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## Appeal Decision

Site visit made on 12 February 2021

**by Mrs H Nicholls FdA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 February 2021**

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**Appeal Ref: APP/B9506/D/20/3262135**

**Brickyard Cottage, Inchmery Lane, Exbury SO45 1AE**

- 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 B Scrimgeour against the decision of New Forest National Park Authority.
  - The application Ref 20/00403, dated 25 May 2020, was refused by notice dated 28 August 2020.
  - The development proposed is tennis court.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, which forms a part of the designated New Forest National Park (NP).

### Reasons

3. The host dwelling and its curtilage lie within the NP and adjacent to the Solent coastline, with a stream running alongside the western boundary of the curtilage. Despite some enclosure on the northern side by woodland, the lower parts of the site appear exposed, with low, scrubby vegetation. The low vegetation adjoins the boundary with the stream and an area of flattened marshland. The degree of openness in this area, the gappy nature of the vegetation due to its coastal exposure, and the combination of the rural and coastal landscape give the area a particularly rugged, yet appealing character.
4. The proposal seeks permission for a tennis court, the area for which has already been graded. The surface of the court would be green in an attempt to appear as natural as possible. The fencing, at 3 metres high, would be green wire mesh. The court and its enclosure would lie in close proximity to the driveway opening from the road and adjacent to the low, scrubby vegetation.
5. Whilst I agree that the proposed tennis court would be ancillary in function to the host dwelling, I do not agree that it would be in a visually discreet location. Even if there would be a gap of approximately 27 metres between the tennis court and the road, the area is adjacent to a number of public footpaths and is clearly an area popular with recreational walkers and other recreational users. Owing to the area's visual sensitivity, the forward siting and exposed nature of the site, the tennis court would form an undesirable urban intrusion. Furthermore, the form, height, area coverage and rigidity of the fence would appear as unduly harsh, despite its colour.

6. Whereas the regraded area of the site is itself visually unobtrusive, the works to form it may have contributed to the site's degree of exposure. Though additional landscaping could reintroduce better screening, in my view, the necessary amount and form of vegetation required to entirely screen the fence could not be guaranteed, despite the appellant's offer to provide a landscape management plan. Similarly, whilst a fence of a lower height of 2.5 metres could make certain areas easier to screen, it is not a solution that I am convinced would entirely avoid the anticipated visual harm.
7. The adjacent dwelling stands proud of its garden but there is limited other visual clutter in the form of outbuildings that cause harm to the character or appearance of the area. I do accept that domestic alterations are to be expected within gardens within the NP, however, the sensitivity of each site and the effects of each proposal will differ. The current proposal is in a visually sensitive setting and the proposal is not so typical a domestic alteration that it would assimilate well within its surroundings. In my view, the proposal would add to the general urbanisation and recreational pressures for change within this high quality and visually sensitive LCA<sup>1</sup>. This view is not affected by the recent approval for a replacement dwelling on the adjacent site.
8. Drawing this main issue together, the proposal would harm the character and appearance of the area and would fail to conserve the wider NP. It would therefore be contrary to Policies SP7 and DP2 of the adopted New Forest National Park Local Plan 2016-2036 (2019). These Policies seek to ensure that development is appropriate and conserves and enhances existing landscape and seascape character and does not detract from the natural beauty of the National Park. For similar reasons, the proposal would also conflict with the National Planning Policy Framework which affords the highest status of protection to National Parks in relation to the conservation and enhancement of landscape and scenic beauty.

### **Other Matters**

9. I note that the proposal was not subject of an objection from the Council's tree officer. The absence of further harms is a neutral factor in the overall balance.
10. Though it has been suggested that the appellant could create a tennis lawn on the recently graded site utilising permitted development rights, this is immaterial to my decision on the creation of a formal tennis court with fence enclosure as detailed in the appeal application.

### **Planning balance and conclusion**

11. The proposal conflicts with the development plan, when read as a whole. There are no public benefits that outweigh the identified conflict or indicate that a decision should be taken other than in accordance therewith.
12. For the reasons outlined above, the appeal is dismissed.

*Hollie Nicholls*

INSPECTOR

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<sup>1</sup> North West Solent Estates Landscape Character Area: New Forest National Park Landscape Character Assessment (2015)