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## Appeal Decision

Site visit made on 15 June 2020

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

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**Appeal Ref: APP/B9506/W/19/3241510**

**Land adjacent to 1 Efford Farm Cottages, Milford Road, Everton SO41 0JD**

- 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 Peter Cross against the decision of New Forest National Park Authority.
  - The application Ref 19/00597, dated 19 July 2019, was refused by notice dated 23 September 2019.
  - The development proposed is described as erection of new dwelling for use as tourist accommodation.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development in the banner heading above is that provided on the planning application form. The description used by the Authority differed insofar as it reads: 'new dwelling for use as holiday let; associated car parking; bin and bike store'. The appellant claims that this changed the scope of the proposal and that no consultation took place. However, the plans clearly show the additional elements noted by the Authority, and I see no fundamental difference between 'tourist accommodation' and a 'holiday let'. Thus, notwithstanding the differences in the description, I am satisfied that the Authority considered the development that was proposed.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, with particular regard to its location within the New Forest National Park (the National Park).

### Reasons

#### *Background*

4. The appeal site lies within the National Park, within which there is a duty to have regard to the statutory purposes of the designation, and within which paragraph 172 of the National Planning Policy Framework (the Framework) further indicates that great weight should be given to the conservation and enhancement of landscape and scenic beauty.
5. In support of the above objectives, Policy SP4 of the New Forest National Park Local Plan 2016-2036 (the LP) directs new development to sites within the

boundaries of 4 defined villages. Exceptions are allowed, which include the appropriate reuse or redevelopment of an existing building. In this context Policy SP46 of the LP allows the provision of visitor accommodation as part of a farm diversification scheme, which, as defined by Policy SP48 of the LP, would entail the re-use of redundant agricultural buildings. I acknowledge that the appellant disputes the terminology used within Policy SP48, however in my view its meaning is clear without need for any detailed analysis, and the policies above present a consistent line.

6. As the development would not involve the reuse of a building, agricultural or otherwise, it would conflict with the development plan's objective of restricting new development outside the 4 defined villages. This would be the case whether or not any present or future connection with an agricultural enterprise could be demonstrated. In this regard, the parties dispute whether any harm would be caused.

#### *Character and appearance*

7. The site is a paddock which lies at the northern periphery of a loose scatter of buildings located just off the road between the suburban areas of Pennington and Everton. These buildings fall into a number of groupings, the nearest being centred on a former farmyard complex. However, there is little sense of overall cohesion to the scatter, and there is no distinct, regular or continuous 'edge' to the developed area, which on its north side merges with a setting consisting of open grassland containing trees, fringed by woodland.
8. The shape of the paddock corresponds to that of plots belonging to 2 existing dwellings immediately to the south, and other dwellings exist to the west and north west. To both the north and the east however, the paddock abuts the open landscape. In this regard, it is apparent both on plan and standing within the site, that the paddock is a peripheral space which is not contained by the layout of existing development.
9. I note that the boundary on the north side of the paddock is demarcated by domestic-type hedging, some or all of which is of relatively recent origin. This does not appear to be in the location shown on the plan. Its character is otherwise starkly at odds with that of native hedging in the broader landscape, and in places it remains insubstantial. This allows views both out of and towards the site both into and from the surrounding landscape. These views are accentuated by undulating topography. For these reasons the distinction the hedge currently provides between the paddock and open setting to the north appears somewhat superficial in nature.
10. I appreciate that this hedge has the potential to become both thicker and taller, and that it could fully screen the proposed cabin. Be that as it may however, it would not alter the fact that development in the location proposed would entail expansion and consolidation of the existing scatter, increasing its presence within the landscape. Having regard to the broader context as outlined above, this would result in a process of suburbanisation, which would be increased by hard landscaping, by the domestic paraphernalia that would inevitably accumulate on the site, and by the hedge itself.
11. For the reasons outlined above I conclude that the development would cause unacceptable harm to the character and appearance of the area, including that of the National Park, whose landscape and scenic beauty would be eroded. It

would therefore conflict with Policies SP4, SP46 and SP48 of the LP which, as outlined above, collectively seek to restrict development within the National Park; Policies SP7 and SP17 of the LP which each seek to conserve the character of the National Park; and relevant provisions of the Framework as detailed above. Whilst the Authority also cited Policy SP19 of the LP in the decision notice, this relates to residential development as opposed to visitor accommodation.

## **Other Matters**

### *Economy*

12. My attention has been drawn to paragraph 83 of the Framework which provides support for the rural economy, and sets out a number of ways in which this can be enabled. In this context the appellant states that the development would 'ensure the long term sustainable agricultural operation'. However, as described by the appellant, this operation simply entails renting land to a local farmer and cutting hay. Though reference is also made to tree planting and forestry, the trees listed are all typically employed for domestic ornamental or hedging purposes. The exact nature and identity of the agricultural and/or forestry operation that would be supported by the development is therefore unclear, as too is the way in which the support would be realised. The development would otherwise conflict with bullet (c) of paragraph 83 on account of the harm that would be caused to the character of the countryside. Paragraph 83 of the Framework cannot therefore be considered to provide support for the development.
13. I accept that visitors to the site would be likely to spend money locally, and that this would provide some benefit to the local economy. However, the scale of such benefit would be very small. I therefore attach little weight to this as consideration in favour of the development.

### *Habitats*

14. Planning permission was partly refused on the basis that the scheme would fail to avoid or mitigate likely significant effects on the integrity of the New Forest Special Protection Area (SPA) and 'Solent SPA' when considered alone and in combination with other plans and projects. The Authority's appeal statement additionally identifies the New Forest Special Area of Conservation, and more specifically references the Solent and Southampton Water SPA. The likely significant effects would be due to increased recreational pressure and the discharge of nitrates.
15. The parties have subsequently agreed that mitigation with regard to nitrates could be secured through use of a Grampian condition. The appellant has also proposed this in relation to recreational impacts, but in this case without agreement from the Authority. Either way, neither party has addressed advice within the Planning Practice Guidance which indicates that use of a negatively worded condition to require an applicant to enter into a planning obligation or other agreement is unlikely to be appropriate except in exceptional circumstances.
16. Had I been minded to allow the appeal, and thus the circumstances existed in which planning permission could be granted, it would have been necessary for me to request further information, and to undertake an Appropriate

Assessment. As I am dismissing the appeal for other reasons, further consideration is not required.

**Conclusion**

17. The proposal does not accord with the development plan, and the harm that would be caused would not be outweighed by benefits. There are no other considerations which alter this finding. For the reasons set out above I therefore conclude that the appeal should be dismissed.

*Benjamin Webb*

INSPECTOR