



Appeal Decision

Site visit made on 28 September 2020

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/B9506/W/20/3248664

Meadow View, Brick Lane, Thorney Hill, Bransgore BH23 8DU

- 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 Dinnage against the decision of New Forest National Park Authority.
 - The application Ref 19/00676, dated 16 August 2019, was refused by notice dated 11 November 2019.
 - The development proposed is retention of resurfaced track and retention of decking and use of shepherd's hut for holiday accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The shepherd's hut is in use as holiday accommodation. The lawfulness of this is a matter of dispute between the parties. The appellants have also questioned whether the resurfaced track requires planning permission. However, these are not matters for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
3. In determining this appeal, I have not therefore taken the use of the property into account in my decision. Notwithstanding the appellants' view regarding the track, I am required to consider the scheme as a whole which I have done. The track and decking are in place. I have proceeded on this basis.

Main Issues

4. The main issues are:
 - whether or not the appeal property is suitable for a tourism related business use given its location;
 - the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to its effect on the special character of the New Forest National Park; and

- the effect of the proposed development on habitats sites¹.

Reasons

Suitable location

5. Meadow View comprises a residential property and garden, a number of outbuildings, paddocks and grazing land of around 5 acres. It is an equestrian site within a rural location on the edge of a village. The appeal site is within the New Forest National Park where the Authority seeks to support sustainable tourism and provide opportunities for enjoying the National Park's Special Qualities without compromising its purpose to conserve and enhance the National Park's natural beauty, wildlife and cultural heritage.
6. Policy SP46 of the New Forest National Park Local Plan 2019 (Local Plan) sets out that sustainable tourism development will be supported where it provides opportunities for the understanding and enjoyment of the special qualities of the National Park in a way that either enhances, or does not damage the Special Qualities. This will be facilitated by supporting small-scale development of visitor facilities and accommodation using new or existing buildings in four Defined Villages. Outside these villages visitor accommodation will be considered as part of a farm diversification scheme as outlined in Policy SP48.
7. The proposed development utilises an existing outbuilding (the shepherd's hut) stationed within the grounds of the property for holiday accommodation. The appeal site is not within one of the four Defined Villages. As such, its use as holiday accommodation needs to be considered as part of a farm diversification scheme. Policy SP48 allows for non-agricultural diversification through the re-use of redundant farm buildings and where it can be demonstrated that the new use would remain ancillary to the farming business. However, as a residential dwelling and equestrian site, the appeal property is neither an agricultural use nor a farm. The appeal building is not a redundant farm building. The requirements of this policy are therefore not met.
8. Whilst Policy DP49 of the local plan allows for the re-use of buildings outside the Defined Villages. This does not permit their use for residential purposes. The appeal site, in providing grazing for visiting horses, provides opportunities for the understanding and enjoyment of the special qualities of the National Park but this does not outweigh the harm arising from visitor accommodation in this location.
9. I conclude that the appeal property is not suitable for a tourism related business use given its location. It therefore conflicts with Policy SP46 and SP48 of the Local Plan as referred to above. It also conflicts with Policy SP17 of the Local Plan which does not permit changes of use which erode the Park's character and have a gradual suburbanising effect on it.

Character and appearance

10. Meadow View occupies an elevated site off Brick Lane which slopes downwards into paddocks and open fields forming part of the wider landholding. The shepherd's hut is located downslope from the house within a field and adjacent to a track. The site forms part of a rural and undeveloped landscape of sloping

¹ As defined in the Glossary to the National Planning Policy Framework.

open fields enclosed by mature trees. The site is visible from the surrounding landscape as it occupies an elevated position on the slope.

11. The track runs along the side of a poultry field and paddock down to the shepherd's hut and a gated field beyond. It is at least the width of a single vehicle, with a compacted gravel surface and partially bounded by a timber retaining wall. This gives it a formal and engineered appearance which detracts from the scenic beauty of the rural landscape in which it sits.
12. The evidence indicates that there has been some form of track connecting the garden area to an outbuilding and fields. From the submitted aerial images, it appears that this track was neither a prominent nor formal feature. The works to the track have significantly changed its character resulting in a visually more intrusive feature within the landscape that does not enhance the scenic beauty of the National Park. Whilst this may not be significantly different from tracks elsewhere within the area, this does not overcome the harm that arises from the width and extent of this track through the rural landscape.
13. The area of decking outside the shepherd's hut is a rectangular shape and sits slightly above the ground level. It appears as a formal and suburban feature which jars with the more rural character of the fields and landscape in which it is located. It is prominent due to its incongruity with the surrounding area.
14. I conclude that the proposed development harms the character and appearance of the surrounding area, with particular regard to its effect on the special character of the New Forest National Park. It therefore conflicts with Policies DP2, SP7 and SP17 of the Local Plan. These policies together require development to enhance local character, conserve the landscape and scenic beauty of the National Park and resists built development which results in a gradual suburbanising effect on the Park. It also does not accord with the National Planning Policy Framework which recognises the intrinsic character and beauty of the countryside and requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks.

Habitats sites

15. The appeal site lies in close proximity to the New Forest Special Protection Area (SPA) and Special Area of Conservation and the Solent SPA. I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended).
16. The increase in human population associated with the provision of visitor accommodation, in combination with other plans and projects, is likely to have a significant effect on those sites from increased recreational pressures and nutrient load. This means that, were I minded to grant planning permission, I would need to undertake an appropriate assessment to confirm that it would not adversely affect the integrity of the sites. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.

Conclusion

17. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR