



Appeal Decision

Site visit made on 10 March 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/B9506/W/19/3243497

Langford Farm, Paradise Lane, Woodlands SO40 7GS

- 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 Carlile against the decision of New Forest National Park Authority.
 - The application Ref 19/00646, dated 7 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is the change of use of the Pavilion to provide equine bed and breakfast facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development plan, in respect of the approach to the location of visitor accommodation, would support the proposed use, and
 - the effect of the development on the Solent and Southampton Special Protection Area.

Reasons

Whether the development plan, in respect of the approach to the location of visitor accommodation, would support the proposed use

3. Policy SP46 of the New Forest National Park Local Plan 2016-2036 (the Local Plan) sets out the approach to sustainable tourism development across the plan area. The site is not located within one of the four Defined Villages and the policy requires that outside these villages visitor accommodation will be considered as part of a farm diversification scheme.
4. In this case, the site is predominantly an equestrian enterprise and the proposed reuse of the pavilion building for equine based bed and breakfast accommodation would not form part of a farm diversification proposal. Consequently, the proposal would not meet the approach to the location of new visitor accommodation as set out in the Local Plan.
5. In these circumstances, I conclude that the development plan, in respect of visitor accommodation, would not support the use of the building for the proposed equine bed and breakfast facilities in this location and therefore it

would conflict with Policy SP46 of the Local Plan which seeks, amongst other things, to set out the strategy for the location of visitor accommodation in the National Park.

6. The reason for refusal also cites conflict with Policy DP45 of the Local Plan which concerns extensions to non-residential buildings and uses. While the policy does seek to maintain non-residential uses and buildings, in this case the pavilion building is not proposed to be extended and the local planning authority do not set out in detail the harm which would result from the use in relation to the policy criteria. I am not satisfied, based on the evidence, that there would be a clear conflict with this policy, notwithstanding my findings above regarding the conflict with the development plan in respect of the approach to the location of visitor accommodation.

The effect of the development on the Solent and Southampton Special Protection Area

7. The evidence indicates that the site lies within the recreational zone of influence of the Solent and Southampton Special Protection Area (SPA) and therefore it would be necessary for new visitor accommodation to mitigate the effects of residents on the SPA and its special qualities. Policy SP5 of the Local Plan explains that a contribution to the Authority's Habitat Mitigation Scheme and/or the Solent Recreation Mitigation Partnership's Scheme will enable developers to ensure that mitigation measures are secured for the recreational impacts of their development.
8. In this case the appellant has indicated a willingness to make a financial contribution of the agreed amount via a Unilateral Undertaking (UU) to secure the mitigation. However, no completed UU or other secure mechanism is before me. In these circumstances, I am unable to conclude that the proposal, either alone or in combination with other schemes, would not have an adverse effect on the integrity of the SPA. I am not aware of any overriding public interest which would justify permitting the proposal or that there are any alternative solutions which would have no or a lesser effect on the integrity of the protected site. Consequently, in accordance with the Conservation of Habitats and Species Regulations 2017, I conclude that planning permission cannot be granted.
9. Accordingly, the scheme would not meet with Policy SP5 and SP6 of the Local Plan and the National Planning Policy Framework (the Framework) which concern the protection of nature sites of international importance and the natural environment.
10. I also note the Council's evidence sets out that Natural England has recently advised that there is uncertainty as to whether further housing and visitor accommodation development will adversely impact the protected habitats of the Solent due to increased levels of nitrates entering the system. It is explained that the potential impacts from nitrates should also be assessed and that the Council consider this could potentially be resolved in the future such that a Grampian condition could be attached to any approval. However, in the light of my overall conclusions I do not need to consider this matter further.

Other Matters

11. The site lies within the Forest North East Conservation Area (the CA). The significance of the CA includes its gently undulating historic rural landscape with some sporadically located properties and settlements. I am mindful of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a Conservation Area. The proposal would reuse an existing building amongst a group of buildings and yard areas. The main external change to the structure would be the addition of a window. In these circumstances, the scheme would preserve the character and appearance of the CA and not affect its significance.

Planning Balance and Conclusion

12. The wider site contains a range of other uses including the use of the manège for shows and events for up to 28 days per year, which is explained can be quite sizeable in the number of attendees, and a business use of one of the adjoining barns for the manufacture, retail sale and hiring out of equestrian show jumps. The pavilion is used as a club house for events and this use would cease were the proposal to be approved.
13. The information before me is that a planning application is still to be determined to vary the condition attached to the manège to potentially allow its use for equestrian clinics. If approved the appellant indicates that this would reduce the potential disturbance, overall traffic movements and impacts compared to the present situation. Also, the appellant has indicated that the manufacturing and associated use of the adjoining building would be surrendered by a planning agreement and this would offset any impact arising from the proposed bed and breakfast use of the pavilion.
14. However, I do not have a planning agreement before me to surrender the manufacturing use. The pavilion is used in part in association with the manège and at the present time the potential use of the manège is not resolved. Consequently, the range of measures that the appellant indicates should influence the overall planning balance in favour of the scheme have not been secured.
15. Looking at the proposal itself, the bed and breakfast use would help support the local economy both through visitors to the area and staff who would help with the use. I have taken into account the information that there are very limited similar facilities in the area and that the equine bed and breakfast facilities could help meet a local tourist need. The proposal would reuse an existing rural building on a previously developed site and there would be no loss of agricultural or other land. The use would take place in conjunction with the main house thereby limiting some traffic movements and operate as a single planning unit. Accordingly, there would be some broad support from the Local Plan policies in the respect of promoting the rural economy and land based businesses, and from the Framework which also seeks to enable the development and diversification of land based rural businesses.
16. I consider that the overall benefits of the bed and breakfast accommodation would be likely to be reasonably minor to the local area because of their extent and therefore I afford the benefits limited weight. These benefits would not outweigh the harm arising from the conflict with the development plan policies for the location of visitor accommodation and with the harm to the SPA. The

totality of harm is a matter of substantial weight. It is such that the proposal would not comply with the development plan when considered as a whole and there are no other considerations which outweigh this harm.

17. For the above reasons, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR