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## Appeal Decision

Site visit made on 8 December 2021

**by G Roberts BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> January 2022**

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**Appeal Ref: APP/B9506/D/21/3285875**

**The Old Chapel, Croft Road, Neacroft, Bransgore, BH23 8JS**

- 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 Dean against the decision of New Forest National Park Authority.
  - The application Ref 21/00589, dated 11 June 2021, was refused by notice dated 22 September 2021.
  - The development proposed is erection of outbuilding (retrospective).
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### Decision

1. The appeal is allowed and planning permission is granted for erection of outbuilding (retrospective) at The Old Chapel, Croft Road, Neacroft, Bransgore, BH23 8JS in accordance with the terms of the application, Ref 21/00589 dated 11 June 2021, and the plans submitted with it and subject to the conditions listed below.
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1731 – 1; 1731 – 3 (Dated 25/02/2021); and, 1731 – 3 (Dated 15/01/2021).
  - 2) The building hereby permitted shall not be used at any time other than for purposes incidental to the main dwelling known as The Old Chapel and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

### Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the host property and surrounding area, with particular regard to its location within the New Forest National Park.

### Reasons

3. The appeal site is located on the eastern side of Croft Road and comprises a former chapel converted into a one-bedroom dwelling. To the east and rear of the main chapel building (host property) is a small garden. To the north of the host property are two outbuildings located behind a set of metal gates (covered in green netting) fronting onto Croft Road. An area of land between the front of the host property and Croft Road is used as car parking.
4. The surrounding area comprises a mixture of old and new largely detached properties, some within large plots. There is no uniform character and the

- properties vary in terms of their style, form, layout and pallet of materials. A number of properties have outbuildings located in front of the main building line. Croft Road itself is an attractive rural lane, bordered by grass verges and hedges interspersed with gravelled driveways and some on street parking.
5. Policy DP37 of the New Forest National Park Local Plan 2016-2036 (2019) (NFLP) states that new domestic outbuildings will be permitted where they comply with criteria a) to e) (inclusive). Paragraph 7.83 states that the policy emanates from concerns over the pressure for larger outbuildings within the National Park that are impacting on the character of the New Forest, taking up amenity space and parking provision, pushing parking onto protected verges, leading to the overdevelopment of sites or being used to circumvent restrictions on residential extensions and replacement dwellings.
  6. Policy DP37 needs to be considered in conjunction with the following policies that are also referred to in the Council's reason for refusal: policy SP7 which requires great weight to be attached to conserving and enhancing the landscape and scenic beauty of the National Park; policy SP17 which states that new development that erodes the parks local character will not be permitted; policy DP2 which requires new development to be of a high quality and appropriate in terms of its scale, appearance and form; and, policy DP18 which requires new development to secure the highest standard of design and to enhance the built environment. The Council have also referred to its Design Guidance Supplementary Planning Document (2011) (SPD), currently being revised, which expands on these local plan policy requirements.
  7. The appeal proposal involves the retention of a single storey outbuilding (appeal building) located to the north of the host property. The appeal building is sited behind the existing metal gates and behind the main building line formed by the front wall to the host property. The front gable to the appeal building faces the metal gates, with its rear gable facing another outbuilding. The appeal building is constructed from wooden panelling with a slate roof. To the north is the common boundary with the adjoining property, Merlie Cottage. Most of this boundary is formed by a high hedge.
  8. As I observed on my site visit, views of the appeal building are largely obscured by a combination of the host property, the outbuilding to its rear and the high hedge on the boundary with Merlie Cottage. This screening is such that the appeal building is only publicly visible when standing directly in front of the appeal site. That view is only of the upper part of the appeal building, its gable end, with the lower half obscured by the metal gates (and green netting). Within this context, the appeal building appears as a traditional timber outbuilding that you would expect to see in such a location and whose scale, bulk and footprint is, in my judgement, subservient to the host property. The appeal building does not dominate visually, with its subservience accentuated by its smaller scale and the use of materials, specifically the wooden panelling which differentiates it from the red brick of the host property.
  9. Whilst there are some good examples of well-designed outbuildings in Croft Road, there are also some poorly designed outbuildings, a good example of the latter being the flat roofed garages that serve the properties immediately to the south of the appeal site, which are, as with other similar outbuildings, very visible from the road. In comparison, the appeal building would appear more traditional and less visible within the streetscene. Given the above, I am

satisfied that the siting, form and massing of the appeal building is acceptable and that it does not result in any harm to the character and appearance of the host property or to the landscaped character and scenic beauty of this part of the National Park.

10. With regard to the criteria to policy DP37 of the NPLP, as I have found above, the appeal building would be proportionate and subservient to the host property in terms of its design, scale, size, height and massing; it would be located within the residential curtilage to the host property; and, it would be required for purposes incidental to the use of the main dwelling and not for additional habitable accommodation, which can be controlled by a planning condition. The appeal proposal would, therefore, accord with criteria a) to d) (inclusive) of policy DP37.
11. In relation to criterion e) of policy DP37, the Council contend that the appeal building reduces the amount of available amenity space. As I observed on site, the main amenity area for the host property is located at the rear. This amenity area is of a good size, is well screened, is light and private, and provides, therefore, a pleasant informal area that could be used for sitting out, for gardening and/or as an outside play area. In the absence of any specific standards or guidance as to what the Council would consider to be an appropriate level of provision to serve a one-bedroom dwelling, I am entirely satisfied that the existing rear amenity area is more than sufficient to meet the needs of existing and future occupiers.
12. Paragraph 11.2 of the Council's Delegated Report refers to an appeal that was dismissed in January 1997 to convert the appeal site into a dwelling, wherein the Inspector stated that the proposed amenity space was not 'ideal'. I have not been provided with a copy of that decision or any of the plans and documents that formed part of the appeal, so I am unable, therefore, to reach any firm view on its relevance to the proposal currently before me. Even so, paragraph 7.83 of the NPLP states that outbuildings should not take up "important amenity space". There is no evidence before me to indicate that the area lost to the appeal building was "important" or indeed usable amenity space, whereas I have found the existing rear amenity space to be of a good size and quality, usable and private, and more than sufficient to meet existing and future occupiers needs.
13. Turning to the provision of car parking, planning permission was granted by the Council to convert the appeal site to a dwelling in April 1997 under reference NFDC/97/60893 (1997 Permission). That permission included, I understand, the provision of two parking spaces within the area on which the appeal building has been constructed. I have not been provided with a copy this decision or the approved plans. Even so, the Appellant states that the two parking spaces were never provided and that this aspect of the 1997 Permission was not implemented.
14. The provision of the car parking spaces approved in the 1997 Permission is not a matter that is before me in the context of this appeal. There is also no suggestion that the Council have ever sought to seek compliance with that permission, assuming they were in a position to do so. All the evidence before me indicates that since the 1997 Permission was implemented the occupiers of the host property have parked their vehicles within the gravelled area located to the front of the appeal site. The Appellants Appeal Statement confirms that

this parking area is within their control and that this area of land has been used consistently as car parking for the host dwelling. No substantive evidence has been put forward to challenge this position and there is no suggestion that the use of these spaces gives rise to any implications for highway safety.

15. Paragraph 7.83 of the NFLP, when read in conjunction with policy DP37, seeks to resist new outbuildings that would take up or reduce parking provision, resulting in parking being pushed onto protected verges. In this case, there is no reduction in existing parking provision as the occupiers would continue to utilise the existing and well-established parking spaces within the gravelled area to the front of the host property. Similarly, no protected verges would be removed or harmed. In light of the above, the appeal proposal would also be compliant with criterion e) to policy DP37.
16. I find, therefore, that the retention of the appeal building in this location would be acceptable, that it would not result in the overdevelopment of the site and would not lead to any harm to the rural and locally distinctive character of this part of the New Forest National Park. Accordingly, the appeal building would accord with policy DP37, SP7, SP17, DP2 and DP18 of the NFLP, the relevant guidance of the SPD and the corresponding policies of the National Planning Policy Framework (July 2021) (Framework).

### **Other Matters**

17. Concerns have been raised by interested parties in relation to the potential commercial use of the appeal building. However, this is not an issue that has been raised by the Council in objecting to the appeal proposal. Moreover, I am satisfied, based on the evidence before me that the appeal building's use would be incidental to that of the host property and that this can be controlled by an appropriate planning condition. Any proposal to use the appeal building for commercial use would, of course, require planning permission and would therefore be subject to control by the Council.

### **Conditions**

18. The Council has suggested various conditions in their Questionnaire which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition requiring compliance with the submitted plans is necessary and reasonable to reflect the details included within the application. I have, however, added a list of approved plans and dates for clarity. I am also satisfied that a condition that seeks to restrict the appeal building to a use incidental to the main dwelling is necessary and reasonable to reflect the purpose for which planning permission has been sought and to prevent the appeal building being used or occupied as residential accommodation.

### **Conclusion**

19. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

*G Roberts*

INSPECTOR