
PC 458/24

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 18 JUNE 2024

PLANNING APPEALS

Report by Steve Avery, Executive Director of Strategy and Planning

- 1. Appeal Reference: - APP/B9506/D/23/3329826** 2 New Cottages, Salternshill Lane, Beaulieu, Brockenhurst, SO42 7XE - The appeal is allowed with conditions.
- 2. Appeal Reference: - APP/B9506/D/23/3328308** The Lodge Annexe, Passford Farm Cottage, Southampton Road, Boldre, Lymington, SO41 8ND - The appeal is allowed with conditions.
- 3. Appeal Reference: - APP/B9506/D/23/3331367** Forest Glade House, Brockishill Road, Bartley, Southampton, SO40 2LN - The appeal is dismissed.
- 4. Appeal Reference: - APP/B9506/D/23/3331948** Forest Glade House, Brockishill Road, Bartley, Southampton, SO40 2LN - The appeal is dismissed.
- 5. Appeal Reference: - APP/B9506/D/23/3328931** Forest Glade House, Brockishill Road, Bartley, Southampton, SO40 2LN - The appeal is dismissed.

1.1 A schedule of current 'live' appeals is attached as Annex 2

RECOMMENDATION

To note the Planning Appeal decisions.

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Papers: PC 458/24
PC 458/24 Annex 2 Live Appeals

Equality Impact Assessment: There are no equality and diversity implications arising from this report.

Resources: None



Appeal Decision

Site visit made on 23 April 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/B9506/D/23/3329826

2 New Cottages, Salternshill Lane, Beaulieu, Hampshire SO42 7XE

- 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 G Graham against the decision of New Forest National Park Authority.
 - The application Ref is 23/00759FULL.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 2 New Cottages, Salternshill Lane, Beaulieu, Hampshire SO42 7XE in accordance with the terms of the application, Ref 23/00759FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. PL/02 Revision A Proposed Plans and Elevations and Drawing No. PL/03 Location and Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is whether the appeal proposal accords with local policies seeking to limit the scale of extensions to dwellings in order to avoid an imbalance in the range and mix of the housing stock and to protect the locally distinctive character of the New Forest National Park.

Reasons

3. The appeal property comprises one of a pair of semi-detached dwellings located within a fairly secluded rural area predominately surrounded by agricultural land. The proposal comprises a single storey rear extension very similar to that on the adjoining property.
4. Policy DP36 of the New Forest National Park Local Plan 2016-2036 (August 2019) (LP), states that extensions to existing dwellings will be permitted provided they are appropriate to the existing dwelling and its curtilage. The policy also states that in the case of other dwellings (not small dwellings)

outside of the Defined Villages the extension must not increase the floorspace of the existing dwelling by more than 30%. Finally, the Policy states that in exceptional circumstances a larger extension not exceeding 120 square metres may be permitted. The aim of this policy is consistent with Paragraph 182 of the National Planning Policy Framework that states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

