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## Appeal Decision

Site visit made on 11 February 2020

by **R E Jones BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> March 2020.

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**Appeal Ref: APP/B9506/W/19/3240360**

**Land at Rear of Homestead Cottage, Southampton Road, Godshill SP6 2LG**

- 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 and Mrs Charlie Shutler against the decision of New Forest National Park Authority.
  - The application Ref 19/00496, dated 17 June 2019, was refused by notice dated 28 August 2019.
  - The development proposed is for the extension of existing stables structure to provide agricultural storage for adjacent fields.
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### Decision

1. The appeal is allowed, and planning permission is granted for the extension of existing stables structure to provide agricultural storage for adjacent fields at land at rear of Homestead Cottage, Southampton Road, Godshill SP6 2LG, in accordance with the terms of the application, Ref 19/00496, dated 17 June 2019, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: WL/SR/PA/01; WL/SR/PA/02; WL/SR/PA/03; WL/SR/PA/04; WL/SR/PA/05; WL/SR/PA/06; WL/SR/PA/07; WL/SR/PA/08.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) No development shall take place, and no site works related to the development hereby permitted shall be carried out, until details of surface finish levels, any grading/land remodelling proposed (including the method for the dispersal of the excavated material, seeding and landscaping), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 5) The trees/hedges on the site which are growing within the 'Land to the South of Homestead Cottage' and shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the recommendations as set out in BS5837:2012.

## **Procedural Matters**

2. The address I have used in the banner heading and in allowing this appeal has been taken from the application form. This differs to the address in the appeal form, nevertheless the address I have used accurately represents the location of the appeal site, and I do not consider that any party has been prejudiced in my doing so.
3. In their decision notice, the Authority has referred to Policies DP1, CP7 and CP8 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010 (CSDMPDPD).
4. However, on 29 August 2019, and since the application was determined, the Authority adopted the New Forest National Park Local Plan 2016 – 2036 (LP). The Council now considers Policies DP2, SP7, SP16, SP17 and DP50 of the LP as relevant to their determination. I have assessed the appeal having regard to these adopted policies and since they are similar to those referred to in the refusal notice neither party would be prejudiced by the consideration of the appeal on the basis of the new policies. Moreover, there is recognition by the Appellant of the LP policies, in their statement of case, and there has been an opportunity to comment on these.
5. The Appellant's appeal documents include further topographical details, sections and 3-D modelling of the proposed development. These do not alter the scheme in my view, rather they seek to demonstrate, through further visualisations, the appearance of the proposal in the landscape. The Authority and interested parties have had the opportunity to comment on this information as part of the appeal process, therefore I do not consider that anyone has been prejudiced by its submission.

## **Main Issue**

6. The main issue is the effect of the development on the character and appearance of the area, including the Western Escarpment Conservation Area (the WECA), and the New Forest National Park (the National Park).

## **Reasons**

7. The appeal site comprises an irregular shaped agricultural field located behind the residential curtilages of properties fronting Southampton Road. The field slopes gradually downhill from north-west to south east. Its western and eastern boundaries are enclosed by fencing and trees, while its southern and northern boundaries are fenced with open views beyond of surrounding fields and residential dwellings respectively. Located close to the settlement of Godshill, surrounding dwellings are visible, often constructed into the prevailing slopes that characterise the wider surroundings. The appeal site is visible from Well Lane, through a wide gated entrance and between trees that line the lane.
8. The appeal extension would project over gradually sloping ground, necessitating a raising of the ground level to accommodate a finished floor level commensurate with the existing stable building it would adjoin.
9. The site is located within the WECA, within which it is necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The site also lies within the National Park. It is therefore necessary to take account of the statutory purposes of the

designation, which include the conservation and enhancement of cultural heritage, and advice in paragraph 172 of the National Planning Policy Framework (the Framework), to give the conservation and enhancement of cultural heritage and of landscape and scenic beauty great weight in National Parks.

10. As indicated in the Western Escarpment Conservation Area Character Appraisal (the Appraisal), the significance of the CA partly lies in the distinctive historic settlement pattern, which has evolved over time in relation to the landscape of the New Forest. In sub-area F, within which the site is located, the character is formed by the settlement of Godshill and 18<sup>th</sup> and 19<sup>th</sup> century encroachment onto the Forest. An area of medieval encroachment, as demonstrated by the surviving small irregular field system, exists in the southwest of the area. Within the character area, extensive views are afforded in places across the arable land within the 18th and 19th century areas of encroachment. The significance and distinctiveness of the CA lies in the juxtaposition between the recently evolved agricultural landscape in context with the more historic Forest landscape.
11. There is no dispute between the parties that the land level would have to be built up and levelled to accommodate the footprint of the proposed extension. However, although not significant, there is disagreement as to the extent of the increase in height required. Nevertheless, regardless of which position I take, the proposed extension would, in my view, sit on an overly engineered sub-structure that would appear angular and visually jarring rising above the natural gradient and land level of the field and incongruous in the context of the sloping field's landscape setting.
12. However, I have had regard to the advice in the Planning Practice Guidance<sup>1</sup> on the use of conditions. This states that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating adverse effects.
13. In this case, I consider that a condition to re-grade the land around the extension can be applied that would overcome my concern. My assessment of the physical appearance of the field's gradient, together with the 3-D modelling and section drawings demonstrate that the land around the base of the extension can be re-graded, such that the proposed sub-structure and altered land level would assimilate comfortably into the landscape character of the field. These re-grading works, would be visible from Well Lane, surrounding dwellings and adjacent field enclosures, but would not in my view, result in significant re-modelling of the land or obvious changes to the shape and trajectory of the existing slope. Also, the proposal would ensure that the features that contribute towards the significance of the WECA are preserved.
14. I note there is concern regarding the landscape and visual effect of a new track adjacent to the appeal proposal, however, the Appellant indicates that access to it would be obtained via the existing access off Well Lane. Moreover, there is no suggestion of a newly engineered road serving the barn on the proposed sections and visualisations.

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<sup>1</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 21a-001-20140306

15. As such the proposal would preserve the character and appearance of the area including the Western Escarpment Conservation Area, and the New Forest National Park. It would therefore comply with Policies DP2, SP7, SP16, SP17 and DP50 of the LP. These policies, amongst other considerations, require that development respects the natural and built environment and landscape character. They also require developments to conserve the landscape and scenic beauty of the National Park, preserve the character and appearance of the WECA, while also requiring agricultural buildings to be commensurate with their needs and setting in the landscape. The proposal also accords with the provisions of the Framework, where they seek to protect the special qualities of Conservation Areas and National Parks.

### **Other Matters**

16. Any damage to Well Lane as a result of further movements along it would be a matter for those responsible in maintaining the lane. Whereas I consider that the proposed development would result in a modest increase in movements relative to the existing traffic that serves residential dwellings along the lane. Therefore, I have attributed limited weight to these concerns.
17. Concerns have been expressed that re-grading works would affect site ecology and the water environment, however, I have received no detailed evidence of this. Moreover, I have received no objection from the Council in this regard.

### **Conditions**

18. I have had regard to the Council's suggested conditions, amending them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework. I also sought agreement from the Appellant to the pre-commencement condition.
19. Planning permission is granted subject to conditions that relate to the standard time limit for commencement of development and a schedule of plans that the development relates to. These are necessary for the avoidance of doubt and in the interests of certainty. A condition relating to the construction of the extension in materials to match is necessary to safeguard the character and appearance of the building and surrounding area. For the same reason details of all finished ground levels and grading/land modelling of the site are required, including locations for the dispersal of excavated material. Due to the close proximity of trees to the proposed works a condition that follows the protection measures outlined in the British Standard is necessary to safeguard trees during the construction phase.

### **Conclusion**

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

*R. E. Jones*

INSPECTOR