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## Appeal Decision

Site visit made on 25 November 2019

**by Andrew Bremford BSc (Hons) MRICS**

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

**Decision date: 19 December 2019**

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**Appeal Ref: APP/B9506/W/19/3236857**

**Hazelhurst Farm, Flexford Lane, Sway SO41 6DN**

- 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 HCM Farm Holdings against the decision of New Forest National Park Authority.
  - The application Ref 19/00487, dated 13 June 2019, was refused by notice dated 22 August 2019.
  - The development proposed is change of use of the barn to a D2 mixed assembly and leisure use with associated parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. In their decision notice, the Authority has referred to Policies CP14, CP17 and DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010. However, on 29 August 2019, and since the application was determined, the Authority have adopted the New Forest National Park Local Plan 2016 – 2036 (2019) (LP). The policies referred to in the decision notice have now been replaced with Policies SP42, SP48 and DP2 respectively of the LP. I have determined the appeal having regard to the recently adopted policies.

### Main Issues

3. The main issues are (i) whether the business development within the New Forest National Park is appropriate having regard to local planning policy; (ii) the effect of the business development on the character and appearance of the New Forest National Park; and (iii) the effect of the business development on the living conditions of the occupiers of neighbouring properties in regard to noise and disturbance.

### Reasons

#### *Business development*

4. The appeal site comprises a large brick-built barn, access off Flexford Lane, a hardstanding area adjacent to the existing holiday lets and a gravelled area adjacent to the livery. The site sits within the wider Hazelhurst Farm complex which includes the main farmhouse, stables, ménage and paddocks. The site lies within a predominantly rural area within the New Forest National Park

outside the defined village boundary of Sway. The proposed development would change the use of the barn to D2 (Assembly and Leisure) and include 17 associated parking spaces, 11 of which would be within the courtyard adjacent to the holiday lets with the remaining 6 adjacent to the livery.

5. Policy SP42 (Business and Employment Development) of the LP states that outside defined villages, small scale employment development that helps the well-being of local communities will be permitted through the re-use or extension of existing buildings, the redevelopment of existing business use employment sites, farm diversification schemes and through home-working. It goes on to state that particular encouragement will be given to businesses that help maintain the land-based economy and cultural heritage of the National Park, or contribute to the understanding and enjoyment of the National Park's special qualities which, amongst other things, includes its historic commoning system and unique cultural heritage.
6. Policy SP48 (The land-based economy) of the LP states that land-based businesses that help maintain the overall character and cultural identity of the National Park will be supported. The supporting text of Policy SP48 states the land-based economy in the New Forest encompasses agriculture, forestry, commoning and other traditional rural businesses.
7. The appellant says that the proposed use of the barn would be run as an ancillary business to the 'Hazelhurst Farm Enterprise' and will support the existing livery and holiday let use of the site. As such, the principle uses of the barn would be to accommodate: private dining used in conjunction with the holiday let bookings; equine courses and workshops; yoga, mindfulness, meditation and other health and wellbeing workshops; farm to table cookery courses; and training and professional courses and conferences, such as corporate away days for companies to train their staff and stay on site in the accommodation.
8. In light of the evidence of support from third parties, I do not doubt that the barn, taking into account its size and proposed kitchen and toilet facilities, would be attractive to those wishing to secure a venue for the uses identified by the appellant. Moreover, I do not doubt that such uses could support the existing livery and holiday let use of the site and could potentially support the well-being of the local community given the wide scope of potential uses identified.
9. However, although the proposal would re-use an existing building it would not form part of a farm diversification scheme. Irrespective of whether the proposal entails small-scale employment, I have no substantive evidence before me to demonstrate how the business development would help maintain the land-based economy and cultural heritage of the National Park. The appellant contends that the land-based economy incorporates not solely agriculture, but the use of land and natural resources for activities such as livestock, garden markets or camping and says the proposal can support markets for local produce and products because the barn could accommodate a local farmers market as well as farm to cookery courses.
10. Although Policy SP48 of the LP identifies helping to support markets for local produce and products as one of several initiatives able to support farming and forestry that would be beneficial to the New Forest, the policy is clear that this

is in regard to land-based businesses that help maintain the overall character and cultural identity of the National Park.

11. Taking into account that the land-based economy in the New Forest encompasses agriculture, forestry, commoning and other traditional rural businesses, there is no evidence before me to show that income generated from the proposed D2 use of the barn would be re-invested into agriculture or any of the other identified land-based businesses. Therefore, it has not been demonstrated how the proposal would help maintain the land-based economy. Moreover, notwithstanding the appellant's point that the use of the barn could include a range of workshops and art classes there is no compelling evidence to explain how the development would maintain the cultural heritage of the National Park nor contribute to the understanding and enjoyment of the National Park's special qualities.
12. For the reasons outlined above, I conclude that the proposed business development would not be appropriate within the National Park. Thus, would not accord with Policies SP42 and SP48 of the LP which, amongst other things, seeks to ensure that outside defined village boundaries small scale employment development helps to maintain the land-based economy and cultural heritage of the National Park.

#### *Character and appearance*

13. The appeal site lies within an area which is characterised by open countryside with mature trees and hedgerows within the landscape. Development has a sporadic pattern and is generally situated alongside roads set within substantial plots. The special qualities of the New Forest are set out in the LP and include, amongst other things, its tranquillity to which the appeal site makes a positive contribution towards.
14. The Authority's refusal notice refers to the effect of the development on the character and appearance of the countryside; regarding appearance it refers to the "*overall physical appearance*" of the site.
15. There would be no external alterations to the barn and the internal improvements would help to ensure that the barn does not fall into disrepair. Thus, the business development, in respect of the change of use of the barn, would not in itself significantly change the appearance of the building or the site.
16. The proposal also includes a total of 17 car parking spaces, 11 of which would be located within an area of existing hardstanding behind the barn and adjacent to the holiday lets. The other 6 spaces would be on a gravelled area adjacent to the livery, behind trees, hedges and other foliage. Taking into account the number and position of the proposed car parking spaces and the screening afforded by the existing buildings and planting, the proposed provision for car parking would not significantly change the appearance of the site.
17. Therefore, for the above reasons, the proposal would not be significantly harmful to the overall physical appearance of the site, the wider area or the National Park.
18. However, the proposed hours of operation of the business would potentially be from 09:00 to 23:00 on any day of the week and the number of people the

barn could accommodate would potentially be up to 40 for dinner events. Notwithstanding the existing level of activity on the site associated with the farmhouse, the holiday lets and the livery, the combination of the hours of operation of the proposed business and potential number of people at the site at any one time, would result in an intensification of the level of activity at the site significantly greater than the existing situation. Furthermore, I consider that there would likely need to be additional staff to service the proposed business operation amounting to further increased activity over and above that of the guests, irrespective of whether they are guests of the existing holiday lets or other guests attending a separate event associated with the proposed change of use of the barn.

19. The site is located approximately 2km from the village of Sway, where there is a railway station. The settlements of Brockenhurst, Lymington and New Milton are further away again. The nearest bus stop is on Silver Street approximately 1km away. Access to these public transport facilities would be via Flexford Lane which is mainly unlit with no pavements. So, for users of the business development, walking the distances to the site from nearby settlements and from locations where public transport can be accessed would not be a safe or attractive prospect, especially during inclement weather or after dark. Therefore, in terms of accessibility, although cycling would be an option, it is likely that most of the users of the business development would be heavily reliant on the use of a private motor vehicle.
20. Taking into account the aforementioned intensification of activity at the site, and the likely reliance on private motor vehicles for access to the proposed business development, the significant number of additional vehicle movements to, from and on the site would be detrimental to the otherwise relatively quiet and peaceful rural setting. Overall, the level of activity generated by the development would therefore be at odds with and hence harmful to the predominantly rural character of the area.
21. For the collective reasons outlined above, I conclude that the proposed business development would have an unacceptable impact upon the character of the countryside to the detriment of the National Park's special qualities which, amongst other things, includes its tranquillity. Moreover, in my view, and in the absence of any evidence to the contrary, I conclude that the benefits of the proposal, in terms of the well-being of the local community, would not outweigh the harmful effect of the proposal upon the character of the National Park.
22. Consequently, in this regard, the proposal would not accord with Policy DP2 of the LP which, amongst other things, sets out to ensure development respects local character and distinctiveness. It would also not accord with Policy SP42 of the LP which sets out to ensure business and employment opportunities do not have an adverse impact on the special qualities of the National Park which includes its tranquillity.

#### *Living conditions*

23. The appeal site lies within a predominantly rural area and contributes to the special qualities of the New Forest by virtue of its tranquillity. The two closest neighbours to the site are situated 86 metres to the west of the barn and 58 metres east of the barn respectively. Notwithstanding the separation distances and irrespective of whether the proposal would be small-scale, by virtue of the

intensification of activity at the site as a result of the proposed use of the barn, including the significant comings and goings of people in motor vehicles, the development would result in increased noise and disturbance in an otherwise relatively quiet and peaceful rural location, harmful to the living conditions of the occupiers of the neighbouring residential properties.

24. The appellant has stated that he would be agreeable to a condition to carry out a noise impact assessment and make any mitigation measures necessary to reduce noise from the barn if required prior to the change of use. However, without a clear indication of the measures that could be made to manage noise from the barn or outside areas, I am not satisfied that this should be relied upon as a means to overcome the potential harm to the living conditions of the occupiers of neighbouring properties. He also says that the hours of operation could be conditioned to ensure that during unsociable hours the barn is not in use, but I have not been presented with any such alternative hours of operation. In any event, the harm that I have found in respect of noise and disturbance would not necessarily be limited to unsociable hours.
25. For the reasons outlined above, I conclude that the proposed business development would be harmful to the living conditions of the occupiers of neighbouring properties with respect to noise and disturbance. Consequently, it would conflict with Policy DP2 of the LP in so far as it seeks to ensure development proposals do not result in unacceptable adverse impacts on living conditions. It would also conflict with Policy SP42 of the LP which sets out to ensure business and employment opportunities do not have an adverse impact on the special qualities of the National Park which includes its tranquillity.

### **Other Matters**

26. The appellant has referred to his permitted development rights as a potential fall-back position, referring to Schedule 2, Part 4, Class B of the General Permitted Development Order (2015). However, Class B is for the temporary use of land for not more than 28 days in total in any calendar year and, in any event, the development is not permitted by Class B if the land in question is a building or is within the curtilage of a building, as in this case. The proposal is for permanent planning permission and at all times of the year. The reference to exercising permitted development rights is not therefore comparable to the appeal proposal.
27. I acknowledge the significant number of representations of support for the proposed business development from third parties. However, they do not outweigh my findings in respect of the appropriateness of the development in the National Park, the effect of the proposal on the character of the National Park and the effect of the proposal on the living conditions of neighbouring residential properties in regard to noise and disturbance.

### **Conclusion**

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Bremford*

INSPECTOR