



# Appeal Decision

Site Visit made on 17 November 2020

**by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I**

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

**Decision date: 9 December 2020**

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**Appeal Ref: APP/B9506/W/20/3251563**

**South Sway Farm, South Sway Lane, Sway, Lymington, SO41 6DL**

- 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 R. M. Pettett Ltd. against the decision of New Forest National Park Authority.
  - The application Ref 19/00665, dated 14 August 2019, was refused by notice dated 8 November 2019.
  - The development proposed is the re-use of a building for two holiday apartments.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the location is appropriate, with particular regard to local policy in regard to the location of visitor accommodation.

## Reasons

3. Policy SP19 of the New Forest National Park Local Plan (2019) (the Local Plan) sets out the circumstances where new residential development within the National Park will be permitted. Notwithstanding that the proposal is for holiday accommodation, this remains a residential use even if not for continuing occupation. The appellant accepts that the proposal does not comprise development that would comply with the circumstances as set out within this policy and I agree.
4. Policy SP46 sets out that sustainable tourism development will be supported by facilitating, amongst other things, small-scale development using existing buildings within four "Defined Villages", which the site does not lie within. Outside of these villages visitor facilities will be supported through the re-use of existing buildings where it is in line with the provisions of policies DP45 and DP49, whilst visitor accommodation can be considered as part of farm diversification as outlined in policy SP48. The policy highlights that development is predominantly directed to the defined villages due to the existing provision of services within and their access by public transport.
5. While I note that the appellant asserts that there are public transport links in proximity to the site, the nearest bus stops were along the main road to the south-east. Accessing these would necessitate a walk along a rural road, with no footway facilities, no street lighting and little opportunity for pedestrians to take refuge from passing traffic. As such, it would be unattractive for persons

to walk along this road, particularly in inclement weather or when carrying luggage, for example. In my view, this reinforces the rationale for locating development within defined villages where there is likely to be better and more attractive access to public transport.

6. Policy DP45 refers to non-residential buildings and uses. As I have set out above, the proposal is for a residential use and thus this policy is not applicable.
7. Policy DP49 sets out the circumstances where the re-use of buildings outside of defined villages will be permitted. Residential uses are only permitted in accordance with policy SP19, which as I set out above, the proposal does not comply with. As such, there is no support for the proposed scheme in this policy. Policy SP48 sets out that farm diversification will be supported in certain circumstances. The appellant sets out that the proposal does not comprise a form of farm diversification, therefore it also conflicts with policy SP48. In failing to accord with the above policies, there would also be conflict with policy DP2 in respect of promoting the principles of sustainable development.
8. Accordingly, I find that the proposal conflicts with the locational requirements of the above policies in terms of sustainably locating new visitor accommodation. It would also conflict with the sustainable tourism aims of the National Planning Policy Framework.

### **Other Matters**

9. The decision notice also refers to a potential impact on the Solent Special Protection Area. As I have found above that the proposal would not be acceptable and I am dismissing the appeal, the development will not take place and so I have no need to consider this matter further.
10. I acknowledge that the provision of accommodation would be likely to provide additional financial support to the operation taking place at the site and I am particularly conscious that the appellant sets out that the existing equestrian business is struggling financially. However, this does little to persuade me in favour of the proposal. The scheme is not accompanied by any business case to demonstrate the proposed scheme is essential for the continuing success of the business. I further note that there would be some benefit to the local economy generally through the provision of additional tourist accommodation, however any such benefit would be limited. Consequently, any benefits in these regards would not be sufficient to outweigh the clear conflict with the policies of the development plan.
11. The appellant asserts that the recently adopted policies of the Local Plan do not comply with national guidance in terms of rural diversification. Whilst I note the excerpts of the Framework referred to by the appellant, the policies of the development plan provide a clear approach, based on local circumstances, to addressing rural issues. As such, I find no inconsistency between local and national policy in this matter. It is also claimed that the development would meet a locally arising need for accommodation in association with equestrian uses, however there is no substantive evidence to demonstrate this. Thus, this does little to weigh in favour of the scheme.

12. There is reference to the level of activity generated by the proposal having an unacceptable impact on the character of the countryside. However, the appeal site comprises a substantial equestrian enterprise, which has the potential to generate a significant amount of activity within the site, which would include vehicular comings and goings. On this basis, the inclusion of two modest units of tourist accommodation would be unlikely to have an appreciable effect in terms of general activity. However, the lack of harm in this regard is not sufficient to overcome the conflict with policy that I have identified, in terms of sustainably locating visitor accommodation.

**Conclusion**

13. The proposal would conflict with local planning policy. There are no material considerations of sufficient weight to indicate that a determination should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Mr Martin Allen*

INSPECTOR

