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# Appeal Decision

Site visit made on 21 October 2020

**by Mrs H Nicholls FdA MSc MRTPI**

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

**Decision date: 26 November 2020**

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**Appeal Ref: APP/B9506/W/20/3253176**

**Land adjacent to Dene Lodge, Vaggs Lane, Hordle SO41 0FP**

- 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 & Mrs Godwin against the decision of New Forest National Park Authority.
  - The application Ref 20/00136, dated 26 February 2020, was refused by notice dated 29 April 2020.
  - The development proposed is demolition of the existing outbuilding and erection of a detached dwelling and carport with associated access and parking.
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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 and New Forest National Park (NP).

## Reasons

3. The appeal site lies within a rural position to the north of Hordle and east of Ashley. It is a modest plot adjoining Vaggs Lane in between two dwellings, 'Denes Lodge' and 'The Orchard', both of which are small scale New Forest cottage-style dwellings, set back from the road and with detached outbuildings within their curtilages. The Orchard and its garage have thatched roofs whereas Denes Lodge has a clay peg tiled roof with dormers.
4. The appeal proposal would introduce a two storey dwelling with rear projecting gables onto the eastern corner of the site. There would also be a separate open double carport outbuilding close to the north-west boundary. Internally, the proposal would comprise four bedrooms, three bathrooms, a dressing room, and large living and kitchen/dining rooms on the ground floor.
5. An earlier appeal decision<sup>1</sup> allowed for the conversion of an existing barn and construction of a dwelling with a link between the two. That decision provided the fallback for the negotiation of the extant scheme<sup>2</sup> which was only marginally different from the original. A more recent appeal scheme for the demolition of the barn and construction of an entirely new, larger dwelling was dismissed<sup>3</sup>.

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<sup>1</sup> APP/B9506/W/15/3005853

<sup>2</sup> Planning permission LPA ref 17/00883 approved 20 December 2017

<sup>3</sup> APP/B9506/W/19/3227855

6. I have considered at length the various differences between the current and extant schemes, and the recently dismissed scheme. What is clear, is that the current scheme, owing to aspects including its rural detailing, siting and materials, is a far superior scheme to that which was dismissed. However, it would still be a dwelling of considerable bulk when considered in comparison to the extant scheme or that described as 'modest' and 'recessive in the streetscene' within the original appeal decision. In short, it would lack the same subtlety and finesse as the extant or earlier schemes.
7. When compared to the recently dismissed scheme, the overall changes to its scale, bulk, form and overall mass are rather more marginal, in some cases, increased marginally rather than decreased. The overall effect would be of a noticeably wide, stretched, frontage combined with high eaves and ridge height, in addition to the relatively bulky rearward projections. Owing to its overall proportions and form, the resulting dwelling would still be more dominant in the streetscene than Denes Lodge and The Orchard. This effect would be emphasised by its siting within a smaller sized plot which is generally more open to views from Vaggs Lane and across the fields at the rear.
8. Whilst I accept that the principle of using rearward projecting elements is a solution promoted by the Design Guide SPD<sup>4</sup>, this is where those elements are designed to be subservient to a larger dwelling. In this case, the proposed dwelling has had to widen and become higher in order to ensure those rear elements appear subservient. The resulting combined scale and form would appear as a more suburban 'anywhere' bulk of dwelling as opposed to the intricate forms found within the immediate surroundings and which have previously been designed for the site.
9. The removal of the basement from the appeal scheme is of limited overall consequence because it would not have otherwise contributed to the bulk of the dwelling or its impact on the streetscene. Though regrettable that the existing barn is marginally short of achieving two floors of accommodation owing to its existing roof height and the necessary insulation requirements, it is still an attractive, simple agricultural-style building. The original scheme and extant permission were premised on its retention and adaptation to maintain its contribution to the rural character of the area.
10. As set out in paragraph 172 of the National Planning Policy Framework, NPs are afforded the highest status of protection in relation to conserving and enhancing landscape and scenic beauty. Though the comparisons outlined above may seem to focus on the minutiae, the special qualities of the NP include its rural character and the mosaic of traditional, small-scale buildings. To overlook the cumulative effects of smaller changes and allow the creation of newbuild dwellings of increasing proportions would undermine the area's character and appearance and make it vulnerable to similar development pressures in future.
11. For the above reasons, the proposal would harm the character and appearance of the area and NP and would therefore conflict with Policies DP2, SP7, SP17 and DP18 of the New Forest National Park Local Plan 2016 – 2036 (adopted 2019). These Policies, taken together, seek to enhance local character and distinctiveness, ensure that new development is of the highest standard of new

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<sup>4</sup> New Forest National Park Design Guide Supplementary Planning Document (2011)

design, is contextually appropriate and avoids gradual suburbanising effects on the National Park.

12. For similar reasons, the proposal would also conflict with the Design Guide SPD which seeks to ensure that new dwellings respond to the scale of neighbouring buildings, and echo the small-scale characteristics special to the Forest.

## **Other Matters**

### *Protected Sites*

13. The appeal site is within the zone of influence of the New Forest Special Area of Conservation, Special Protection Area and Ramsar Sites, the Solent Maritime Special Area of Conservation, the Solent and Southampton Water Special Protection Area and Ramsar site (hereafter collectively called the 'protected sites'). It cannot be ruled out that additional residential accommodation in this location, both individually and cumulatively with other schemes, would have significant effects on the features of interest of the protected sites due to increased recreational use.
14. Additionally, the site is within the catchment of a wastewater treatment plant that discharges into the Solent with potential consequent in-combination effects on the Solent Maritime Special Area of Conservation, the Solent and Southampton Water Special Protection Area and Solent and Southampton Water Ramsar site. The addition of new residential accommodation would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new accommodation being occupied.
15. In respect of the additional recreational pressures, the Authority has suggested a planning condition that seeks a mitigation scheme. Such mitigation may take the form of a planning obligation that secures financial contributions in accordance with the Authority's Habitat Mitigation Scheme<sup>5</sup> and the Solent (SRMP) Explanatory Note<sup>6</sup>. For reasons outlined below, I have not considered the consistency of the suggested approach with the advice in the Planning Practice Guidance.
16. In respect of the nitrogen neutrality matter, although there are presently no immediately available solutions, the Authority has devised a Grampian-style condition to set a nitrate budget and secure mitigation in the event that the appeal were allowed. Whilst there appears to be no dispute from the appellant to providing such mitigation were it necessary, this would need to be taken into consideration in the undertaking of any Appropriate Assessment (AA).
17. However, as the appeal is failing on the main issue, the circumstances that could have led to the granting of planning permission are not present. Therefore, it is not necessary for me to ascertain the appropriateness and delivery of the relevant mitigation measures within an AA and I have not taken these matters further.

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<sup>5</sup> The New Forest National Park - Draft Revised Habitat Mitigation Scheme Supplementary Planning Document (December 2019)

<sup>6</sup> Solent Recreation Mitigation Partnership (SRMP) - Definitive Mitigation Strategy Explanatory Note (April 2019)

### *Other Considerations*

18. I note the appellant's claims in relation to the lack of proactivity of the Authority to resolve the appeal application or pre-application. I have limited evidence of this and nor has it affected my assessment of the merits of the appeal proposal.
19. I also note that there are a number of areas of agreement between the parties, in respect of the site-specific ecological effects, those in relation to trees, the absence of harm to the living conditions of neighbouring occupiers and issues in relation to highway safety and parking. The absence of other harms is a neutral factor in the overall balance.

### **Planning balance and conclusion**

20. The appeal proposal would result in the provision of a family-sized dwelling with economic benefits throughout construction and during its occupation. However, the extent of these benefits would be limited given that the extant permission, if implemented, would also deliver comparable public benefits.
21. The proposal conflicts with the development plan, considered as a whole. The limited benefits do not amount to a consideration of sufficient materiality to indicate that a decision should be taken other than in accordance therewith.
22. For the above reasons, the appeal is dismissed.

*Hollie Nicholls*

INSPECTOR