



Appeal Decision

Site visit made on 7 May 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2024

Appeal Ref: APP/B9506/W/23/3329098

Scatterbrook Stables. Ringwood Road, Woodlands, Hampshire SO40 7GX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Parker against the decision of the New Forest National Park Authority.
 - The application Ref is 22/00744FULL.
 - The proposed development was originally described as: retrospective planning permission is requested for 7no. shepherds huts and 2no. shipping containers, recycling/waste storage, and a parking and turning area at each unit suitable for 1no. car per unit. An existing entrance to the site is utilised with the use of an access track which then leads to a new permeable path directly to the units. Also intended are associated footpaths and landscaping of the site. A cesspit has been installed to manage waste from the unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates the development had already begun and the Council considered it as partly retrospective. At my visit, the shepherds huts were no longer in situ. I have determined the appeal on the basis of the proposal as submitted.
3. In appeal submissions, the appellant has indicated a willingness to reduce the number of shepherds huts at the appeal site to 3 and restrict the use of the site from the end of April to early September. However, there are no amended plans before me. The *Procedural Guide: Planning appeals – England* advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
4. Having regard to the 'Wheatcroft Principles' and the Holborn judgement¹, such an amendment would result in a substantial or fundamental change to result in a different application. Third parties would be unfairly prejudiced if I were to accept such an amendment. Therefore, I have determined the appeal on the basis of the application that was before the Authority when it made its decision and on which parties were consulted.
5. During the course of the appeal the National Planning Policy Framework (the Framework) was revised. The paragraphs most pertinent to this appeal are

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]; Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

unchanged, other than their numbering. Furthermore, the main parties have had the opportunity to make comment on any implications of the revised Framework within the appeal timetable.

6. On 26 December 2023, section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty in the National Parks and Access to the Countryside Act 1949. In broad terms, the amendment now requires that relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in any National Park in England must seek to further the purposes of the National Park. I invited further comments from the main parties on this matter, and I have taken account of comments made in my determination of the appeal.
7. The evidence before me refers to Areas of Outstanding Natural Beauty (AONB). In November 2023, the National Landscapes Association reported that all such designated areas had become National Landscapes. However, the Framework continues to refer to them as AONBs. I have therefore used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.

Main Issues

8. The site is within the New Forest National Park (NP). From all of the evidence before me, I consider the main issues in this appeal to be:
 - whether the proposed development is in an appropriate location; and
 - the effect of the proposed development upon the character of the area, including the protected landscape of the NP.

Reasons

Location

9. The appeal site is a former field located within the countryside, outside of any defined settlement boundary within the New Forest National Park Local Plan 2019 (LP). It is accessed via a track between residential properties along the A336 Ringwood Road, near to the roundabout with the A326. The land immediately to the north includes residential properties and equestrian related development. The land to the west includes residential and commercial uses, including a caravan park which accommodates about 5 pitches. The southern and eastern boundaries of the appeal site face the open countryside. Together, the appeal site and the surrounding land is predominantly flat, with trees along its western boundary.
10. Policy SP46 of the LP relates to sustainable tourism development. Among other things, the policy does not support small scale development of visitor facilities and accommodation outside of the four Defined Villages (Ashurst, Brockenhurst, Lyndhurst and Sway) unless it is through the re-use or extension of existing buildings, or as part of a farm diversification scheme in accordance with LP Policy SP48. The appeal scheme would not meet either of these exceptions.
11. LP Policy DP47 refers to holiday parks and campsites. Among other things, it only permits new campsites to enable the removal of any pitches from sensitive areas by the relocation to a less sensitive area. The appeal proposal is not in a

sensitive location, nor would it result in the removal of pitches from any other site within the NP, sensitive or otherwise.

12. The appellant contends that Policy DP47 does not apply to the proposal, as it does not directly refer to glamping provision, but rather to campsites. The appellant accepts that glamping is similar but has a different definition. However, as set out in the appellant's Market Research Report (prepared by Glampitect), the Oxford English Dictionary defines glamping as '*a form of camping involving accommodation and facilities more luxurious than those associated with traditional camping.*' Therefore, on this basis, the proposal would fall to be considered as a campsite. The supporting text to Policy SP46 clearly relates to visitor accommodation, and the appeal scheme is clearly proposed as such.
13. The supporting text to Policy SP46 makes clear that the policy approach seeks to support the tourism industry in the NP, which generates significant spend and is of importance to its economy, without compromising its purpose to conserve and enhance its natural beauty, wildlife and cultural heritage. In this regard, the provision of existing holiday parks and campsites is considered such that they are well provided for in and around the New Forest NP, and therefore no additional camping facilities are needed.
14. The appellant draws my attention to the findings of the Market Research Report, which identifies a thriving tourism market for the New Forest and the value of tourism to the economy of the NP. Such a finding accords with the explanatory text of the LP policies before me, as referenced above.
15. The research identifies the five closest options for accommodation to the appeal site, and a glamping site within 2.8 miles. There is little compelling analysis of the overall supply of visitor accommodation within the wider NP, glamping or otherwise. I therefore attach very little weight to the conclusions of the report which suggests there is a gap in the market for glamping forms of accommodation.
16. The appellant suggests that Ashurst and Lyndhurst are the nearest of the four Defined Villages to the appeal site and there is an absence of land large enough to accommodate shepherd's huts within those villages. However, this is not robustly demonstrated, and no assessment is made in regard to the other two Defined Villages. Even if it were to be the case, this would not of itself justify the proposal in the context of the policy approach of the LP.
17. The appeal site is in an accessible location, being within reasonable walking distance of local shops and services, not far from a wider range of facilities at Totton, and within walking distance of a number of bus stops with services to areas within the NP and beyond, and close to A-roads. Nonetheless, the proposal clearly conflicts with the policy approach of the LP.
18. Drawing all of the above together, the appeal proposal does not meet any of the exceptional criteria under LP Policies SP46 and DP47; and would result in new provision. In such circumstances, the proposal would not relieve overall pressure on other sensitive areas of the NP as the appellant suggests.
19. I therefore conclude that the proposed development would not be in an appropriate location. It conflicts with LP Policies SP46, DP47 and SP48, whose objectives I have referenced above.

Character and appearance of the area, including the protected landscape of the NP

20. Paragraph 180 of the Framework sets out that planning policies and decisions should contribute to and enhance the natural and local environment by (among other things) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). Paragraph 182 makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in NPs, the Broads and AONBs, which have the highest status of protection in relation to these issues.
21. The toilet block and shepherds huts would be sited along the western edge of the appeal site, adjacent to existing development towards the west, but extending beyond it to the south. There would also be a significant degree of hardstanding to serve the site and to provide parking and turning areas for each hut and the toilet block. There would also likely be parking of private vehicles.
22. The visual impact of the shepherds huts and toilet block would be limited by the adjacent development towards the west and north, and by trees along its western boundary. There would also be some limited screening from trees beyond its southern and eastern boundaries. However, the overall impact upon the former field landscape would be significant, resulting in the encroachment of development into the countryside.
23. There would be a level of activity on the site associated with the arrival and departure of visitors along the access track to each of the 7 shepherds huts. There would also be activity generated from comings and goings during their stays and in any outdoor activities on the site, including the use and parking of private vehicles. The proposal would therefore generate levels of noise.
24. There would also be some degree of illumination, which would be fairly limited from within the shepherds huts and toilet block. There is no information before me concerning any external illumination within the site, but this matter could be controlled by a suitable condition.
25. Given that the tranquillity of the NP is one of its special qualities, the proposal would undermine this attribute by introducing elements that would result in noise and light pollution.
26. The above factors would combine such that the character and appearance of the appeal site would change from one of open countryside to a developed one, thus eroding the existing character and appearance of the area. This would create a suburbanising effect within the NP, undermining the character of its protected landscape as a whole. Any existing or proposed landscaping would not adequately mitigate this effect.
27. In reaching my findings, I accept that the appeal site is in proximity to other development and close to the A336/A326, and as such there is already a degree of noise and light pollution from such sources. I also accept that the appeal site is within 300m of the boundary of the NP and not within a Site of Special Scientific Interest or conservation area.
28. However, the introduction of built development and changes of land use within the fringe of the NP has the potential to erode the distinctive local character of the NP both individually and cumulatively, undermining the protected

landscape of the wider NP. The New Forest NP Landscape Action Plan 2013 also identifies pressures upon the NP, including (but not limited to) continued pressure for small scale development within and adjacent to the NP, causing gradual erosion of its distinctive character.

29. I therefore conclude that the proposed development would harm the character and appearance of the area, and the protected landscape of the NP. The proposed development conflicts with Policies SP15 and SP17 of the LP. Taken together, these policies seek to protect the special qualities of the NP; to ensure that new development avoids or mitigates noise and light pollution; and to resist proposals for built development and changes of use that could individually or cumulatively erode the character of the NP or result in a gradual suburbanising effect.

Other Considerations

30. The proposal would support a rural business in an accessible location, in an area where demand for tourist accommodation is high. It would generate expenditure to the local and wider economy and support the retention of local services and facilities. It would therefore support the objectives of the Framework to support economic growth and a prosperous rural economy.
31. Although the Framework advises that significant weight should be placed on the need to support economic growth and productivity, its support for economic growth is not unfettered. With my emphasis in italics, paragraph 88 also requires planning policies and decisions to enable the *sustainable* growth and expansion of all types of businesses in rural areas; and *sustainable* rural tourism and leisure developments which respect the character of the countryside. Paragraph 89 sets out that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas *may* have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
32. Consequently, the economic benefits of the proposal attract only limited weight in the context of the policy approach of the LP.
33. The appellant draws my attention to a successful appeal for a proposal for 2 shepherds huts (Ref: APP/U1105/W/21/3275285), where it was found that the accessible location and economic benefits outweighed conflict with the development plan and the site's location within an AONB. While I am not bound by previous decisions, I did not find that decision to be directly comparable as it concerned a much smaller proposal and a less restrictive policy approach.
34. The appellant has permitted the use of the site for camping by the Guides free of charge and states that the use of the site for community organisations would continue if permission was granted. This would be a social/community benefit in favour of the proposal. However, there is no mechanism before me to secure this benefit, and therefore it attracts very limited weight.

Other Matters

35. An interested party supports the proposal, as they consider that the works undertaken have resulted in improved drainage. However, this matter is not robustly demonstrated, and therefore attracts no weight either for or against the proposal.

36. Interested parties raise concerns regarding a number of other matters. However, as I am dismissing the appeal on the main issues, and further consideration of such matters would not alter my decision, it is not necessary for me to consider these matters further.

European Sites

37. The appeal site is within the zones of influence for the New Forest Special Protection Area (SPA), Ramsar and Special Area of Conservation (SAC), the Solent Maritime SAC and Solent & Southampton Water SPA and Ramsar. The appeal scheme would result in a net increase in visitor accommodation which could result in adverse impacts upon the integrity of these sites through increased recreational pressure and nitrate eutrophication.
38. If I were minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon these sites. However, as I am dismissing the appeal on the main issues, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.

Conclusion

39. Even though the proposal would be in an accessible location, it would not be in an appropriate location in terms of the development plan. The proposal would also harm the character and appearance of the area, and the protected landscape of the NP. I attach significant weight to this conflict. Paragraph 182 of the Framework sets out that great weight should be given to conserving and enhancing the scenic beauty in NPs, which have the highest status of protection.
40. The proposal would result in additional provision of visitor accommodation within the NP, and thus it would support the second NP purpose - to promote opportunities for the understanding and enjoyment of the special qualities of NPs by the public. However, it would conflict with the first purpose - to conserve and enhance the natural beauty, wildlife and cultural heritage of the NP. Where there is conflict between the two purposes, I am required to attach greater weight to its conservation purpose.
41. Drawing all of the above together, it is clear that the limited benefits of the proposal would not outweigh the totality of the harm that I have identified.
42. I therefore conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

J Moore

INSPECTOR