5. There is no dispute between the main parties that the extension is appropriate to the dwelling and its curtilage, the dwelling is not a small dwelling and is located outside of the Defined Villages. I have no reason to disagree. Furthermore, there is no dispute between the parties that the proposal, alongside a previous extension, would exceed the 30% threshold in LP Policy DP36 and no specific exceptional/personal circumstances for the extension are being put forward.
6. With the original floorspace for the dwelling being 99 square metres, a 30% increase would potentially allow extensions of up to 128.7 square metres. The current dwelling as extended measures 118 square metres. The appeal proposal would increase the floorspace to approximately 143 square metres, approximately 14.3 square metres in excess of the 30% maximum permitted under LP Policy DP36.
7. Paragraph 7.79 of the LP clarifies that Policy DP36 relates to concerns that proposals to incrementally extend dwellings in a nationally designated landscape can affect the locally distinctive character of the built environment of the New Forest. It further states that in addition, extensions can over time cause an imbalance in the range and mix of housing stock available.
8. I acknowledge that LP Policy DP36 has been carried forward through successive local plans for the area and that when the LP was adopted in 2019, the Local Plan Inspector endorsed the policy as a useful tool in ensuring that extensions would not cumulatively erode the modest scale and rural character of dwellings. I further acknowledge the stated development pressures in the National Park.
9. However, the proposed extension would be subservient to the main dwelling and only slightly enlarge the existing kitchen and lounge/dining area. There would be no increase in the number of bedrooms, and it would remain a modest sized/scale family house and would not become a substantial property. Evidence from the appellant indicates that the extended appeal property would still sit well below the median averages for property values and sizes in the immediate area. As a result, there is little substantive evidence before me to indicate that the extension, and particularly the additional 14.3 square metres in excess of the 30% policy allowance, would have a significant effect on the value or size of the property that would lead to any harmful imbalance, in the range and mix of housing stock or lead to the loss of a smaller sized dwelling.
10. The small scale of the extension onto an existing patio area similar to the extension to the rear of the neighbouring dwelling would not result in any harmful suburbanising effect or lead to the gradual erosion of the National Park's special character. As such, it would accord with LP Policy SP17.
11. The Authority's refusal reason also relates to concerns regarding the impact of the proposal on activity generally in the countryside. While there would be a

small increase in floorspace, given the size of the resulting dwelling and no increase in bedroom numbers, I find that the proposal would not result in a material increase in activity in the countryside individually or cumulatively.

12. As a result, on balance, it has not been demonstrated that the degree to which the proposal would extend the dwelling would cause an imbalance in the range and mix of housing stock available sufficient to warrant the dismissal of this appeal.
13. It follows from the above that whilst the extension would exceed the floorspace limit in LP Policy DP36, I conclude that the proposal would not affect the balance in the range and mix of housing stock or lead to any harm to the locally distinctive character of this part of the New Forest National Park to which I have given great weight. Accordingly, the proposal would not result in any harm to the aims and objectives of LP policy DP36 and would not conflict with the development plan when read as a whole.

Other Considerations

14. As each application must be considered on its merits, allowing the appeal would not weaken the Authority's ability to conserve and enhance the landscape and scenic beauty of the National Park when considering other proposals.

Conditions

15. I have had regard to the tests in the Framework and the Planning Practice Guidance on the use of planning conditions. In addition to the standard time condition, a condition specifying the relevant plans is necessary for reasons of certainty.
16. A further condition is necessary to ensure that the proposed materials match those of the existing dwelling in the interests of the character and appearance of the area.

Conclusion

17. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR



Appeal Decision

Site visit made on 24 April 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/B9506/D/23/3328308

Passford Farm Cottage, The Lodge Annexe, 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Penelope Hill against the decision of New Forest National Park Authority.
 - The application Ref 23/00300VAR, dated 23 February 2023, was refused by notice dated 12 June 2023.
 - The application sought planning permission for roof alterations; recladding; alterations to doors and windows; new porch; relocating of 2 no.sheds; new 1 metre high fence with gate without complying with conditions attached to planning permission Ref 22/00566, dated 15 November 2022.
 - The conditions in dispute are Nos 2 and 4 which state that: 2. Development shall only be carried out in accordance with drawing numbers: Sheet 1 Rev B 01/07/2022, Sheet 2 Rev I 04/08/2022. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority; and 4. Unless otherwise first agreed in writing by the New Forest National Park Authority the external facing and roofing materials shall be as stated on the application form hereby approved.
 - The reasons given for the conditions are: 2. To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019); and 4. To ensure an acceptable appearance of the building in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016-2036 (August 2019).
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Decision

1. The appeal is allowed and planning permission is granted for roof alterations, re-cladding, alterations to doors and windows, new porch, relocating of 2no.sheds, new 1m high fence with gate at Passford Farm Cottage, The Lodge Annexe, Southampton Road, Boldre, Hampshire SO41 8ND in accordance with the application Ref 23/00300VAR, without compliance with condition numbers 2 and 4 previously imposed on planning permission Ref 22/00566, dated 15 November 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet 1 Rev B 01/07/2022, Sheet 2 Rev K 23/02/2023.
 - 2) The outbuildings the subject of this permission shall only be used for purposes incidental to the dwelling on the site and shall not be used for habitable accommodation such as kitchens, living rooms and bedrooms.

- 3) The external facing and roofing materials shall be as shown on the approved plans.
- 4) No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.
- 5) The open-sided porch shall at no point be in-filled or incorporated into the main dwellinghouse.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. I observed at the site visit that the rear elevation has been constructed using brickwork. The Council have indicated that this was carried out at the time that they issued their decision. However there is no indication that it had been carried out at the time the planning application was made. Consequently, I have dealt with the appeal under s73 of the Town and Country Planning Act 1990 (the Act).
4. The proposal involves a number of elements including; replace the approved timber cladding on the rear elevation with brickwork; brick up sides of porch to 1m high; timber cladding to be vertical rather than horizontal; replace the 2 sheds with 1 shed slightly larger than the 2 – size as per drawing; replace bi-fold doors to rear elevation with window and bi fold door; replace the approved red ridge tile with grey and add roof light to flat roof over bedroom.
5. I note that the original permission itself has been amended following a subsequent application under s96A of the Act. The Council have accepted that except for replacing the timber cladding on the rear elevation with brick work and the proposed bricking up of the sides of the porch, all other elements included as part of this appeal proposal are non-material amendments to the original planning permission and can be implemented. It follows that the only elements at issue are the use of brickwork on the rear elevation and the proposed bricking up of the sides of the porch and I have determined the appeal on that basis.

Main Issue

6. The main issue is whether or not the retention of conditions 2 and 4 in their current form are necessary to ensure that the proposed and implemented changes to the dwelling do not conflict with development plan policies that deal with replacement dwellings or extensions to dwellings.

Reasons

7. The appeal site comprises a modest single storey dwelling which is part of a cluster of properties that are accessed from Southampton Road. The appeal property is an attractive modest single storey dwelling that fits harmoniously into this setting.
8. As outlined above, although the proposal involves several elements, the vast majority of these can be implemented. There are two outstanding elements for

me to consider. The first would involve the introduction of a 1 metre wall on either side of the existing open porch. The second element has already been undertaken and involves the replacement of timber cladding on part of the rear elevation with red stock bricks.

9. The Council has argued that the proposal falls outside the scope of a minor material amendment. However, caselaw¹ makes it clear that an application under s73 of the Act, is not limited to minor material amendments. Consequently, this is not a test that should be applied in the case of a s73 application. However, the Council in its Planning Report also consider that the scheme falls outside the scope of a s73 application because the changes to the porch would conflict with a planning condition and the works to the rear wall are not re-cladding but a matter that would require planning permission in its own right. These are matters which do require consideration and I examine them below.
10. The proposed introduction of a 1 metre wall on either side of the existing porch would involve a very modest change to the existing building. Such a change would not result in any unacceptable harm to the character and appearance of the area or to the host building or the setting of the nearby Grade II listed building. Moreover, although it would result in the introduction of a section of solid wall on either side of the porch, most of the side elevations and the entire front of the porch would remain open.
11. As a result, the proposal would not result in unacceptable infilling of the porch, nor would it result in the porch being incorporated into the main dwelling house. Policy DP36 of the New Forest National Park Local Plan 2016-2036 adopted August 2019 (NFNPLP) deals with extensions to dwellings and sets out that extensions will not be permitted where the existing dwelling is the result of an unauthorised use. However, given my findings above, I do not consider the proposal amounts to an extension to the existing dwelling. It follows that this element would not conflict with Policy DP36 of the NFNPLP.
12. Further, this element would not conflict with Condition 6 attached to planning permission Ref 22/00566, dated 15 November 2022, as the sides of the porch would remain open-sided above the 1 metre wall and therefore the porch would not be in-filled to such an extent that it should be considered to be incorporated into the main dwelling house as a living space. It follows that I am satisfied that I can deal with this matter under s73 of the Act.
13. The other element at issue is the replacement of timber cladding on part of the rear elevation with red stock bricks. That work has already been completed and I observed that the use of this material is entirely compatible with both the host building and the wider area. As a result, again this element does not harm the character and appearance of the host building, the wider area or the setting of the nearby Grade II listed building.
14. Policy DP35 of NFNPLP deals with replacement dwellings and among other things sets out that replacement of existing dwellings will be permitted except where the existing dwelling is the result of an unauthorised use. The Council acknowledge that the replacement of the elevation does not equate to the replacement of the dwelling as a whole. I agree.

¹ Armstrong v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 142 (KB)

15. Further, the change of material from the approved timber cladding to red stock bricks for part of the rear elevation does not amount to the appeal property being rebuilt, substantially altered or being tantamount to a replacement dwelling. Rather, it is a modest alteration to the dwelling house which causes no material harm. Consequently, the development does not conflict with Policy DP35 of the NFNPLP.
16. Furthermore, I consider that I can deal with this aspect of the proposal under s73 of the Act as the scheme would still involve re-cladding, but only in respect of three of the four elevations. The description of the development does not specify which elevations would be re-clad and, therefore, the change to provide the brick work to one elevation, and which would form part of the amended plans, would not be contrary to the description as a whole. I do not consider that every aspect of a scheme is required to be included in the description of the development to fall within the scope of works that can be considered and permitted if the case is justified. Consequently, while I understand the point that the Council makes, in this case, the details of the scheme and the wording of the description of the development are not incompatible with a proposal under s73 of the Act.
17. I therefore conclude that the scheme can be considered under s73 of the Act and that the retention of conditions 2 and 4 in their current form are not necessary as, for the reasons set out above, the proposed and implemented changes to the dwelling would not result in any material harm and would not conflict with Policies DP35 and DP36 of the NFNPLP.

Conditions

18. By allowing this appeal a new planning permission is created. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
19. As the development has already started it is unnecessary for me to attach the commencement of development condition. Although some conditions may have been discharged, I have limited information before me about the status of the conditions imposed on the original planning permission. Accordingly, I shall impose all those that I consider remain relevant. If some conditions have in fact been discharged, that is a matter which can be addressed by the parties.
20. On that basis, a condition is needed to secure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the area and proper planning it is necessary to impose conditions to ensure any outbuildings are used for purposes incidental to the dwelling, requiring the use of appropriate materials, that there is adequate control of lighting and that the open sided porch cannot be in-filled or incorporated into the main dwellinghouse.

Conclusion

21. For the reasons given above I conclude that overall, the proposed introduction of a 1 metre wall on either side of the existing open porch and the replacement of timber cladding on part of the rear elevation with red stock bricks does not conflict with the development plan and therefore the appeal should be allowed.

I will therefore grant a new planning permission with all the changes as shown on the revised plans and subject to the specified planning conditions.

S Rawle

INSPECTOR

Appeal Decision

Site visit made on 10 May 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2024

Appeal A Ref: APP/B9506/D/23/3328931

Forest Glade House, Brockishill Road, Bartley, Hampshire SO40 2LN

- 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 Jack Nethercott of Prime Oak against the decision of New Forest National Park Authority.
 - The application Ref is 23/00021FULL.
 - The development proposed is the erection of an oak framed garage following demolition of the existing garage.
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Appeal B Ref: APP/B9506/D/23/3331367

Forest Glade House, Brockishill Road, Bartley, Hampshire SO40 2LN

- 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 Jack Nethercott of Prime Oak against the decision of New Forest National Park Authority.
 - The application Ref is 23/00030FULL.
 - The development proposed is the erection of an oak framed party barn following demolition of the existing stables.
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Appeal C Ref: APP/B9506/D/23/3331948

