



Appeal Decision

Site visit made on 6 July 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/B9506/W/20/3244637

The Bumbles, Ringwood Road, Woodlands, Southampton, Hampshire SO40 7GX

- 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 D Folkes against the decision of New Forest National Park Authority.
 - The application Ref 19/00659, dated 17 August 2019, was refused by notice dated 20 November 2019.
 - The development is described as "to remove waste rubble, soil and clay left by previous owners to reinstate original level. Install land drainage to remove excess water off the track into our existing ditch, lay 20mm shingle to help drainage, stop potholes, mud and make area more pleasant for ourselves and neighbours to use. Plant a row of laurels to soak up excess water."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of development is taken from the application form. The Authority has used a different wording on its decision notice, but there is no record that this was agreed with the applicants.
3. The appellants have asked me to consider Revision A of the Block Plan which deletes the lighting and the railway sleepers on the east and west boundaries. Consultation has already taken place on the wider development and therefore no party would be prejudiced by my determining the appeal against amended plans showing a scheme of reduced scope. I have proceeded on that basis.
4. The development was substantially complete at the time of my site visit. I have determined the appeal on the basis that planning permission is being sought retrospectively for the works, with the proviso that the bollard lighting could be removed, and the area around the hardstanding replanted with native species.

Main Issue

5. The main issue for consideration is the effect of the development on the character and appearance of the area, having regard to the location of the site within the New Forest National Park.

Reasons

6. The site forms part of a treed verge which separates 'The Bumbles' from the A336. It incorporates part of the unsealed and unadopted track which provides access to the appeal property and several other bungalows. The appellants concede that the land lies outside of their residential curtilage but explain that it has been used historically for occasional and informal parking of vehicles, turning of vehicles, and storage of materials, including building rubble and waste.
7. It is argued that these uses have become lawful by the passage of time, but there is no Certificate under s191 of the Act to establish this. The photographic evidence before me shows the position at brief snapshots in time but it does not conclusively demonstrate that a material change of use has occurred. Indeed, some of the Google Street View imagery shows the site with a distinctly rural character, which is reflective of the track as a whole.
8. The works that have been carried out include the clearance of debris and installation of land drainage, together with resurfacing of the track and the placement of sleepers along the northern boundary. The whole area has been levelled and consolidated. It was initially surfaced using shingle, as shown within the photographs attached to the Authority's statement, but this material has since been removed.
9. The appellants advise that they have no intention of using the area for parking, or as part of their driveway or garden. However, the land has the appearance of a parking area and there is no physical mechanism to prevent it being used as such. The development encourages delivery drivers, tradesmen and casual visitors to park on the land, rather than entering the driveway.
10. I understand that the works were intended to reduce surface water flooding on the track and improve the appearance of the site by removing waste material. However, this has been at the expense of the verge's rural character which has been significantly eroded. The appellants have offered to replace the laurel bushes and domestic shrubs at the edges with native planting. This would give the development a more natural setting and soften the appearance of the sleepers, but it would not assist in greening-up the hardstanding; this would maintain a formalised and quasi-suburban appearance.
11. Although the A336 at this point has column lighting, the track in front of the appeal property has historically been unlit. I am told that the bollard lighting was deliberately chosen because of its lower impact. Notwithstanding the existence of security lights on at least one of the bungalows, the bollards are alien to this location and the lighting within the verge, albeit more subtle than halogen spotlights, is detrimental to its intrinsically dark character. The fact that the lighting is controlled by a sensor which detects movement on the driveway does not justify lighting outside of the residential curtilage.
12. The appellants contend that the development is acceptable on the basis that it cannot be seen from the road and is within 200 m of the National Park boundary. It is further argued that this location is more urban than other parts of the New Forest National Park, and that the Authority would be able to resist inappropriate proposals elsewhere. However, as a nationally designated landscape the whole of the National Park is given the same level of protection and this does not differentiate on whether or not a site is publicly visible.

13. The New Forest National Park Landscape Action Plan (2013) identifies the key issues facing the National Park landscape and identifies piecemeal encroachment, suburbanisation and the erosion of the dark night skies in amongst some of the themes. One of the actions is to resist the temptation to 'tidy up' verges. Individual small scale developments such as the appeal scheme may seem insignificant to some, but cumulatively they can erode the landscape character which makes the National Park distinctive. I have therefore attached great weight to the harm arising from the appeal scheme, in line with Government policy set out in paragraph 172 of the National Planning Policy Framework.
14. The Authority does not contest the need to improve drainage on the track. Having considered the submitted photographs, I accept that some works were warranted. Full details of the drainage system have not been provided. However, there is no substantive evidence to demonstrate that this extent of hard surfacing was reasonably necessary to address potholes and flooding on the track. Provided that the works are carried out carefully, the proximity of trees would not prevent the works from being reversed and the land reinstated and planted as verge. Based on the information provided, there is no reason why this solution would prevent the track from draining.
15. Conditions could require the removal of the lighting and a native planting scheme. However, I conclude that even in its amended form the development would be harmful to the character and appearance of the area. It is contrary to Policies DP2 and SP7 of the New Forest National Park Local Plan 2016-2036 (LP) insofar as these seek to enhance local character and distinctiveness, and conserve the landscape and scenic beauty of the New Forest National Park. Furthermore, the scheme is in direct conflict with LP Policy SP17 which states that development should not individually or cumulatively erode the Park's local character or result in a gradual suburbanising effect in the National Park.

Other Matters

16. The appellants consider that had the Authority been more positive and proactive during the application a solution may have been reached. The option of discussion still exists, but it does so outside of the appeal process.

Conclusion

17. For the reasons given above and having regard to all other matters raised, including the representations of support from the parish council and neighbours, I conclude that the appeal should fail.

Robert Parker

INSPECTOR