the fact of severance and way in which it would be achieved would be clearly at odds with the functional character of the 2 buildings and surrounding space, and would appear incongruous within the broader building group.
10. Whilst the landscape statement submitted with the appeal proposes a different mix of boundary treatments, a rendered block wall, hedging and a feature tree would appear equally incongruous and spatially harmful within the yard setting.
11. Both the submitted site and location plan, and that contained within the landscape statement, indicate that lawns, a patio area, and bound gravel parking spaces would be provided within the proposed curtilage. Each would further domesticate the setting of the 2 buildings, accentuating the extent to which the development would be at odds with its immediate setting. The Council notes potential for the accumulation of domestic paraphernalia within

the curtilage, and I agree that this is likely to occur within the context of the site landscaping proposed.

12. Though reference is made to limited public views of the site, the yard area appears to be accessible to the public in relation to uses which take place within adjacent commercial units. In this regard the domestication of the site would be appreciable to any visitor.
13. The appellant has submitted a Unilateral Undertaking (UU) which includes a commitment to carry out various 'enhancement' works. I note however that works and commitments outlined in sections 2(1), 2(5), 2(6), 2(7), 2(9), 2(10), 2(12), 4, and for the most part also 3 of The Schedule, lack any apparent relationship to the scheme. I note that as removal of the buildings detailed in point 2(2) would be required to allow the development to take place given that they encroach upon the proposed curtilage, inclusion of a commitment to remove them, as too the carrying out of remediation works outlined in 2(3)–2(4), is unnecessary. Similarly a commitment for repair of the storage building, which is noted in 2(8), is again unnecessary as it forms part of the proposed development. As such its repair might be reasonably anticipated in order to enable the proposed use. Finally I note that the removal of stored items detailed in 2(11) and 3 would be largely required in order to provide the proposed curtilage space. Furthermore, and notwithstanding the appellant's statutory declaration, the lawfulness of the storage remains disputed by the Council, and has not been subject of any formal approval.
14. I have had regard to the tests for planning obligations set out in paragraph 56 of the Framework, and in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended. As the works listed in parts 2-4 of The Schedule within the UU do not appear to be necessary in order to make the development acceptable, and most are not directly related to the development, parts 2-4 of The Schedule do not pass the tests and therefore this part of the UU cannot be taken into account.
15. I have had regard to the statutory purposes of the National Park designation, and advice in paragraph 172 of the Framework to give great weight to the conservation and enhancement of landscape and scenic beauty in National Parks. Though well contained, the site nonetheless adjoins the open agricultural landscape, and is visually exposed within this setting. Though I note that neither party has sought to make a clear or consistent case that the buildings subject of the proposed development hold value with regard to the cultural heritage of the National Park, they are nonetheless of traditional character, and make a modestly positive contribution to the appearance of the surrounding agricultural landscape. In this context some modest benefit would arise from renovation of the main building and the storage building, and their setting would be modestly improved by removal of the adjacent modern structures. This is notwithstanding the fact that the latter items are unnecessarily included within the UU as outlined above. This benefit would however be outweighed by the harm caused by the inappropriate treatment of the proposed curtilage. Consequently the development would fail to conserve and enhance the landscape and scenic beauty of the National Park, and would furthermore fail to deliver appropriate conservation and enhancement of its cultural heritage. I attach great weight to the harm that would be caused.

16. For the reasons outlined above I conclude that the proposed development would have an unacceptably adverse impact on the character and appearance of the area, including the landscape and scenic beauty of the National Park. It would therefore conflict with DP1 of the CS which amongst other things seek to secure development that demonstrates high quality design that enhances local character and distinctiveness, and Policy CP12 of the CS which seeks to restrict the location of new residential development within the National Park. Whilst the Council also noted conflict with Policy DP13 of the CS within its decision notice this does not appear to be directly relevant to the scheme given that it addresses agricultural, forestry and other occupational worker's dwellings, none of which were proposed in this case.

Other Matters

17. I have had regard to general advice within paragraph 78 of the revised Framework, which states that housing should be located where it will enhance or maintain the vitality of rural communities, and within paragraph 83 of the revised Framework which supports economic development in rural areas. Notwithstanding the appellant's personal circumstances, and speculation regarding the future of the farm, I have not been provided with any clear or consistent evidence that the development is necessary in order to serve an economic purpose. Indeed the appellant stresses that the proposed development would not be required to house an agricultural worker. Whilst the development might nonetheless make a very modest contribution to local vitality, this would not outweigh the harm that would be caused by the development to the character and appearance of the area, and has not therefore caused me to take a different view with regard to the application of Policy CP12 of the CS.
18. Part 1 of The Schedule in the UU makes a commitment to pay mitigation with regard to the New Forest Special Protection Area and Solent Special Protection Area. The Council indicates that by virtue of the location it considers that the development would have a potential effect on the integrity of the Solent Special Protection Area. It also considers that there would be an effect on the integrity of the New Forest Special Protection Area, however indicates that the site falls outside the 400 metre zone within which contributions from housing developments are normally sought. I note that paragraph 6.3.6 of the Development Standards Supplementary Planning Document 2012 nonetheless indicates the potential for sites beyond 400m to have an effect, thus requiring a case by case assessment.
19. Had I been minded to grant planning permission, and the circumstances therefore existed within which the appeal could be allowed, it would have been necessary for me to undertake an Appropriate Assessment of the scheme in order to confirm its effect, and the need for mitigation. Given my conclusions with regard to the main issue however, this is not a matter I need to consider further.
20. The appellant references to the conclusions of the Bat and Bird Assessment as a factor in favour of the proposed development. However whilst the document does not appear to contain any clear conclusions, the fact that it identifies that there would be the loss of a day roost for at 3 species of bat does not support the appellant's claim, notwithstanding any required mitigation or enhancement measures.

21. I note the appellant's points that the site is accessible, lying in close proximity to the A337, and bus stops close to its junction with Shirley Holms Road. I have taken into account the fact that the scheme has received a high level of local support, including from the Parish Council. These points do not however alter my conclusion regarding the weight of the harm that would be caused by the development.
22. I lastly note dispute between the parties over whether or not the development would set a precedent for similar developments in the National Park. However no compelling evidence to indicate that this would occur has been provided, and each development must ultimately be assessed on the basis of its individual context and planning merits.

Conclusion

23. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended, I find that in this case material considerations do not indicate that my decision should be made other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR