



## Appeal Decision

Site visit made on 16 July 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> July 2018

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**Appeal Ref: APP/B9506/W/17/3192807**

**Manor Farm Cottage (land of), off Forest Road, Burley, Ringwood, Hampshire BH24 4DQ**

- 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 Trevor Adams against the decision of New Forest National Park Authority.
  - The application Ref 17/00545, dated 14 June 2017, was refused by notice dated 6 September 2017.
  - The development proposed is a house replacing agricultural buildings.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - a) Whether or not there are special circumstances which justify the proposed dwelling having regard to national and local planning policy on development in the countryside;
  - b) Whether or not the proposal would preserve or enhance the character or appearance of the Burley Conservation Area and the setting of the Burley Manor Hotel;
  - c) The effect of the proposal on the wildlife and conservation interests of the New Forest Special Protection Area (SPA), Ramsar Site, Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

### Reasons

#### *Special circumstances justification countryside location*

3. The appeal site is a small area within the appellant's larger land ownership. It comprises a collection of dilapidated agricultural buildings on a roughly rectangular shaped plot, together with a long across track around the edge of several fields which links it with Long Mead. The site lies outside any settlement boundary defined by the New Forest National Park Core Strategy and Development Management Policies DPD 2010 (Core Strategy). For the purposes of local planning policy it is within the countryside. Although Policy CP12 sets a number of specific exceptions where dwellings may be permitted in the countryside, none are relevant to this case.

4. Paragraph 55 of the National Planning Policy Framework (the Framework) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The Inspector who dismissed an appeal<sup>1</sup> for a proposal for a different style of dwelling on a larger site considered it to be isolated. I do not consider that his decision indicated that the site was acceptable. On the contrary, for the site to be acceptable the fourth bullet point of Paragraph 55 requires the proposal to be of exceptional quality or of an innovative nature. In order to qualify as an exception to the presumption against new dwellings in the countryside the proposal must fully meet the criteria listed against the fourth bullet point, matters which I address below.

*a) Outstanding or innovative, reflecting highest standards in architecture*

5. The proposal is for a modestly-sized, cruciform, A-framed house which would be constructed from timber, shingles and glass. Its design is promoted on the basis of simplicity being the essence of quality. Its symmetrical form would provide sunshine into different parts of the building throughout the day. It would be raised above the ground to allow vehicles to be parked under the building, leaving its surroundings uncluttered.
6. However, this form of design is neither innovative nor unique, having been a common feature of 19<sup>th</sup> century British Colonial architecture. I also understand that the A-frame form is to be found locally within the Burley Golf Club House. I was referred to this and other A-frame designs by the appellant and third parties and have had regard to their various forms and locations. From what I have read, none of the similarities or differences between them persuaded me that the current proposal is either outstanding or innovative. Neither would it be so by being simple or exceptionally easy to construct.
7. I appreciate that the submitted elevations were hand drawn. However they were little more than sketches with limited details in relation to scale, articulation or the type and quality of the proposed materials. There were no clearly defined linkages between internal and external areas which would seem to me to be essential for a new dwelling in a countryside location. As a consequence of the proposed layout, the building would appear to be perched above the ground rather than integrated with it. From the evidence presented I was not persuaded that the timber feet at its corners are comparable with the roots of a tree, or that its shape and materials would complement the woodland to the south of the site.
8. The floor plans indicated the amount of useable floor area would be small, poorly arranged and with an absence of storage areas. The main entrance would be underneath the building in a confined, enclosed and dark area, not unlike a lift shaft within an underground car park. This suggested inefficient use of space to me, rather than innovation or high architectural standards, particularly when having regard to the footprint and height of the building.
9. In addition, the suggestion that the design could be reproduced at a smaller scale elsewhere did not explain how this would raise the standards of design more generally in rural areas. On this basis the proposal cannot be considered to be outstanding or innovative design which reflects the highest standards in architecture.

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<sup>1</sup> APP/B9506/W/16/3143828

*b) Immediate setting and character of local area*

10. The appeal site is not simply in the countryside. It lies within the New Forest National Park, an area designated for its landscape and scenic beauty, and where there is a statutory duty to conserve its natural beauty, wildlife and cultural heritage. Paragraph 115 of the Framework confers the highest status of protection on such areas and requires great weight be given to conserving their special qualities. Policy CP8 of the Core Strategy is consistent with the Framework's approach and seeks to prevent development which either individually or cumulatively would erode the Park's local character.
11. The appeal site lies within a landscape type of Ancient Forest Farmland. This is characterised by a mosaic of small fields with hedgerows and medium to small dwellings, some of which have attached small holdings. A selection of photographs was presented to illustrate the possible effect of the proposal from various viewpoints around the site. However, this did not amount to substantive evidence which demonstrated how the proposal would fit into this sensitive, protected landscape.
12. The site comprises an unremarkable collection of agricultural buildings constructed of brick, slate, concrete, steel and asbestos sheeting. They vary in height and shape; some are enclosed; others open to the elements on one or more sides. As a group they are typical of such buildings that can be seen within a rural landscape. They are neither obtrusive nor incongruous in this setting, even though they are in poor condition. By contrast the proposal would appear as a triangular area of glass on a tall square building on the edge of a field and divorced from other development. It would appear alien and out of place in its immediate surroundings and with no functional or visual relationship with the adjoining land. It would not be exceptionally large. However, its height, shape, and siting on ground that is slightly higher than some of the surrounding area, would emphasise its size and make it appear prominent within the landscape, particularly in views from the north and east. These effects are illustrated in sketches 12 and 13 which contrast the collection of existing buildings with the proposal and indicate that it would not be sensitive to the defining characteristics of the local area.
13. The retention of one small brick building would reinforce the difference between the design of the proposed dwelling and the more traditional appearance of the remaining agricultural building. The proposed driveway, which would be of significant length, would almost certainly require some upgrading from its current form of gravel and grass. Consequently, it would appear as a harsh, urbanising feature that would cut across the fields and erode the appearance of this open and undeveloped landscape. The proposal would therefore fail to significantly enhance its immediate setting.

