



Appeal Decision

Site visit made on 9 July 2018

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2018

Appeal Ref: APP/B9506/D/18/3202841

Primrose Cottage, Newgrounds, Godshill, Fordingbridge SP6 2LJ

- 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 Kevin Blake against the decision of the New Forest National Park Authority ('the NPA').
 - The application, Ref. 17/01101, dated 22 December 2017, was refused by notice dated 18 April 2018.
 - The development proposed is the replacement of the existing shed with an oak framed single storey extension at the rear of the existing property.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing shed with an oak framed single storey extension at the rear of the existing property at Primrose Cottage, Newgrounds, Godshill, Fordingbridge in accordance with the terms of the application, Ref. 17/01101, dated 22 December 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. PL001; PL002; PL003; PL004; PL005.

Main Issue

2. The main issue is whether the proposal would be in unacceptably harmful conflict with the NPA's objective of limiting cumulative increases in the original size of rural dwellings so as maintain a balance in the housing stock and restrain pressures for change damaging to the future of the countryside.

Reasons

3. Policy DP11 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 ('the Core Strategy') refers to a limit of 100sqm in the habitable floorspace of 'small dwellings' as a result of extensions. In this case Primrose Cottage was 84sqm in area when it was built but this has subsequently been increased (the NPA says to 113sqm and the appellant 110sqm).
 4. Policy DP11 and its supporting text does however allow exceptions to be made, the relevant one in this instance being '*to meet the genuine family needs of an occupier who works in the immediate locality*'. Supporting paragraph 7.39
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defines '*genuine family need*' as an '*exceptional and unique family need that could not have been reasonably anticipated at the time of the purchase of the property*'. An example is then given, relating to '*severe disability*'.

5. As I understand the NPA's case for refusal of permission, it is that the letter of the policy precludes an exception being made in this case: firstly, because the appellant's wife (who has unfortunately developed a serious and progressive medical condition) does not work in the immediate locality, and secondly because the proposed extension would exceed the higher 120sqm floorspace limit that Policy DP11 stipulates when exceptions are being made.
6. I note that the NPA has not objected either on the basis of disputing that the existing dwelling is incapable of being converted to cater for the special mobility requirements, or that as a result the proposed bedroom / bathroom is essential and would be of no more than the necessary size. Furthermore, the NPA also accepts that the design of the extension (which would replace an existing storage shed) would be appropriate and sympathetic to the existing dwelling; that the extension would preserve the character and appearance of the Western Escarpment Conservation Area, and that there would be no impact on visual amenity. There would therefore be no conflict with Core Strategy Policies DP1, CP7 & CP8. (I have included all these matters within my appraisal of the appeal and agree with the conclusions reached by the NPA).
7. The grounds of appeal are also helpful in a number of respects in informing my Decision – and because of the limitations of the householder application procedure at least some of the following points may not have been fully appreciated by members of the committee that refused permission for the application. In summarising these factors below, I have not prioritised them in importance, suffice it to say that they are all material considerations that should be weighed in the balance against any conflict with Policy DP11.
8. Firstly, Government policy in the National Planning Policy Framework 2012 ('the Framework') takes precedence over the Council's Core Strategy in the event of any conflict and both Paragraphs 17 and 50 are relevant. Paragraph 17 includes a core planning principle that development should provide a good standard of amenity for all existing and future occupants of land and buildings (*the appeal proposal is solely to to secure a good standard of amenity for the appellant's wife*).
9. Paragraph 50 states that Local Planning Authorities should aim to deliver a wide choice of available homes to meet the needs of different groups in the community, including people with disabilities (*the extension is required solely to meet the needs of a person with a severe disability*). Although the Framework must be read as a whole, this Government instruction to the primary decision-makers in the planning system is not qualified by policy constraints. And in an example of urgent need, as is the case here, I consider it suggests that there should be flexibility in weighing the balance of competing factors in deciding on the individual merits of an application.
10. Secondly, Policy DP11 refers to '*an occupier who works in the immediate locality*', with the apparent intention of applying to local people for whom moving is not an option. In this case it would appear that the appellant does not meet this proviso although the family are 'local', having owned the house

since it was built well over 20 years ago, and the place of employment was within the National Park at Brockenhurst College. There also has been an unsuccessful attempt to move home to find suitable accommodation to cater for the disability.

11. Thus, whilst the letter of this part of the policy may not apply to the proposal, there is a plausible argument that its spirit certainly does. This is not a case of newcomers to the National Park wishing to take up residence and seeking to exploit or flout the local planning policies for their convenience. Rather, it is an example of established members of the local community who wish to stay in their home but without this permission would be unable to do so. In this context I note that the committee report says that no representations were received, but the file includes a 16 signature petition from members of the local community in Newgrounds expressing their strong support for the application (although I acknowledge that this may have been referred to in the officers' verbal presentation).
12. Finally, as regards floorspace the appellant's figures are that with an existing floor area of 110sqm the proposed addition of 21sqm would exceed the 120sqm total allowed in the policy by 11sqm. This is not a major breach of this aspect of the policy and there is the additional point that an existing shed of 13sqm would be removed to make way for the extension. I acknowledge that the shed is not habitable floorspace and cannot therefore be counted as part of the existing dwelling under Policy DP11, but to the extent that the overall bulk of the built form would remain essentially the same it is nonetheless material to the evaluation of the proposal.
13. Overall, I conclude that the circumstances in this particular case are sufficiently deserving and exceptional to warrant a flexible interpretation of Policy DP11. Accordingly, I do not regard the proposal as being in unacceptably harmful conflict with the NPA's objective of limiting cumulative increases in the original size of rural dwellings so as maintain a balance in the housing stock and restrain pressures for change damaging to the future of the countryside.
14. Indeed, the addition of a bedroom with sufficient space for a wheelchair and direct access to a shower room / wet room adds to the variety of housing stock through the creation of a 'Lifetime Home', which many Local Planning Authorities include in their planning policies. And in this case, it adds to the sustainability credentials of the proposal in accordance with Government policy in the Framework. I shall therefore allow the appeal.
15. A condition to require the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning.

Martin Andrews

INSPECTOR