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## Appeal Decisions

Site visit made on 17 July 2023 by C Glaister BSc (Hons) MSc

### Decisions by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25<sup>th</sup> September 2023

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#### Appeal A - Ref: APP/B9506/D/23/3319373

##### Forest Oaks, Linford Road, Hampshire, Shobley BH24 3HT

- 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 P Stoddart against the decision of the New Forest National Park Authority.
  - The application Ref 22/00838FULL, dated 24 October 2022, was refused by notice dated 10 January 2023.
  - The development is described as the retention of a car storage building.
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#### Appeal B - Ref: APP/B9506/D/23/3321821

##### Forest Oaks, Linford Road, Hampshire, Shobley BH24 3HT

- 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 P Stoddart against the decision of the New Forest National Park Authority.
  - The application Ref 23/00077FULL, dated 13 January 2023, was refused by notice dated 25 April 2023.
  - The development is described as the retention of a garage building.
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### Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for a garage building at Forest Oaks, Linford Road, Hampshire, Shobley BH24 3HT in accordance with the terms of application Ref 23/00077FULL, dated 13 January 2023, subject to the following conditions:
  - 1) The development hereby permitted shall only be used for purposes incidental to the main dwelling and shall not be used for habitable accommodation or business purposes.

### Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matters

4. Appeals A and B both relate to the same site and share similar reasons for refusal. To avoid duplication, this report will deal with both appeals. Each appeal is nevertheless considered on its own individual merits.

5. The developments for Appeals A and B have already been constructed and accord with the plans submitted for the appeals. I have therefore considered them on this basis.
6. In the interest of clarity and simplicity, for the purposes of the report the buildings relating to each appeal are referred to as Building A (Appeal A) and Building B (Appeal B).

### **Main Issues**

7. The main issues for both appeals are: the effect of the development on the character and appearance of the area; and whether the development is incidental to the use of the host dwelling.

### **Reasons for the Recommendation**

#### *Character and appearance*

8. Forest Oaks is a large detached two-storey property. It is sited within a spacious plot of land, close to but outside of the Western Escarpment Conservation Area (the CA) and is comfortably separated from the properties it neighbours to the east and west. Tall trees and vegetation line the boundary of the site, isolating it from the land adjacent and the A31 immediately south. Within the site, there are several buildings in addition to the main dwelling. These include two large vehicle stores which are similar in design to Buildings A and B, two detached garages, and a large pool house, among other pieces of development. Although the appeal plot is substantial in size, it is heavily developed for a residential site.
9. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The appeal site is visually isolated from the rest of the New Forest National Park (the NP) area by surrounding vegetation, and the appeal buildings are associated with an established area of developed land. Consequently, neither building interrupts the wider landscape or the natural beauty of the NP, and these qualities are therefore conserved. Nor do they impact on views into or out of the CA, or the setting of that heritage asset.
10. The Authority states that the existing dwelling has a footprint of around 240 square metres (sqm). Building A has a footprint of 290 sqm and Building B has a footprint of 110 sqm. Both buildings have green profiled steel cladding and green galvanized steel shutter doors. Building A has a pitched roof and is over 4 metres at its tallest point. Building B has a sloped roof and is over 3 metres at its tallest point.
11. The use of steel cladding for the external surfaces gives the buildings a slight industrial aesthetic. However, the colour of the material helps to mitigate this effect and allow the buildings to blend with their environment, particularly as they are set along the perimeter of the site, directly against a verdant backdrop. The general appearance of the buildings is also very similar to the other two vehicle stores on the site which have been granted permission. Neither building therefore causes harm in this respect.
12. Policy DP37 of the New Forest National Park Local Plan (August 2019) (the Local Plan) states that outbuildings will be permitted where they are

proportionate and clearly subservient to the dwelling they are to serve in terms of their design, scale, size, height, and massing. Building A is very large for an outbuilding and has a greater footprint than the main dwelling which it serves. It has a wide solid massing and a considerable height. It is not therefore proportionate or clearly subservient to the main dwelling. Although the appeal site is very spacious, the policy clearly requires the outbuilding be proportionate to the dwelling it serves, rather than the site as a whole.

13. Whilst Building A has been erected on part of the grounds which previously contained a surfaced tennis court, the visual impact of the outbuilding is clearly much greater. Even if the surface of the tennis court had a greater footprint it was a largely open area and Building A is larger and opaque. While the appellant states that tennis courts can be covered, there is no evidence that this one was. Consequently, the presence of the tennis court does not justify an outbuilding of this scale.
14. Building B is wide but much shorter than the main dwelling and has a far smaller footprint. In terms of its scale, size, height, and massing, it is proportionate and clearly subservient to the main dwelling.
15. Policy SP17 of the Local Plan states that development which would individually or cumulatively erode the NP's local character will not be permitted. Building A, due to its size, particularly in combination with the other permitted buildings, is detrimental to the character of the site. However, Building B, given its smaller size and subservient appearance is subtle enough to successfully integrate itself within the very large residential plot alongside the other permitted buildings without eroding its character.
16. For the reasons above, Building A harm the character but not the appearance of the area. It therefore fails to accord with Policies DP2, DP37 a), and SP17 of the Local Plan which together seek to ensure development is appropriate and sympathetic in terms of scale and form, is proportionate and clearly subservient to the dwelling it serves, and does not erode the NP's local character. It also fails to accord with the Framework and its aim to ensure development is sympathetic to the surrounding built environment. The Authority has not identified specific areas of conflict with the New Forest National Park Design Guide Supplementary Planning Document (2022) (SPD). However, Building A does not accord with the overarching principles of the SPD and its aim to ensure good design through the scale and form of buildings.
17. For the reasons above, Building B does not harm the character and appearance of the area. It accords with Policies DP2, DP37 a), and SP17 of the Local Plan. It also accords with the Framework and the general aims of the SPD.

#### *Whether incidental use*

18. Policy DP37 of the Local Plan states that outbuildings will be permitted where they are, among other things, required for purposes incidental to the use of the main dwelling.
19. Car storage is a type of use which would normally be incidental to a dwelling on a residential plot as a function of the enjoyment of the dwellinghouse. Although the extent of the car storage on the appeal site is considerable, including the storage provided by Buildings A and B, this does not inherently prohibit it from being an incidental use to the dwelling.

20. The evidence before me is that the appellant's collection of vehicles were previously stored off-site before being stored in the appeal buildings. The submissions and my site visit indicate that the car storage buildings are solely provided for the safe storage of collectible vehicles. Although well beyond the number of cars that most people would be able to collect, there is nevertheless no substantive evidence before me to suggest that the storage relates to anything more than a hobby. There is, for example, no demonstrable evidence of any commercial activity taking place. Consequently, it has not been demonstrated that the storage use goes beyond purposes incidental to the dwelling, or that it has altered or expanded to the point where it ceases to be functionally related to the primary residential use of the site.
21. Therefore, both individually and cumulatively Buildings A and B accord with Policy DP37 c). Both developments also comply with criteria b), d) and e) of Policy DP37, however accordance with these other aspects of the policy does not undermine the conflict identified for Building A with respect to DP37 a).

### **Other Matters**

22. Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows, in certain circumstances, for buildings incidental to the enjoyment of a dwellinghouse within their curtilage. However, the size of outbuildings allowed in a National Park is very small and not in any way comparable to the scale of Building A. It is also unclear whether such permitted development rights have been removed under a previous planning permission on the site. Therefore, there is no comparable fallback position in this respect and permitted development rights do not justify the harm that arises from Building A.
23. A lack of objections is a neutral matter.

### **Conditions**

24. In relation to Appeal B, conditions relating to the commencement of the development and to ensure accordance with the plans provided are not necessary as the development has already been constructed. A materials condition is not necessary as the existing green profiled steel cladding does not cause harm. A condition ensuring the development continues to be used only for purposes incidental to the main dwelling is however necessary to protect the character of the site.

### **Conclusion and Recommendation**

25. Based on the above and having had regard to all other matters raised, Appeal A harms the character of the area and conflicts with the Local Plan. There are no material considerations which justify granting permission contrary to the development plan. Appeal B complies with the Local Plan. I therefore recommend that Appeal A is dismissed, and that Appeal B is allowed subject to the condition.

*C Glaister*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning set out above. Appeal A is for an incidental use but harms the character of the area. There are no material considerations that outweigh that harm and the resulting conflict with the Local Plan and Framework. On that basis Appeal A is dismissed.
27. Appeal B does not harm the character or appearance of the area and is for an incidental use, which can be secured by condition. I therefore find no conflict with the Local Plan or the Framework. Therefore, Appeal B is allowed subject to the condition set out above.

*L McKay*

INSPECTOR