



## Appeal Decision

Hearing Held on 29 April 2021

Site visit made on 30 April 2021

**by L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> December 2021

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**Appeal Ref: APP/B9506/W/20/3256917**

**Broadhill Cottage, Broadhill Lane, Blissford, Fordingbridge SP6 2JH**

- 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 Jonathan and Angela Jackson against the decision of New Forest National Park Authority.
  - The application Ref 20/00068, dated 29 January 2020, was refused by notice dated 12 May 2020.
  - The development proposed is described as replacement dwelling and retention of garage outbuilding with alterations.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, the main parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments received have been addressed within the appeal decision.
3. A garage has been built on the appeal site in the location shown on the submitted plans. The appeal scheme seeks its retention with alterations, including to the roof form and doors. Therefore, in the header above I have used the description from the Authority's decision, which more accurately describes the proposal. Due to the amount of alteration proposed, I have considered the appeal on the basis that the garage has not yet been constructed as proposed.
4. The designs of both the proposed dwelling and the proposed garage were amended during the application process. However, the appellants have requested that I consider the appeal based on the amended dwelling design but the original garage design. The original garage drawings show a part hipped roof and two rooflights; as amended it would have a hipped roof with a flat central section. The amended drawings are therefore materially different to the original submission in terms of the scale and appearance of the roof.
5. The Procedural Guide<sup>1</sup> is clear that it is important that what is considered by the Inspector is essentially what was considered by the local planning

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<sup>1</sup> Procedural Guide: Planning appeals – England 13 October 2021, Paragraph M.2.1

authority. Both sets of plans were subject to public consultation and representations were received. However, although the appellants highlighted the request to revert to the original drawings in their appeal submissions, I cannot be certain that all interested parties would have been aware of it. Therefore, interested parties would have a reasonable expectation that the appeal would be determined on the latest set of drawings, and those on which the Authority reached its decision. As such, if I were to revert to the earlier drawings in this appeal, that might deprive those who would have wished to comment on the change of the opportunity of doing so. Moreover, there is no site plan before me that shows the original garage proposal with the amended dwelling design. Consequently, I have considered the appeal based on the amended drawings for both the dwelling and garage.

6. Some of the appeal submissions refer to Mr Holloway, who is the landowner, as the appellant. At the hearing the main parties confirmed that this was an error, and the appellants are Mr and Mrs Jackson. Mr Holloway gave evidence at the hearing however, which I refer to below.
7. Shortly before the hearing the appellants provided a further witness statement from Mr Holloway, which sought to address a representation from Mr Scutt, an interested party who had some involvement with the site at an early stage. The appellants were concerned that Mr Holloway might not be able to attend the hearing due to health concerns, so sought to have the written response accepted as late evidence. Given the circumstances, and the importance of Mr Holloway's evidence to the proceedings, I accepted this. Subsequently I also accepted a subsequent representation from Mr Scutt, which directly responded to Mr Holloway's witness statement and the factual information therein, and did not introduce substantive new information. The matters raised in this evidence were discussed at the hearing and therefore I am satisfied that no parties were prejudiced by my accepting it.
8. At the hearing I asked for views on whether a split decision could be issued if I were to find one element of the proposal acceptable but not the other. I have considered the parties' views on this matter when making this decision.

### **Main Issue**

9. The main issue is the effect of the proposal on the character and appearance of the area, including the Western Escarpment Conservation Area (CA), and the New Forest National Park (NP).

### **Reasons**

#### *Statutory duties and policy context*

10. The statutory purposes of the NP are to conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest and to promote opportunities for the understanding and enjoyment of the special qualities of the area by the public. Framework paragraph 176 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. The conservation and enhancement of cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within these designated areas should be limited.

11. Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. The Framework sets out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. It goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It further requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
12. Policy DP2 of the New Forest National Park Local Plan 2016-2036 (LP) requires new development proposals to demonstrate high quality design and construction which enhances local character and distinctiveness. Policy SP17 does not permit built development which would individually or cumulatively erode the NP's local character or result in a gradual suburbanising effect. Policy DP37 lists several criteria to be met for domestic outbuildings, including that they are proportionate and clearly subservient to the dwelling they are to serve. These policies are consistent with Framework policies requiring good design and safeguarding National Parks.
13. Policy DP35 allows for replacement dwellings where they meet certain criteria. Paragraph 7.78 of the supporting text to the Policy states that it does not apply to former dwellings that have been abandoned, including where the dwelling has been allowed to deteriorate to the extent that residential re-use would involve what would amount to rebuilding. At the hearing the main parties agreed that the criteria for abandonment had not been met and the Authority did not seek to pursue dismissal on that basis. Policy DP35 therefore remains relevant to this appeal.
14. Policy SP16 requires proposals to protect, maintain or enhance nationally, regionally and locally important sites and features of the historic and built environment, including local vernacular buildings and, where appropriate, help secure a sustainable future for those heritage assets at risk. It supports proposals that conserve or enhance the significance or special interest of both designated and non-designated heritage assets; and seeks to resist proposals that harm significance or special interest, unless outweighed by the public benefits of the proposal. As such, the Policy is consistent with the Framework policies on heritage assets.
15. Although not listed in the Authority's reasons for refusal, the Statement of Common Ground states that LP Policy SP1 is also relevant. That Policy supports sustainable development and I have had regard to it in this decision.

*The cottage and Conservation Area*

16. The Western Escarpment Conservation Area Character Appraisal (the Appraisal) sets out that the significance of the CA lies partly in its distinctive historic settlement pattern, which has evolved over time in relation to the landscape of the New Forest and which has formed the basis for the development of built areas as they are today. It is a long, linear area through the Forest, mainly rural with scattered settlements. The CA also derives significance and distinctiveness from the large number of vernacular buildings, including many locally listed buildings. The appeal site lies within character area G, which comprises very widely dispersed and isolated historic built development which

- has developed over centuries, and large areas of arable land. The Appraisal identifies that many cob cottages and hovels were constructed during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries on the edges of heaths and commons.
17. Broadhill Cottage is located adjacent to a small lane within a rural setting. The principal part of the building is constructed from cob, part of which collapsed at the end of 2018. It has a two-storey extension of some age, along with more modern single storey additions, which are largely still standing. Historic mapping indicates it was not present in 1840 but that there was a building on site by 1871 and extended by 1897. Originally it would have been a small cottage or hovel, possibly thatched in common with other such cob buildings locally, but that is not clear from its construction and until its collapse it was tiled.
  18. The siting of such hovels on the edge of the forest is typical in other parts of the Forest but not in this area. Although there are now more modern dwellings nearby, the appeal site still stands slightly apart from them, which is consistent with the historic settlement pattern in this character area of the CA. The Authority advises that the cottage occupies a unique position on the lane and that such small cob cottages are increasingly rare in the NP and particularly in this part of it. These factors contribute to its historic significance.
  19. Although extended, until the collapse the cottage still retained its modest scale and informal architectural appearance. At the hearing, interested parties provided details of the interior, including an inglenook fireplace with adjacent bread oven, an indication of how people lived in these properties. The extensions to some extent obscure the original cob form, but also reflect the local historic trend of improving small cob cottages or hovels over time. They are therefore of some historic and cultural interest in themselves, particularly the two-storey extension given its age. Further unsympathetic changes such as the machine-made clay tiled roof and pebble-dashed exterior mean that the cottage may not have been a particularly good example of such properties in the CA or NP before the collapse. However, those changes again reflected the aims of raising the status of the building from its very modest origins, and were capable of removal or alteration. Therefore, I do not consider that the alterations and extensions seriously eroded the historic form and value of the cottage.
  20. Consequently, before its collapse, Broadhill Cottage was a rare example of a later cob hovel and was of local, vernacular and cultural interest. For these reasons, it made a positive contribution to the significance of area G and the CA as a whole and to the cultural heritage of the NP.
  21. The Planning Practice Guidance (PPG) sets out that non-designated heritage assets (NDHA) are buildings or other features identified by plan-making bodies as having a degree of heritage significance. The Authority adopted a local list of buildings of local interest following surveys carried out in 2008 and 2009 and included the appeal property on that list, based on an external visual assessment. It was therefore an NDHA at that time.
  22. The condition of the cottage had deteriorated by the time of Mr Holloway's purchase, for reasons which I return to below, however condition is not wholly determinative of significance. Much of the historic fabric and form remained albeit in poorer condition than when surveyed. The evidence before me indicates that it was still on the local list at that time, although this was only

represented through online mapping. The Authority has since published a written list on its website, with the property still included. Given its rarity and age, I consider Broadhill Cottage was still an NDHA at the time of Mr Holloway's purchase, contributing positively to the CA and NP, and was still of moderate significance despite its condition.

23. The front wall and roof of the property collapsed at the end of 2018, and part of the cob side wall and chimney breast have since fallen in. The appellants suggest that it should no longer be on the local list due to its current condition, however that is a matter for the Authority when it reviews the list, which it is intending to do in the near future. It is not an option available to me, in determining this appeal, to remove it from the local list, nor is it for me to consider whether other properties should have been included on that list. Nevertheless, due to the change in its condition, the Authority's local list is not based on up-to-date evidence in respect of this cottage. Its current condition is therefore relevant to its significance.
24. Parts of the rear and side cob walls remain, as do the various extensions. Therefore, I agree with the findings of the Inspector for a previous appeal<sup>2</sup> that substantial remnants of the building remain on site, albeit in poor condition. The collapse and loss of the chimney, roof timbers and roof structure have clearly diminished the significance of the cottage. Nonetheless, given the amount which survives, the scale and plan of the cottage, the cob central section and its various enlargements over time can still be appreciated. Consequently, there is still evidence of what it was, how it stood, how it was altered over time and its relationship to the lane and other properties.
25. Therefore, and due to its age and rarity, even in its current condition Broadhill Cottage retains some historic and architectural value and significance, albeit very modest. Accordingly, I find that it should still be considered as an NDHA.
26. For the reasons set out above, the cottage still makes a slight positive contribution to the understanding of the history and character of area G and the CA as a whole, and to the cultural heritage of the NP. However, in its current condition the building does not contribute positively to the appearance of the CA. Furthermore, if it remains unprotected and continues to deteriorate this contribution is likely to diminish over time.
27. It is proposed to demolish and replace the cottage, therefore I have a statutory duty to consider the effect of this on the CA and NP and, having regard to the Local Plan and the Framework, the effect on the NDHA. I first need to establish whether, as the Authority contends, the current condition of the building is a product of deliberate neglect. If so, Framework paragraph 196 directs that the deteriorated state of the heritage asset should not be taken into account in any decision. The PPG explains that where there is deliberate neglect of a heritage asset in the hope of making consent or permission easier to gain the deteriorated state of the asset should be disregarded.

*Whether the condition of the cottage is the result of deliberate neglect*

28. A structural survey was carried out in August 2018, a few months before the collapse, in order to support a previous proposal to demolish and replace the cottage. This identified long-term structural issues and ongoing deterioration

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<sup>2</sup> APP/B9506/W/19/3224988

- due to building works undertaken during the previous owner's occupation. These included removal of parts of the roof structure, damage to the walls and removal of the timber mantelpiece which supported the cob chimney breast. Historic movement of the front elevation and a bow in the front cob wall were evident, due to roof spread. Subsidence and movement were also identified, along with rat damage, surface water and drainage issues.
29. Mr Scutt, a cob specialist, visited the site in early October 2018 and noted modest historic movement and roof and window alterations causing issues. Subsequently, following discussion with the Authority's Conservation Officer, parts of the concrete render were removed to inspect the condition of the cob. This led to much more falling off and the porch and windows falling in as they were unsupported, revealing large areas of cob. A cob condition survey by another specialist, Colin Clark Builders, in mid-October 2018 identified major cracking and movement of the cob, including a 15 degree lean of the front wall. The cement render, rising damp and internal concrete floors were identified as having weakened the cob's stability, with the alterations to the building having added to the issues.
30. The condition of the building at that time was clearly poor as a result of these historic factors, which occurred over many years. The evidence before me also suggests the condition of the cottage deteriorated over the months it was unoccupied, before Mr Holloway's purchase. Neither the current owner nor the appellants can be held responsible for this historic deterioration. When advertised for sale the cottage was considered by the estate agents to be structurally unsound and dangerous and it was subsequently removed from the Council Tax register.
31. The structural report set out that if not remedied, the identified problems would cause continuing progressive damage to the property. Recommendations were made on what was needed to repair the cottage to ensure it would be structurally sound and safe for habitable accommodation, caveated in terms of potential cost. Further recommendations were also set out in the cob report.
32. At that time the owner was pursuing a planning application to demolish and replace the cottage. I therefore consider it was reasonable that he would have only sought to prevent further deterioration and maintain the 'status quo' until that application was determined. There was no obligation on him to improve the condition of the building or to undertake different building works to those he was seeking permission for. Nevertheless, there was considerable professional advice available to him about what could be done to stabilise the building in the meantime.
33. In terms of the recommendations, I accept that replacing the concrete render with limewash was not feasible until the cob had been repaired, where that was possible, and that attempts made to address rat damage were not successful. From the evidence before me it is also likely that much of the render was no longer fixed to the walls so would have been very difficult to support, indeed parts had already fallen off before attempts were made to investigate further.
34. However, the owner confirmed at the hearing that nothing was done to deal with the surface water issues. Furthermore, attempts to cover the exposed cob with plastic were only undertaken for a limited time. In my view these were significant failings given the appellants detailed evidence of the extent of damage and movement of the cottage resulting from water ingress and

drainage issues. While there would have been a cost associated with dealing with these matters there is no evidence before me that they would have been prohibitively expensive.

35. The owner installed tie beams in the roof and internal props to support the ceilings, roof and a window. From the evidence before me, much of which was not before the previous Inspector, I am satisfied that these measures were a genuine attempt to take pressure off the walls and delay further progress of the lean of the front wall. However, their impact was limited and ineffective as the lean continued and no substantive further action was taken.
36. I am mindful that the cob report recommended that the front wall be removed due to the extent of damage and movement, and from the structural report and Authority's Building Control comments it is apparent that it would have been very difficult to stabilise and retain. Furthermore, it was recommended in both reports that the roof be removed. Consequently, some loss of historic fabric would likely have been needed in order to attempt to stabilise the building. These works would have been part of the demolition had this subsequently been approved. However, it has not been demonstrated that this could not have been achieved in a controlled manner, while protecting the rest of the building. There is therefore no compelling evidence before me that the uncontrolled collapse, and the extent of damage to historic fabric that resulted, was inevitable.
37. The various reports set out that repairing the building and returning it to a habitable state prior to its collapse would have been difficult and costly, but none said it would be impossible. The structural report sets out what would need to have been done, and only states that justification for the retention of the building on structural grounds would not be present if the cost of enabling residential occupation would be prohibitive. The cob report sets out that repair would be very structurally challenging and at very considerable cost and impractical and not viable economically. However, it does not explain the figures used to reach this conclusion.
38. Costings for retention/refurbishment of the cottage have been submitted, prepared in 2018 by the owner prior to the collapse. It was confirmed at the hearing that they were based on the recommendations of the structural report to increase the roof and ceiling heights, works which the Authority accepts are necessary to provide adequate internal head room. However, the description in the costings does not follow the other recommendations of that report, such as underpinning, rather it refers to removing the roof and then all of the walls one by one, effectively replacing the whole building rather than refurbishing it. An estimate of the cost for replacing the cob is given, but there are no details of how this was calculated.
39. Further costings prepared by a quantity surveyor in 2020 have been submitted. The accompanying letter states that the refurbishment costs were based on rebuilding to the survey drawing of the cottage before its collapse, but the details include an increase in building height. They incorporate some of the work suggested in the structural report such as underpinning, and propose to retain and strengthen all but the front cob wall. They are therefore more detailed and specific than the 2018 version, and calculate a lower total build cost. No assessment of the cost of any replacement cob is given, stating it would not be possible to build in cob due to a lack of skills. This statement is

not however supported by any evidence from the surveyor, or from the two cob experts involved with the site and I therefore afford it little weight.

40. I have been provided with a valuation from a local estate agent based on the cottage having been refurbished prior to its collapse, or extended in an unspecified way to 1080 square feet. A range of values is given, with the 2020 refurbishment costs sitting towards the top of that range. This would suggest that the existing use value of the site would be very small or potentially negative if unexpected costs were incurred during the works. An interested party suggests that the site value would be considerably higher, based on other properties that have sold in the area, however I do not have sufficient detail of those to know if they are comparable to the appeal site.
41. Notwithstanding this, the valuation is from June 2020 and there is no more up-to-date version before me, so I cannot be certain that it reflects the current market. Furthermore, the valuation assumes that the original ceiling heights and poor-quality kitchen extension would have been retained, which it indicates would make the resulting building unattractive to purchasers. Consequently, it is not based on the same proposed end result as the 2020 costings. For these reasons I do not consider it a reliable indicator of the value of the refurbished dwelling. Nor does the estate agent say anything to support the appellants' suggestion that a cob property would be more expensive to maintain and would not be saleable.
42. Having regard to the PPG, I cannot take into account the owner's purchase price when considering viability. Without a robust valuation that relates to the same scheme as the costings, it has not been demonstrated that the cottage was beyond viable repair prior to its collapse.
43. Accordingly, I find that the owner did not take reasonable steps to address the progressive decline in the condition of the cottage prior to its collapse, based on the professional advice available to him. While I recognise the owner's professional opinion was that the building was not capable of repair and that it would not be viable, the evidence before me does not support this conclusion. In my view this indicates a conscious decision to allow the deterioration to continue, albeit slightly slower than might otherwise have occurred.
44. Moreover, since the collapse very little has been done to protect the remaining parts of the cottage. This has led to further deterioration, in particular the collapse of the chimney breast and water ingress into the remaining cob walls. The owner advises that he initially attempted to cover the debris and building with tarpaulins but gave up as they got torn, blew away, could not be anchored and there were safety issues. He therefore states that he felt there was little more he could do. I appreciate the health and safety issues of working on the site and the owner's concern about causing further damage, or being held to have done so. However, that does not explain why the building could not have been enclosed and secured to protect against the effects of the weather and water ingress, without disturbing the standing walls and debris.
45. While the appellants' heritage statement suggests that it was not possible to further protect the remnants from further damage, no explanation is given for this conclusion. In any case, that report dates from January 2020, over a year after the collapse, and therefore does not explain why nothing substantive was done in the interim period.



46. The appellants suggest that repairing or reinstating the cottage following its collapse was not possible or viable and would not have been good conservation practice. However, given the heritage value ascribed to the remaining building by both the Authority and the previous Inspector, this does not justify the decision not to take any further action to seek to protect the remaining building while discussing further options for the site.
47. Furthermore, there are no detailed assessments before me of the current structural condition of the building, whether it would be possible to repair it, the extent of work necessary to achieve this, or the cost of doing so. I therefore cannot be certain that the work needed would be comparable to what was required before the collapse, as the owner suggested at the hearing. There is also no scheme before me of what such a refurbished building would look like, taking into account the necessary changes to head heights. Therefore, it has not been demonstrated that so little of the historic fabric could be saved that the work needed would be equivalent to a new build. Nor has it been demonstrated that it would be necessary to build back the previous problems, given the Authority's acceptance of a degree of change, or that refurbishing what remains would result in an inappropriate pastiche of the original.
48. The quantity surveyor suggests that any attempt to restore the existing cottage would be a high-risk strategy that may fail, and would cost substantially more money than the new build proposed, however this is not based on any detailed assessment or specification of the works needed. Consequently, it has not been demonstrated that repair of the current building would not be viable.
49. Overall, therefore, there is no compelling evidence before me that the owner or appellants have made any substantive effort to prevent further deterioration since the collapse. Given the owner's statements on this matter, I consider this to have been a deliberate decision, and it is one which weighs heavily against the appellants' contention that there is no evidence that the building was allowed to deteriorate.
50. Since the owner's purchase of the site, several applications have been made to demolish and replace the cottage. However, despite the refusals and dismissed appeal there is little evidence before me that any other options have been considered other than to produce the 2020 costings. In the submitted correspondence with the Authority since the refusal of the appeal scheme, the appellants or owner sought advice on a way forward for the site, but this related only to finding a solution for a replacement dwelling and the unauthorised garage. The Authority's strong response on the principle of a replacement dwelling appears to have resulted in something of a stalemate between the parties. Nonetheless, during the interim period nothing further has been done to protect the building or improve the site by the owner, appellants or the Authority.
51. I recognise that the concept of deliberate neglect is a serious accusation, and that there is and should be a high bar to reach such a finding. In my view it would be unreasonable to conclude deliberate neglect simply because attempts to preserve the property were unsuccessful. I also recognise that even if the professional recommendations had been followed part of the historic fabric would still have been lost. However, in this case, while the owner took some action in good faith to try to address the stability of the front wall, little else

was done. While there were practical and financial reasons for not undertaking some of the recommendations, there is no justification before me of why others were not pursued. Consequently, I find that the factors set out above demonstrate a failure to take reasonable steps to prevent further deterioration of the cottage both before and, most significantly, after its collapse, and that deliberate choices were made not to take further action.

52. Additionally, the deteriorated condition of the cottage and the poor state of the site as a whole are a key part of the appellants' case for a replacement dwelling and a key reason for public support for the appeal proposal. Enhancement of the visual amenity of the site and consequent benefits to the CA, NP and local community have been put before me as public benefits of the scheme. It is also suggested that a replacement dwelling is the way forward to return the site to occupation, however for the reasons above that has not been demonstrated. The appellants also suggest that the site will be left to deteriorate further if this appeal is dismissed, indicating no intention to protect the building in future.
53. Accordingly, having regard to the totality of the evidence before me, I find that since the owner bought the site there has been deliberate neglect of the NDHA in the hope of making permission easier to gain. As such, paragraph 196 of the Framework is engaged and the deteriorated state of the asset must be disregarded in my decision. Therefore, the collapse of the building and its subsequent further deterioration cannot be considered a reason for granting planning permission for demolition and replacement of the cottage.

#### *Effect of demolition of the cottage*

54. The proposal would result in the total loss of an NDHA of moderate significance and most if not all of its historic fabric, as although the submitted plans suggest re-using some materials, I was advised at the hearing that there was nothing now to salvage. While some loss of historic fabric would be likely even if it were repaired, for the reasons set out above it has not been demonstrated that this would be as great as with the complete demolition proposed. Therefore, the proposal would result in substantial harm to the NDHA.
55. The loss of this local vernacular building and its historic and cultural significance would harm the character of the CA, resulting in less than substantial harm to the significance of the CA as a whole. It would also diminish the cultural heritage of the NP, and would therefore conflict with its statutory purposes. It would result in the loss of a dwelling that makes a positive contribution to the historic character and appearance of the locality. Therefore, the principle of a replacement dwelling would not be supported by LP Policy DP35.

#### *Effect of the proposed garage*

56. The garage is situated at the level of the lane, lower than the cottage, with a parking area in front. The proposal would reduce the bulk and massing of the roof and improve the doors, but would not reduce its footprint, therefore it would still be substantial in size. Although at a lower level than the cottage, even with the reduced roof now proposed, the proposed garage would be a significant visual presence from the narrow, unmade lane. This would only be partially screened by the trees and boundary of Stretton House.

57. In terms of its scale, size, height and massing, the garage as proposed would be disproportionately large in relation to the modest dwelling it would serve, and therefore would not appear subservient to it. The flat roof element would be evident from public views and would appear distinctly out of character with the pitched roof of the proposed cottage and development in the surrounding area. Therefore, the roof form would appear contrived and out of place.
58. Due to the position of the garage, there is very little room for the proposed planting between it and the lane to grow to any meaningful size. In any event, such planting would not screen views of the front of the garage on approach to the site, so would have a very limited impact on its perceived scale.
59. The appellants contend that the garage would be lower and smaller than a previous garage and outbuildings on site and would improve the appearance of the site in comparison. However, those other buildings have already been demolished, and in any event were at the other end of the site to the current garage. Therefore, it is not possible to compare or offset them with what is now proposed.
60. There are other garages in the area closer to the road than the associated dwelling, including one under construction at Stretton House, therefore this relationship is not unusual locally. However, they are generally proportionate and subservient in size and scale to the host dwelling, and are seen in a different context to the appeal proposal, with significantly more built development around them. The garage at Stretton House will be set behind the boundary hedge and as such relatively well screened. The garage at Blackfoot is tall and large in relation to the associated dwelling, however it is seen in conjunction with a sizeable building opposite, which is not the case for the appeal site.
61. I was also advised at the hearing that those garages were permitted under the previous development plan, which did not include a criterion for outbuildings to be subservient. Therefore, the context in which the other examples are seen and the relevant policies when they were permitted are different to the scheme before me, so they do not justify the garage proposed.
62. Accordingly, although the materials would be appropriate for the location, due to its scale and design the proposed garage would be a visually intrusive feature in this rural location. Therefore, it would not preserve or enhance the character or appearance of the CA, causing less than substantial harm to the significance of the CA as a whole. It would not be of the high-quality design required by the LP and the Framework, and as such would also harm the character of the NP. Consequently, this element of the proposal would conflict with LP Policies DP2, DP37 and SP17.

#### *Public benefits*

63. LP Policy SP16 requires any harm to heritage assets to be weighed against the public benefits of the proposal, including securing the optimum viable use. The Framework requires a similar balance in respect of designated heritage assets. In respect of NDHAs it requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
64. The proposed replacement dwelling would allow the site to be brought back into an active residential use, beyond the temporary accommodation currently

on site. It would contribute a habitable dwelling to the supply of housing in the NP, where small dwellings are characteristic and supported by the LP. It would also return this part of the CA to its longstanding residential use, which would modestly enhance the character of this part of the CA. However, for the reasons given above, it has not been demonstrated that complete demolition of the existing building, with the resulting degree of harm, is necessary to achieve a viable residential use of the site. Therefore, I give this public benefit only modest weight.

65. The proposed dwelling would be similar in scale and appearance to the cottage as it previously stood, and in terms of design would be generally sympathetic to the area. However, it would use modern construction materials of rendered blockwork, so would not have the same form, texture and qualities as a cob building. Therefore, visually it would be noticeably different to the cottage as it stood before its collapse.
66. The appellants suggest that refurbishing the cottage would be the equivalent of rebuilding it, due to the extent of work needed. They also contend that if they were to build in cob now, the footprint of the building would need to be larger to create useable internal spaces. However, as there are no alternative schemes before me, I cannot be certain that the appeal proposal would result in a better outcome than if the cottage were refurbished.
67. Consequently, while in isolation the design of the proposed dwelling would be satisfactory, its contribution to the character and appearance of the CA would be less than that of the cottage before its collapse. Given that I must disregard the deteriorated condition of the existing building, it follows that the proposed replacement would not preserve or enhance the CA and so would not be a public benefit of any significant weight.
68. Construction would result in economic benefits through employment and supply chain effects, however these would be temporary and as such carry limited weight.
69. Tidying the site and addressing the collapsed building would improve its appearance and that of this part of the CA. This would reduce concerns that further deterioration will make the lane a target for anti-social behaviour. However, while I appreciate the strong public support for removing what is considered an eyesore, as I have found deliberate neglect this deterioration is not a matter that I can take into account in reaching my decision. In any event, the Authority has legal powers to deal with untidy sites so there are other means by which improvements could be made.
70. I also recognise the concerns raised by the operator of the adjacent caravan and camping site, however there is no substantive evidence before me that the condition of the site has or does put tourists off visiting the local area or the NP. Therefore, it has not been demonstrated that tidying the site would materially benefit tourism and the local economy.
71. There is also no compelling evidence before me that improving the appearance of the site would enable the property opposite, Blue Ridge Bungalow, to be sold, as that could be affected by other factors. Nor has it been demonstrated that the bungalow cannot be occupied with the site in its current condition. Therefore, the public benefits of tidying the site carry limited weight.

72. While I must disregard the condition of the cottage in reaching my decision, it is nevertheless relevant for me to consider what would happen on site should this appeal fail. The appellants' state that the site would continue to deteriorate to the detriment of the CA and NP, and the benefits of bringing it back into use would not be realised. However, given the owner's investment into the site and need to repay borrowing, and the involvement now of the appellants, I consider it unlikely that the site would be left as it is long-term.
73. Furthermore, while the Authority in its pre-application advice took a robust position to the principle of a replacement dwelling, at the hearing it took a more moderate approach, acknowledging the potential for compromise in design to allow for modern living. Therefore, I do not consider that this scheme is the only possible solution available for this site and that dismissal would lead to further harm to the CA or NP.

#### *Heritage balance*

74. The total loss of the NDHA and the resulting harm to the CA, and the harm from the proposed garage are matters of considerable weight and importance, having regard to the LP and Framework. I find that the public benefits of the proposed replacement dwelling, either individually or cumulatively, are not sufficient to outweigh the substantial harm to the NDHA or the less than substantial harm to the CA as a whole.
75. At the hearing it was agreed that the proposals for the garage could be severed from the proposed replacement dwelling, as there would be sufficient parking without it. Therefore, it would be open to me to issue a split decision and dismiss that part of the proposal irrespective of my decision on the proposed replacement dwelling. Consequently, I can reasonably discount the harm from the garage when considering the overall heritage balance.
76. Nevertheless, even without the garage the harm to the CA from the loss of the cottage would not be outweighed by the public benefits of the proposal and the proposed dwelling would not preserve or enhance the character or appearance of the CA.

#### *Conclusion on main issue*

77. For the reasons set out above, the proposal would harm the character and appearance of the area, the CA and the NP. If the garage were omitted, the impact on the CA would be reduced but would nevertheless be harmful, and would not be outweighed by public benefits. Consequently, the proposal would conflict with LP Policies DP2, DP35, DP37, SP16 and SP17, and would not be sustainable development as described in Policy SP1. Furthermore, it would conflict with the policies of the Framework in respect of good design, National Parks and heritage assets.

#### **Other Matters**

78. I have been referred to sites where permission was granted for replacement dwellings at Blissford Gate and Lester Cottage in the NP, and Wilderton House in Poole. It is evident from the quoted officer report for Blissford Gate that those proposals would not have resulted in a significant loss of historic fabric, as much of the cottage's fabric was modern and had been significantly compromised. This has not been shown to be the case here.

79. In the case of Lester Cottage, attempts were first made to repair the building, an NDHA, in accordance with an agreed method statement. A replacement was only permitted after an unexpected collapse during those works. This is therefore materially different to the situation before me.
80. At Wilderton House an Inspector concluded that the loss of the NDHA was acceptable on balance as ownership issues meant that there was no mechanism to secure funding to address significant issues resulting from lack of maintenance. Other public benefits also outweighed the identified harm to the CA. I have found otherwise in respect of this appeal.
81. While concern has been raised that any decision would set a precedent, the particulars of each case are different, as evidenced by the examples above, and each must be considered on its own merits. Therefore, approvals on these other sites do not weigh in favour of this proposal.
82. I recognise that dismissal of the appeal would have a significant financial implication for the site owner due to his level of investment into the site. However, it would not require him to cease living on the site, which is still residential land. Furthermore, this decision would not prevent further applications being made for alternative schemes, or with additional evidence included. As such, the owner's personal circumstances carry limited weight.

### **Planning Balance and Conclusion**

83. The proposal would comply with some LP policies including limiting the floor area of the dwelling. However, given the importance afforded to the conservation of heritage assets and the statutory purposes of the NP, I find that the proposal would conflict with the development plan when read as a whole. Due to the consistency of the relevant LP policies with the Framework I afford the conflict with them very substantial weight. Additionally, the harm to the NDHA and CA are matters to which I attach considerable weight and importance, and I give great weight to the conservation of the cultural heritage of the NP. While the proposal would result in some public and private benefits, these are not sufficient to outweigh the harm identified.
84. For the reasons given above, and taking into account all matters raised, I conclude that there are no material considerations, including the benefits of the proposal and the Framework, that justify granting planning permission contrary to the development plan. The appeal is therefore dismissed.

*L McKay*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Emma Macwilliam MSc PGCert MRTPI	Planning Consultant (agent)
Emma Dring	Barrister for the appellants
Simon Holloway	Builder, property developer and site owner
Jonathan Jackson	Appellant
Angela Jackson	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mrs Ann Braid BA (Hons), DipUP, MRTPI	New Forest National Park Authority
Mrs Sally Knott BA (Hons), Dip TP, MRTPI, MSc	New Forest National Park Authority

### INTERESTED PARTIES:

Mrs Ann Cakebread	Interested party
Lt Col Richard Thorpe	Interested party
Mr Edward Scutt	Lime Restoration