*c) Findings*

14. Taking all these factors into account, I conclude that the proposal would fail to meet any of the criteria set out in the fourth bullet point of Paragraph 55 of the Framework. The special circumstances required to justify a new dwelling in the countryside have therefore not been met. It would also be contrary to Policies CP8 and CP 12 of the Core Strategy which only permit new housing within defined settlements and where its impact, either individually or cumulatively would not erode the local character of the National Park.

### *Heritage*

15. Burley is an historic forest village, the whole of which has been designated as a Conservation Area. The appeal site lies within character area G of the Area, formed by the Parkland surrounding the Burley Manor Hotel, a listed building, and its landscape setting to the north. In view of the relationship between the appeal site and these heritage assets I have duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and to have special regard to the desirability of preserving the setting of the Burley Manor Hotel. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The Framework also advises that any harm that is less than substantial should be weighed against the public benefit of the proposal.
16. The Conservation Area as a whole has a strong local vernacular characterised by cottages and farmsteads surrounded by small fields and paddocks. Building materials are predominantly traditional. There is no direct inter-visibility between the appeal site and Burley Manor Hotel due to the presence of woodland immediately to the south. However, the site and the landscape to the north are not only within the Conservation Area but also form part of the wider rural setting of the listed building. The significance of both arises from the field pattern and the historic role of Burley Manor as the site of a manor house since medieval times.
17. The introduction of a dwelling of the scale and shape proposed would be out of keeping with the existing character, appearance and development pattern in this part of the Conservation Area. It would also interfere with the open Parkland which forms part of the wider setting of the Burley Manor Hotel. This would be harmful to the character and appearance of the Area and the setting of the listed building, although in terms of the Framework this harm would be less than substantial.
18. Whilst the existing buildings on the site are not attractive, they cause very limited harm to the Conservation Area or the setting of the listed building, as they are typical of functional agricultural buildings found scattered within a rural landscape. Their removal would therefore be of minimal public benefit and would not outweigh the harm I have identified to the heritage assets.
19. I conclude that the proposal would be harmful to the Burley Conservation Area and the setting of Burley Manor Hotel, neither of which would be preserved by the scheme. It would therefore be contrary to Policy CP7 of the Core Strategy and the advice of the Framework on the conservation of heritage assets.

### *Wildlife and conservation*

20. The New Forest SPA is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Regulation 61(5) imposes a duty on local planning authorities as the competent authority to consider whether any proposal may have a significant effect on the protected area either alone, or in combination with other plans and projects. The SPA designation is principally concerned with the protection of four heathland species of bird. The SPA can be affected by additional residential and visitor pressure which can disturb the ground nesting birds.

21. Policy CP1 of the Core Strategy requires mitigation where a site is within 400m of the boundary of the SPA. The supporting text to Policy CP1 sets out a range of mitigation measures, including provision of infrastructure and/or contributing to the Authority's Recreation Management Strategy. The Authority describes the site as being 'in close proximity to the New Forest SPA'. The appellant's ecology report states that it is some 470m from the SPA.
22. Natural England did not object to the proposal, but specifically required conditions to address site-specific issues alongside a contribution to secure appropriate mitigation to protect the SPA from recreational disturbance. In my view a financial contribution towards mitigation measures is therefore required even though the site lies beyond 400m from the SPA. Such contributions cannot normally be secured by conditions. However, no planning obligation to identify any specific mitigation measures or secure such a contribution was provided with the appeal.
23. I have had regard to the ecology report submitted with the appeal. Measures to avoid harm to protected species and provide habitat enhancements on the site could have been secured by condition, in the event that the proposal was acceptable in all other respects. However, these would only address site-specific issues and would not overcome the need to mitigate harm arising from the development on the wider SPA.
24. In the absence of a suitable mechanism to secure the necessary mitigation measures, I conclude that the proposal would be likely to have a significant adverse effect on the integrity of the SPA. It would therefore be harmful to the wildlife and conservation interests of the New Forest SPA, contrary to Policy CP1 of the Core Strategy.

### **Conclusion**

25. I have found that the proposal would not represent a design of exceptional quality or innovative nature. It would therefore not qualify as an exception in terms of Paragraph 55 of the Framework, which states that new isolated homes in the countryside should be avoided. It would be contrary to the development plan which seeks to focus new residential development within defined villages. It would also fail to preserve the character and appearance of the Burley Conservation Area or the setting of the Burley Manor Hotel. In addition, in the absence of a mechanism to secure appropriate mitigation measures the proposal would be likely to adversely affect the wildlife and conservation interests of the New Forest SPA.
26. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR