



Appeal Decision

Site visit made on 15 January 2019

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2019

Appeal Ref: APP/B9506/C/18/3199869

Land to the rear of Derriere, Southampton Road, Landford SP5 2BE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Garry Miller against an enforcement notice issued by New Forest National Park Authority.
- The enforcement notice was issued on 20 March 2018.
- The breach of planning control as alleged in the notice is without planning permission the erection of a building and laying of hardstanding.
- The requirements of the notice are: 5.1 Demolish the building to ground level and remove the hardstanding. 5.2 Restore the land to its previous level with soils and re-seed with grass. 5.3 Remove all materials and debris arising from compliance with the aforementioned requirements from the land affected.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Ground (a) appeal

Main Issues

1. The main issues in this appeal are:
 - Whether the building conserves the landscape and scenic beauty of the New Forest National Park (NP).
 - Whether a functional agricultural need for the building has been demonstrated.

Reasons

Landscape & scenic beauty of the NP

2. The appeal site consists of a substantial field laid to grass, situated in part of the NP. The field is in an area of gently undulating open countryside made up of similar fields beyond the more built-up parts of Landford village. A public footpath (Landford No 2) runs along the north-west boundary of the field. Although part of the field is adjacent to the appellant's bungalow 'Derriere' and there are other buildings nearby, mature trees and hedges in the locality significantly limit views of such structures as well as the nearby A36 Trunk Road. Consequently, the surrounding landscape has strongly open, rural characteristics and is largely unencumbered by urbanising intrusions.

3. The building is sited towards the north-west boundary of the field, adjacent to the public footpath and not far from an entrance gate. The building is stood on a concrete pad. It has two openings in the front elevation. Both sides and the rear elevation have been covered with timber weatherboarding. Metal sheeting covers a shallow, single pitch roof. Whilst the appellant stated that the building is unfinished, externally it appears to be mostly complete. A hardstanding of concrete and scalplings has been laid in front of the building.
4. Due to its overall size, form and design, the building resembles a residential double garage. Consequently, the appearance of the building is entirely at odds with its countryside surroundings. The timber walls and low, single pitch roof are of limited assistance in terms of integrating the building into its context. Moreover, given the dimensions of the building together with the siting several metres from the field boundary, it is viewed as an obvious and significant built feature in an otherwise largely undeveloped rural setting. The building is in plain view for a considerable distance along the nearby public footpath, where it is seen against a rural background mostly devoid of significant built intrusions.
5. As a result, the building is viewed as an alien feature in its surroundings, unacceptably harming the rural characteristics of the vicinity. Furthermore, the presence of such a substantial building has significantly eroded the otherwise open feel of this part of the countryside. There is little that the existing planting or further landscape planting could achieve in terms of softening the adverse visual impact of the building.
6. Whilst I was referred to timber buildings in an adjacent field, no information was supplied to show that they benefit from planning permission. In any event, as those structures are of more modest scale and open to limited views in their surroundings, they are not comparable with the building in this appeal. Therefore, those buildings do not weigh in favour of granting permission in this instance. There may also be structures outwardly similar to the building elsewhere within the NP. However, as no further details have been supplied I cannot make any comparison.
7. As each case should be determined on its planning merits, I am not convinced that permitting the building would inevitably lead to a proliferation of such structures within the NP. However, for the above reasons the building has harmed the character and qualities of its surroundings, thereby failing to conserve the landscape and scenic beauty of the NP.
8. Consequently, the building fails to accord with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (CS), as it does not demonstrate high quality design which enhances local character and distinctiveness, it is not appropriate and sympathetic in terms of scale, appearance and siting and it does not respect the natural environment and landscape character. The building also fails to accord with CS Policy DP6, as it does not achieve a high standard of design, external appearance and location and it does not enhance the built heritage of the New Forest. Furthermore, the building fails to accord with CS Policy CP8, as the NP's local character has been eroded. The failure to conserve the landscape and scenic qualities of the NP is also inconsistent with the National Planning Policy Framework, paragraph 172.
9. Additionally, the building is inconsistent with guidance on the design of non-domestic buildings set out in chapter 8 of the Landford Village Design

Statement Supplementary Planning Document (SPD). This is because the building has not been located within the site in such a way as to minimise the impact on the landscape (guideline 8.2.1) and its form and scale does not minimise the impact on the surroundings (guideline 8.2.5). Although the building might have a simple pitched roof (guideline 8.4.1), for the reasons given earlier that does not overcome the above inconsistencies. As SPD guidelines 8.1.1 and 8.1.7 refer to the conversion of farm buildings, they are of limited relevance in this instance.

Whether needed for agriculture

10. The appellant stated that the building is required for the storage of machinery, equipment and materials to maintain the field, including its footpaths, hedges and trees and to store a small amount of winter feed. Nevertheless, there is little firm evidence concerning the items of machinery, equipment and materials that are intended to be stored in the building. When I visited, around half of the building appeared to be in use for storage of items of plant and equipment, with timber stored in the remainder. This might well only be a temporary measure, as the building is currently not secure. However, some of the items present such as a ride on mower, work bench and a pedestrian gate are just as likely to be associated with the appellant's dwelling as they are with agriculture.
11. I acknowledge that substantial numbers of native trees have been planted in the field in association with the Woodland Trust. An informal walkway has also been introduced around the field for local dog walkers. Even so, I saw little obvious evidence during my visit of agricultural activity in the field which might suggest that there is a need for significant amounts of machinery, equipment or feed to be stored there.
12. For the above reasons, on the available evidence I am not persuaded that a functional agricultural need for the building has been demonstrated. It follows that the building does not accord with CS Policy DP20, as there is not a functional agricultural need commensurate with the scale of the building.

Other matters

13. The use of recycled materials for constructing the building is consistent with the wider principles of sustainability but it provides only a small-scale benefit when set against my conclusions on the main issues.
14. I appreciate that the appellant obtained planning advice from the National Park Authority before erecting the building. Also, there is no firm evidence to suggest that there has been encroachment on the public footpath. However, neither of those matters alters the above conclusions.

Conclusion

15. The building does not accord with the Development Plan and it is inconsistent with the Framework. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Final Decision

16. The appeal is dismissed and the enforcement notice upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR