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# Appeal Decision

Site visit made on 5 July 2022

**by S Leonard BA (Hons) BTP MRTPI**

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

**Decision date: 21<sup>st</sup> July 2022**

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**Appeal Ref: APP/B9506/W/21/3288277**

**Land Adjacent The Birches, Canada Road, West Wellow, Romsey SO51 6DE**

- 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 Diana Trotman against the decision of New Forest National Park Authority.
  - The application Ref 21/00380, dated 14 April 2021, was refused by notice dated 14 June 2021.
  - The development is storage barn.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was submitted retrospectively, and on my site visit I saw that the part of the structure labelled “timber framed open storage barn” on drawing Ref 2107.P103 has been constructed. I have dealt with the appeal accordingly, and this has not influenced my conclusions on the main issue.
3. The description of development in the banner heading above is taken from the decision notice, since it more precisely and succinctly describes the appeal scheme than the description on the application form, and it omits reference to the retrospective nature of the development.
4. Since the refusal of the planning application, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.
5. Amendments to drawings Ref 2107.P103 and 2107.P200 were submitted as part of this appeal, which did not form part of the planning application determined by the Council. These plans show the removal of the part of the structure annotated as “brick built lean-to additional storage space” on drawing Ref 2107.P103.
6. The planning appeals procedural guidance<sup>1</sup> (Annexe M) advises that, if an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal, they should normally make a fresh planning application. Moreover, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is

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<sup>1</sup> Procedural Guide. Planning Appeals – England. The Planning Inspectorate April 2022.

considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

7. The proposed removal of a large element of the building in proportion to the structure as a whole, would significantly alter the nature of the development previously consulted upon and determined by the Council.
8. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the council and the plans listed on the decision notice.

### **Main Issue**

9. The main issue is whether the appeal site is a suitable location for the appeal scheme, having regard to the impact of the development on the character and appearance of the New Forest National Park landscape.

### **Reasons**

10. The appeal site is located on the west side of Canada Road, within open countryside outside the designated settlement boundary, and within the New Forest National Park (the National Park). It comprises a small piece of land, which is set back from the road frontage and has a field-gated vehicular access from Canada Road.
11. The site is occupied by an open-fronted, timber-clad barn with a pitched corrugated sheeting roof. The remains of a former pigsty are attached to one side of the building. The rest of the site is largely given over to hardcore/concrete surfacing. At the time of my site visit, the building was used for storage, including building materials, gardening equipment, domestic paraphernalia and hay bales.
12. The site forms part of a wider parcel of land, which extends to the east and northeast of the building up to the road frontage, and benefits from a Certificate of Lawfulness (LDC), granted in 2008, for "non-commercial storage of motor vehicle parts, timber, building materials, a caravan, and no more than four vehicles at any one time".
13. To the south of the appeal site is a detached dwelling, known as The Birches. Paddock land lies to the west and northwest of the site. The information before me is that these areas, together with the LDC land, are also within the appellant's ownership. I saw on site, that there is unrestricted physical access between them, including vehicular and pedestrian accesses directly from The Birches.
14. The appellant intends to use the retained barn, together with a new brick-built lean-to, for storage in connection with the aforementioned non-commercial storage, residential and paddock uses of the appellant's land.
15. The site lies outside the designated settlement boundary, in countryside, where new built development is controlled, and generally restricted to that for which a countryside location is necessary. Moreover, having regard to the location of the site within the National Park, Paragraph 176 of the Framework affords great weight to the conservation and enhancement of landscape and scenic beauty in National Parks, which are confirmed to have the highest of protection in relation to these issues.

16. The *New Forest National Park Local Plan 2016-2036* (2019) (the Local Plan) recognises that considerable development pressure for larger outbuildings within the National Park has, amongst other things, potential to detract from the character and appearance of the National Park, and, accordingly, the Local Plan contains policies which seek to control their number, scale and design.
17. Notwithstanding the previous existence of a barn on the appeal site, I am satisfied, on the basis of the evidence before me, including the site planning history and photographs submitted by both parties, that the appeal scheme comprises the erection of a new building. This is not disputed by the parties.
18. As such, of specific relevance to the appeal scheme, given the site location and the proposed storage use of the new building, are Local Plan Policies DP37, DP50 and DP52, to which the Council have referred in the decision notice. These policies set out the circumstances in which the Local Plan would allow new outbuildings in principle in this rural location.
19. I have also taken account of Local Plan Policy SP17, which, although not specifically included within the decision notice, is referred to in the Officer Report and the Council's Appeal Statement, and recognises that increasing amounts of small-scale household development can individually or cumulatively erode the local character of the National Park or result in a gradual suburbanising effect.
20. Policy DP37 specifically relates to domestic outbuildings, and requires such development to be located within the residential curtilage of an existing dwelling. On the basis of the information before me, including my site inspection, the appeal site planning history, and the evidence of title deeds, I have no reason to disagree with the views of both parties, that the appeal site lies outside the residential curtilage of The Birches. As such, the appeal scheme does not accord with the criteria of Policy DP37.
21. Policy DP50 allows for new countryside buildings which have a functional requirement in connection with agriculture or forestry. I have noted that there was previously a barn and pigsty on the appeal site in the position of the current scheme, and the appellant's view that the appeal site has previously been used for purposes ancillary to farm activity. However, on the basis of the existing lawful use of the appeal site, the removal of the previous agricultural building, and the proposed storage use of the development, I find that there is no cogent evidence before me to provide justification for the appeal scheme on the basis of Local Plan Policy DP50.
22. The proposal would include an element of hay storage in association with the appellant's recreational keeping of horses. However, having regard to the overall proposed mixed storage use of the building, and its design, it would not comprise a field shelter or stable, a form of rural development allowed in principle under Local Plan Policy DP52.
23. The Council's view is that there are no other Local Plan policies that would support the appeal scheme building for the mixed storage use that is proposed. Moreover, the appellant acknowledges that the development does not precisely fall under the remit of a specific enabling Local Plan policy.
24. The appellant's view is that the appeal scheme is necessary in order to facilitate the storage requirements associated with the on-going maintenance

of the appellant's land, which includes the LDC site, adjacent paddock and residential property. However, I am not persuaded, on the basis of the evidence before me, that a structure of the size proposed, in terms of both its floor space and height, which includes an element of roof storage, is justified in this location.

25. At the time of my site visit, there were several cars and an old caravan on the wider LDC site. I also saw a limited amount of external storage, mainly near the existing building, including domestic paraphernalia, gardening equipment, timber and building materials. The site remains predominantly given over to grass and soft landscaping, and the external storage did not appear unduly visually prominent, nor result in a cluttered, untidy appearance that gave rise to harm to the visual amenities of the locality.
26. As such, I do not consider that the appeal development is necessary in the interests of the visual amenities of the locality to provide covered storage in association with the current use of the LDC site. Moreover, I note that the LDC dates back to 2008, and, as such, has taken place without the requirement for the appeal scheme for a substantial length of time. I have not been made aware of any specific change in circumstances in respect of the LDC use of the land that specifically justifies the appeal scheme building at the present time.
27. In addition, the Birches sits within a generously sized residential site, and I am not persuaded, on the basis of the evidence before me, that the domestic storage requirements of that property could not be satisfactorily accommodated within the existing dwelling and/or its residential curtilage, without involving encroachment of new building works into the countryside outside the site.
28. Similarly, there is no substantive evidence before me as to why the appellant's hay requirements could not be accommodated a small field shelter structure within the adjacent paddock land.
29. In support of the appeal scheme, the appellant states that the barn would replace a former storage barn in the same position and in the same use as is currently proposed. However, whilst I do not doubt that such a structure existed, I have no cogent evidence before me in respect of its former planning status and functional association with adjacent land. Also, the information before me is that the structure has not been in existence as a functioning storage building since 2008, when the LDC was granted, and it has not been incorporated within the LDC development. As such, I find that the existence of a former barn does not justify the current appeal scheme.
30. Whilst other built development exists along Canada Road, including sporadic residential, commercial, horsiculture and agricultural development, and, according to the appellant, larger barns than that of the appeal scheme, this does not justify an additional non-essential building in this location as proposed by the appeal development. Nor do the set-back location of the building from the road, or the intended rural design of the appeal scheme render the scheme acceptable.
31. For the above reasons, having regard to the aforementioned objectives of Local Plan Policies DP37, DP50, DP52 and SP17, which collectively seek to restrict the proliferation of non-essential buildings within the National Park in the interests of protecting the character and appearance of the landscape of the New Forest

National Park, I conclude that the appeal site is not a suitable location for the appeal scheme.

32. These policies are consistent with the great weight given in the Framework to the conservation and enhancement of the landscape and scenic beauty of National Parks.

**Conclusion**

33. For the reasons given above, I conclude that the appeal should be dismissed.

*S Leonard*

INSPECTOR