



# Appeal Decision

Site visit made on 27 June 2023 by S Wilson LL.B. MSc MRTPI

**Decision by John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 August 2023.**

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**Appeal Ref: APP/B9506/D/22/3313226**

**The Lodge Annexe, Passford Farm Cottage, Southampton Road, Boldre, Hampshire SO41 8ND**

- 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 Mrs Penelope Hill against the decision of the New Forest National Park Authority.
  - The application Ref 22/00626, dated 22 August 2022, was refused by notice dated 18 November 2022.
  - The development proposed is 2no. single storey extensions; cladding; alterations to doors and windows; replacement roof; 2no. outbuildings; fence; gate; demolition of existing 2no. outbuildings.
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Preliminary Matters

3. The appellant did not appear to object to the National Park Authority's (NPA) use of the above description of development. Since it best describes that to which the appeal relates, I have referred to it.

## Main Issue

4. The principle of the proposed development with specific regard to whether the existing dwelling is the result of an unauthorised use.

## Reasons for the Recommendation

5. The Lodge is a single storey residential dwelling recognised as immune from enforcement action by the issuing of a Lawful Development Certificate (LDC)<sup>1</sup>. It is adjacent to, and within the curtilage of, Passford Farm Cottage (the Cottage), a grade II listed building. It is within both the Buckland Conservation Area (CA) and the New Forest National Park (NP) I shall return to these matters later. The Lodge has an extant planning permission<sup>2</sup> which allows works within the description above save for the two extensions. It is these

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<sup>1</sup> Planning Inspectorate reference APP/B9506/C/20/3246929

<sup>2</sup> Local Planning Authority reference 22/00566

extensions that are the contentious subject of this appeal. Policy DP36 of the New Forest National Park Local Plan 2016 – 2036 (2019) (Local Plan) sets out that extensions will not be permitted where the existing dwelling is the result of unauthorised use.

6. The dwellinghouse on the appeal site would, logically and regardless of whether the dwelling is as the result of a LDC or the granting of an express planning permission, benefit from rights under permitted development to be altered, extended and for works to be carried out within its curtilage. I shall also return to this matter later.
7. That being so, one must consider the wording of DP36 on face value, taking into account its aims which include, amongst other things, limiting the extension of dwellings within the NP in order to, again amongst other things, retain a degree of balance in terms of housing stock and protect the intrinsic character and rurality of the NP.
8. Putting aside a debate about whether the granting of the LDC establishes or authorises a residential use for the Lodge, or indeed whether it makes a dwelling lawful, there is no doubt in my mind that the dwelling that now exists as a result of said LDC became so as the result of unauthorised use (my emphasis). Thus, under the explicit restrictions of DP36, the proposed extensions would not be acceptable and accordingly conflict therewith.

### **Other Matters**

9. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) allows, amongst other things, extensions to dwellinghouses. That said, Class A.2 explains that, on article 2(3) land<sup>3</sup> development is not permitted if it would consist of or include the cladding of any part of the exterior of the dwellinghouse with, amongst other things, timber. Since the appeal proposal consists of said cladding it would not satisfy the description of permitted development as it is defined by Class A, regardless of the fact that any cladding would either match the existing dwellinghouse or indeed copy that which was granted by an express planning permission. Were the dwellinghouse not to be clad and the proposals in this case reflected that, then there may be a material fallback to which to apportion more than very limited weight, but this is not the case here.
10. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which they possess.
11. The significance of the Cottage lies with its construction features and traditional originality, including, amongst other things, its timber-frame with painted brick infill, thatched roof, and plain tiled lean-to. The Cottage is appreciated within good sized open grounds and is mentioned in the CA Character Area Appraisal as a thing that makes Buckland special. The surroundings are distinctly rural and wooded. The plans show a modern and confused building of very limited

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<sup>3</sup> For the purposes of this appeal, includes land in National Parks and Conservation Areas

- architectural merit and limited individual identity which, being in such close proximity to it, jars strongly with the quality of the Cottage.
12. It benefits from the extant permission, which was justified due to the proposed use of natural materials and removal of a large section of flat roof which would result in visual improvements to the dwelling and wider site. The NPA considered that the increased roof bulk by virtue of the change from flat to hipped would not materially increase the overall scale of the dwelling and would not resultantly compete with or appear dominant when viewed in the context of the listed building.
  13. The appeal proposal seeks to extend the Lodge further than the extant permission with two single storey extensions. Both would increase the mass, scale and bulk of the Lodge. Furthermore, the flat roof on the south-west elevation would be enlarged. The grant of the extant permission specifically cited the removal of a large section of the flat roof as a visual improvement to both the dwelling and the wider site. It therefore follows that re-introducing such would go against the benefit created by allowing the extant permission and reintroduce a harmful element to the setting of the Cottage that the use of conditions would not be capable of overcoming.
  14. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The Cottage is mentioned within the BCA Character Area Appraisal as a thing that makes Buckland special. The proposal would have a harmful effect on the setting of the Cottage for the reasons I have mentioned. In harming such an important and explicitly identified building of high quality that contributes positively to the significance of the CA, it follows that there would be harm thereto, resulting in neither preservation nor enhancement of its character or appearance.
  15. Given the scale of the proposals, this harm would be less than substantial in the context of the National Planning Policy Framework 2021 (the Framework), but I can see no sufficiently compelling public benefits that would arise from the scheme to suggest that the harm would be outweighed. Harm to which considerable weight should be attached in any event. The scheme would therefore conflict with Policies DP2, DP18 and SP16 and of the Local Plan which, along with the Framework, seek to ensure high quality and contextually appropriate design that maintains or enhances sites of importance to the historic environment.
  16. Paragraph 172 of the Framework makes clear 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. In the same vein as the CA, in harming a building of significant merit within the NP, the harms that would arise here would translate to its intrinsic special character and quality. Accordingly, the proposal would be contrary to Policies DP2 and SP17 which, amongst other things, seek to ensure that new development is appropriate and sympathetic in appearance and does not erode the special character of the NP.

### **Conclusion and Recommendation**

17. The appeal scheme would be contrary to the development plan and there are no other material considerations worthy of sufficient weight to find otherwise. I therefore recommend the appeal be dismissed.

*S Wilson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

18. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

*John Morrison*

INSPECTOR