
Appeal Decision

Site visit made on 15 September 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/B9506/D/19/3239630

Cuileane Cottage, Holly Lane, Pilley, Lymington, Hampshire SO41 5QY

- 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 Mrs Linda Freeman against the decision of New Forest National Park Authority.
 - The application Ref 19/00592, dated 17 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is described as 'Removal of old and damaged metal gates that no longer operated easily to be replaced by a new wooden gate.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At my site visit it appeared that the proposed wooden gate has been installed and I shall consider the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular reference to the New Forest National Park and whether it preserves or enhances the character or appearance of the Forest South East Conservation Area.

Reasons

Character and appearance

4. The Forest South East Conservation Area (CA) covers the south eastern edge of the New Forest National Park (NFP). Its significance lies primarily in the way the small predominantly linear settlements and their setting within the landscape reflect the evolution of the area since ancient times. The Forest South East, Conservation Area Character Appraisal (FSECACA) outlines the key characteristics of the CA in section 4.1. Amongst other things, this includes reference to the boundaries to plots being traditionally formed by hedgerows, metal estate fencing or simple low timber post fencing. It goes on to state that garden walls, traditionally detailed fences and other means of enclosure such as hedges are important components and have a significant contribution to the character of the area¹.

¹ Paragraph 5.6.1

5. I am mindful of my statutory duty² to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in my determination.
6. The section of Holly Lane nearest to the appeal site is single track and predominantly lined by hedgerows and trees. Together with the limited built form and grass verges this results in an attractive rural character and appearance. Cuileane Cottage is a detached dwelling of traditional construction set in generous grounds. The proposed gates serve a secondary access onto Holly Lane adjacent to a paddock area within the grounds. This access is within a hedgerow along the frontage of the property which makes a positive contribution to the rural character and appearance of the CA.
7. The appeal proposal comprises close boarded timber gates of approximately 1.8 metres in height. The combination of the solidity and height of the gates gives them an imposing presence at odds with, and harmful to, the prevailing rural surroundings. Although they are set back from the carriageway, they are still close to the lane allowing for unimpeded views. This results in a prominent presence that exacerbates the impact.
8. Taking these factors together, the proposal adversely affects the character and appearance of the NFNP and neither preserves nor enhances the rural character of the CA. It follows that it is harmful to the significance of the designated heritage asset, although in light of the relatively modest scale of the proposal, this is less than substantial harm.
9. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the development. Nevertheless, great weight³ should be given to the asset's conservation.
10. In this case the proposal provides enclosure and security for the occupants of Cuileane Cottage. The appellant refers to the previous gate having become a potential danger to the public. Nevertheless, it is not shown that such benefits could not be similarly achieved without resulting in harm to the significance of the CA or NFNP. Therefore, these matters attract limited weight which do not outweigh the great weight given to the less than substantial harm to the CA.
11. In addition, paragraph 172 of the Framework stipulates that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
12. In support of the proposal the appellant refers to the rustic appearance of the gates and the presence of other high gates in the lane and neighbourhood. I acknowledge that to a degree, the use of timber assists in conveying a rustic character. Nevertheless, this does not fully overcome my concerns in relation to the height and solid nature of the design which, based on the FSECACA, are not traditional for this rural area.
13. Photographs of other gates have been provided, two of which can be identified from the attached property signs as belonging to April Cottage and Norwood. At my site visit I also observed the use of close boarded timber gates at Rossen

² Section 72, Planning (Listed Buildings and Conservation Areas) Act 1990

³ Paragraph 193 National Planning Policy Framework

Farm to the north west of the appeal site. However, these examples do not reflect the predominant boundary treatments in the area and generally serve to illustrate the harmful impact of close boarded timber boundary treatments in this context.

14. It follows that they do not provide a sound justification for allowing further such harmful development. This is reinforced by the FSECACA which states that the majority of properties have retained historic methods of defining the boundary and identifies an unfortunate move towards close boarded fencing. It describes this as an alien feature, detracting from the historic character of the area⁴. My findings are consistent with this. In any event, I have determined the appeal proposal on its own merits.
15. Accordingly, I find the proposal is harmful to the character and appearance of the area and distinctive rural qualities of the NFNP. Furthermore, it fails to preserve or enhance the character and appearance of the CA. Therefore, the proposal conflicts with policies DP2, DP18, SP16 and SP17 of the New Forest National Park Local Plan 2016-2036, August 2019. These policies, amongst other matters, when taken in combination, support high quality design that respects local distinctiveness and seek to prevent development that is harmful to the significance of the CA.

Conclusion

16. For the reasons given above, I conclude that the appeal is dismissed.

Helen O'Connor

Inspector

⁴ Paragraph 5.6.3