Forest Glade House, Brockishill Road, Bartley, Hampshire SO40 2LN

- 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 Jack Nethercott of Prime Oak against the decision of New Forest National Park Authority.
 - The application Ref is 23/00021FULL.
 - The development proposed is the erection of an oak framed orangery to the existing dwelling.
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Decision

Appeal A Ref: APP/B9506/D/23/3328931

1. The appeal is dismissed.

Appeal B Ref: APP/B9506/D/23/3331367

2. The appeal is dismissed.

Appeal C Ref: APP/B9506/D/23/3331948

3. The appeal is dismissed.

Procedural Matters

4. As set out above there are 3 appeals on this site. They all relate to the same host dwelling and differ only in relation to their location and proposed ancillary use. They have been refused for similar reasons and the main parties have submitted similar evidence for each. As such I have dealt with each appeal on its individual merits but to avoid duplication, I have considered the proposals together in this decision. For ease of reference, I refer to the different cases as Appeal A, Appeal B and Appeal C, as set out in the headers.
5. For Appeal B it is noted that during the application process the use of the proposed development has changed from that originally applied for, a party barn, to a workshop, storage, and games room. The Authority has considered the latter the proposed use and this decision reflects that.

Background and Main Issues

6. Although only explicitly referred to within a reason for refusal relating to Appeal A, the appeal site is within the Forest North East Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, places a statutory duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area, so I must consider this for all 3 appeals.
7. The main issues are therefore the effect of the proposed developments on the special character of the New Forest National Park; whether the proposals would preserve or enhance the character or appearance of the Forest North East Conservation Area; and their effect on protected species.

Reasons

8. The appeal site constitutes a primary residential dwelling known as Forest Glade House which is positioned centrally to the site. There are a series of outbuildings to one side of the main dwelling which include the existing garage and stable block. These are set out in such a way as to create a courtyard with open views out towards Brockishill Road. On the other side of the main dwelling towards the appeal site access is a secondary and smaller residential dwelling known as Forest Cottage.
9. Although there is another 2-storey building within this courtyard complex, its location, form, and relationship to the other buildings means Forest Glade House is read as the main building with all other buildings subservient to it, creating a modest farmstead aesthetic.
10. The appeal site is in an open part of the New Forest with woodland towards the rear. To the fore are smaller paddocks beyond which are other dwellings and Brockishill Road. It is not within any defined village or settlement within the New Forest.

New Forest National Park

11. National Parks are designated for the purposes of a) conserving and enhancing natural beauty, wildlife and cultural heritage, and b) promoting opportunities for the understanding and enjoyment of their special qualities by the public. Section 11A(2) of the National Parks and Access to the Countryside Act 1949

places a duty upon me to have regard to these purposes in this decision, and where there is conflict greater weight should be given to purpose a).

12. Paragraph 182 of the National Planning Policy Framework (The Framework) requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park. This ethos is upheld in the general development principles within Policy DP2 of the New Forest National Park Local Plan (LP) and supported by various other LP Policies.
13. On a strategic level LP Policy SP15 seeks to protect the tranquillity of the New Forest National Park (NFNP) which, in the policy's supporting text, is considered a special quality. LP Policy SP17 seeks to protect the NFNP's local distinctiveness and LP Policy DP18 sets out the overarching design principles for new development within the NFNP.
14. Due to the high bar of protection afforded to National Parks, the LP also has specific policies which relate to domestically scaled buildings. With relevance to Appeal C is LP Policy DP36. This sets out specific parameters for extensions to dwellings. For Appeal A and Appeal B it is LP Policy DP37 which sets out 5 criteria that any domestic outbuilding must comply with.
15. LP Policy DP36 specifically requires that for dwellings not considered small and located outside the defined villages, such as the host dwelling, extensions must not increase the floorspace of the existing dwelling by more than 30%. The supporting text to this policy clearly states that the existing dwelling is considered the dwelling as it existed on 1 July 1982 or when built or legally established if after this date.
16. The Authority has calculated that the proposed orangery within Appeal C, along with other previous extensions post 1 July 1982, would consist of an increase in floorspace of 47%. The appellant does not dispute this figure. Accordingly Appeal C fails to comply with LP Policy DP36.
17. It is appreciated the appellant considers that the prior extensions, which would represent approximately 30% of the increased footprint, have done the 'bulk of the damage', and that LP Policy DP36 is there to protect smaller houses and so the host dwelling should be exempt. However, the cumulative impact is still relevant and LP Policy DP36 clearly states the 30% maximum footprint is relevant to properties not considered small dwellings¹.
18. The significant increase in bulk, double storey height and domestic characteristics, namely the glazed central gable of the proposed garage within Appeal A would create a significantly more substantial building than existing. This would visually compete with the host dwelling when viewed from the surrounding area and appear out of proportion and overly dominant.
19. The footprint and scale of Appeal B's proposed outbuilding would not be so different to the existing stable block. However, the near full-length glazing and roof lights would visually dominate the courtyard and appear disproportionate to the proposed uses as a workshop, storage, and games room. This, like the proposed garage, would not retain the subservient relationship between the current buildings and host dwelling.

¹ Considered within the supporting policy text as those with 80sqm floor areas or less as of the 1 July 1982 or when built or legally established if after this date.

20. Although I am satisfied that on the evidence before me, the proposed garage and outbuilding would be located within the residential curtilage of the existing dwelling; would be considered incidental to the use of the existing dwelling; would not provide additional habitable accommodation; and does not reduce the existing private amenity space, including parking, to unacceptable levels. This does not however negate the fact neither proposed building could be considered proportionate or clearly subservient to the host dwelling. Therefore, Appeal A and Appeal B would both fail to comply with all 5 criteria of LP Policy DP37.
21. Notwithstanding the lack of compliance for all 3 appeals in relation to the specific domestic development LP policies, it is also necessary to consider the impact on the special qualities of the NFNP.
22. Appeal C's proposed orangery would have a large roof lantern and a high level of glazing would provide a significantly higher level of light spill than the host dwelling. Its proposed location on the opposite side of the host dwelling to the courtyard, also means it would not be screened by existing buildings. This in combination with the proximity to the woodland behind and the open nature of the appeal site's surroundings means it would be disproportionately dominant when viewed from the wider area. This would be further exacerbated when lit at night. It would therefore have a visually intrusive impact on its surroundings, and incrementally add to the erosion of the visual tranquillity of the NFNP, thus erode the local character of the area.
23. The high level of glazing within Appeal A and Appeal B would also have a significant impact on the visual tranquillity of the NFNP. Due to the open nature of the appeal site's surroundings, the level of light spill would mean the proposed buildings could be visible for some distance thus represent an urbanising effect on the otherwise rural character of the area.
24. It is noted that the appellant considers that the proposed storage uses within Appeal A and Appeal B would only be intermittently used so the impact of light spill would be limited. However, with no mechanism before me to limit the use of these spaces, I must take a precautionary approach due to the very high protection attributed to National Parks in general and consider the maximum potential use of that proposed.
25. That the existing garage may be structurally unsound is noted, but this does not alter my findings in relation to the harm the proposed replacement within Appeal A would have.
26. For the above reasons I find that Appeal A, Appeal B and Appeal C would have a detrimental effect on the special character of the NFNP and would undermine the purposes of a National Park. Appeal A and Appeal B would therefore fail to comply with LP Policies DP2, SP15, SP17, DP18 and DP37; Appeal C would fail to comply with LP Policies SP17 and DP36; and all 3 appeals would fail to conserve and enhance the landscape and scenic beauty of the NFNP, contrary to the Framework.

Forest North East Conservation Area

27. The Forest North East Conservation Area (CA) covers an area including several traditional settlements within a rural setting of pastures and woodland on the

edge of the New Forest. The significance of the CA is how, via enclosure, these settlements and the surrounding farmsteads and manors have encroached on the New Forest, with the appeal site located on the very edge of the main area of historic forest encroachment. Accordingly, its current visual appearance as a modest farmstead is important to the overall character of the CA.

28. In relation to Appeal A and Appeal B the visual impact of that proposed and the loss of the subservient relationship with the host dwelling would physically and visually alter the appearance of the appeal site from that of a main dwelling with ancillary buildings surrounding it, to one where there would be 2 competing and outwardly domestic buildings (in Appeal A the host dwelling and proposed garage; and in Appeal B the host dwelling and the proposed outbuilding). This would unbalance the scale and form of the appeal site and alter its visual appearance to the detriment of its farmstead character. Due to the appeal site's location at the very edge of the CA this change would have an urbanising effect on the site's surroundings thus fail to preserve or enhance the CA's character and appearance.
29. The harm identified to the CA by Appeal A and Appeal B would be less than substantial so needs to be balanced against any public benefits. The appellant has stated that the benefits of Appeal A and Appeal B relate to a sensitive design, material choice and sustainable construction methods. Although commendable attributes of any proposal, these do not represent a public benefit beyond the very limited environmental impact the sustainable construction methods would have. Accordingly, I do not find the public benefits of the scheme would outweigh the less than substantial harm identified in both Appeal A and Appeal B.
30. The proposed orangery in Appeal C would be attached to the host dwelling and would not therefore alter the building hierarchy of the appeal site and would retain the domestic nature of the host dwelling. Accordingly Appeal C would preserve the character and appearance of the CA.
31. For the reasons given above, only Appeal A and Appeal B would fail to preserve or enhance the character or appearance of the Conservation Area and would not therefore satisfy the statutory requirements of the Act as set out above. They would not comply with LP Policies DP2, SP16, and DP18 as far as they require development to respect, and protect, maintain, or enhance the historic environment.

Protected species

32. Both Appeal A and Appeal B would require the removal of existing buildings, a garage and stable block, which have partially open roof structures. The Authority's Ecologist has identified that both buildings could therefore have the potential to accommodate protected species, namely bats. My observations on site accord with this.
33. Therefore, in conjunction with the immediate proximity of the site to habitats highly conducive to supporting protected species, and a lack of technical assessment contradicting this position or providing appropriate mitigation, it is necessary to take a precautionary approach on this issue. Accordingly, I am not satisfied the evidence in either Appeal A or Appeal B demonstrates that the

associated proposed developments would not have a harmful effect on protected species.

34. That the appellant chose not to undertake a Preliminary Ecology Survey prior to submission of the applications relating to Appeal A and Appeal B, preferring to wait for notification from the Authority is acknowledged. However, this does not negate the fact that without evidence to the contrary I am unable to conclude anything other than potential harm.
35. Consequently, the proposed development related to Appeal A and Appeal B could have a harmful effect on protected species. Appeal A and Appeal B would not therefore comply with LP Policy SP6 and the Framework as far as they seek to protect, maintain, and enhance protected habitats and species.

Other Matters

36. The appeal site is adjacent to the New Forest Special Area of Conservation, Special Protection Area and RAMSAR site, and could have a likely significant effect on this protected environment so an appropriate assessment (AA) could be required. However, clause 63(1) of the Conservation of Habitats and Species Regulations 2017 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. An AA is not, therefore, necessary where there is no intention to grant permission.
37. Concerns have also been raised in relation to the potential impact on trees, and how the Authority dealt with the submission of information relating to this during the various applications. Likewise, there is some conflict in Appeal B in relation to the use of some of the other buildings on the site.
38. However, as I am dismissing the appeal for other reasons, I have not pursued these matters further.

Conclusion

39. It is acknowledged that I have not found against Appeal C in the second and third main issues. However, that Appeal C would not affect the CA or protected species would constitute a lack of harm and so does not outweigh the harm identified in the first main issue.
40. Consequently, for the reasons given above, all 3 proposals would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. Appeal A, Appeal B and Appeal C are, therefore, dismissed.

RJ Redford

INSPECTOR