



Appeal Decision

Site visit made on 8 April 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/B9506/W/24/3358039

Land Adjoining Sydney Cottage, Winsor Rd, Winsor SO40 2HP

- 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 Charlotte Euridge against the decision of New Forest National Park Authority.
- The application Ref is 24/00372FULL.
- The development proposed is described as: "Replacement of existing outbuilding. No change of use is proposed."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the determination of the application subject of this appeal, a revised version of the National Planning Policy Framework (the Framework) was issued on 12 December 2024. In the specific circumstances of this appeal, there is no need to invite further comments from the main parties, as the revisions do not affect the matters of dispute under this appeal.
3. A previously scheme for a single dwelling at this site was refused by the National Park Authority (NPA) and then dismissed at appeal in October 2024¹ ("the previous appeal decision"). Whilst the previous appeal decision is a significant material consideration, I must also have regard to the submitted evidence for this appeal. I must also bear in mind that the current proposal does not involve a new dwelling. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposed replacement outbuilding is within a suitable location having regard to development plan policies governing the countryside; and
 - the effect on the character and appearance of the Forest North East Conservation Area and the setting of non-designated heritage assets.

Reasons

Location

5. The appeal site is outside of a "Defined Villages"² settlement boundary, as set out in the New Forest National Park Local Plan 2016-2036 (NFNPLP) (adopted 2019). For planning policy purposes, it therefore lies within the countryside.

¹ APP/B9506/W/23/3334834

² Ashurst, Brockenhurst, Lyndhurst and Sway

6. Policy DP37 of the NFNPLP states that domestic outbuildings will be permitted where, amongst other things, they are located within the residential curtilage of an existing dwelling and are proportionate and clearly subservient to the dwelling they are to serve in terms of their design, scale, size, height and massing. Case law has found that for land to be in the curtilage of a dwelling, it is enough that it serves the purpose of the house or building in some necessary or reasonably useful way
7. In their Design and Access Statement, the appellant confirms that the owners and occupiers of Sydney Cottage do not own the land in which the existing outbuilding is located. There is therefore no functional link to an existing dwelling. This is reinforced by the segregation of the appeal site from the residential gardens to each side by closeboard fencing. There is no dwelling on the appeal site. It therefore does not form residential curtilage in the context of Policy DP37, nor does it serve an existing dwelling.
8. The decision notice also cites conflict with Policy DP50 of the NFNPLP, which governs buildings required for agriculture or forestry purposes. The NPA contends that in the absence of an established use of the appeal site, the default position would be to consider the land as agricultural. The appellant however has not advanced an agricultural need for the proposal and instead describes the site as garden land, although the appeal submission sets out that the existing and proposed floorspace is non-residential.
9. In any event, the lawful use of the appeal site is not a matter that can be determined under this section 78 appeal. At the time of my site visit, the existing outbuilding mainly stored various wooden materials, along with a ladder and a wheelbarrow. The appellant stresses that the proposal does not involve a dwelling or a change of use, although a specific use for the outbuilding has not been articulated. Even if the appeal site could be said to form garden land, it remains that the proposal in this location does not benefit from support under either Policies DP37 or DP50 of the NFNPLP.
10. I accept that the proposal involves replacement of an existing outbuilding. Nevertheless, once gone the proposal would constitute the erection of a building in the countryside, and I have not been directed to any other development plan policies that provide support for it in this location.
11. I therefore must conclude that the proposed development is not within a suitable location having regard to development plan policies governing the countryside.

Conservation Area and setting of non-designated heritage assets

12. The appeal site is within the Forest North East Conservation Area (CA) and encapsulates a large area across open countryside and linear settlements. It is divided into seven different character areas, as set out in the NPA's Conservation Area Character Appraisal (CA Character Appraisal) (printed March 2009). The appeal site lies within character area B (Winsor).
13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Having regard to the CA Character Appraisal and my own observations on site, the significance of character area B (Winsor), and the CA as a whole, is derived in part from its modest thatched

and red brick cottages in an historic linear form, with views of mature trees and open land beyond.

14. The officer report also advises that Sydney Cottage and Stanley Cottage, either side of the appeal site, are non-designated heritage assets (NDHAs). From what I have seen and read, their significance is derived from their historic linear form and some retained period features on each dwelling. Thus they contribute positively to the significance of the CA.
15. The outbuilding within the appeal site has a somewhat dilapidated appearance, as its corrugated sheeting appears to be deteriorating, and there are some gaps within the tiled pitched roof which is noticeably bowed. Its front elevation is narrow with low eaves, and it therefore does not have a commanding presence in the street, despite its proximity to the highway. Its modest scale and simple form also reflects many other outbuildings along Winsor Road. The appeal site is otherwise undeveloped and provides pleasing views towards mature trees to the rear. Overall, the site therefore forms a positive contribution to the significance of the CA.
16. I do not however share the Inspector's conclusion in the previous appeal decision³ that removal of the existing outbuilding would, in itself, harmfully erode the historical significance of this part of the CA, or the settings of the NDHAs to each side. The submitted evidence for the current appeal does not establish the outbuilding's specific age or specific former agricultural use. In this context and based on my own site observations, its removal would have a neutral impact on the overall significance of the CA and on the setting of the NDHAs, due to its limited scale and poor condition.
17. The proposed outbuilding would have a greater eaves height and a slightly wider front elevation. As a new building with windows and doors, it would also inevitably have a more permanent and urban appearance. Tempering this impact, it would be set slightly further back from the structure it would replace, level with the front elevation of Stanley Cottage and set slightly in from its side boundary. It would also be noticeably set back from Sydney Cottage on the other side. The overall proposed scale and siting would avoid an over dominant or incongruous effect.
18. External materials proposed include natural slate roof tiles as existing. Had I been minded to allow the appeal, a planning condition could have secured this along with details of all other external materials, to ensure a sympathetic appearance in the street scene. A further condition could have secured new planting details. I am satisfied that appropriate external materials and landscaping would achieve a minor enhancement to the significance of the CA and would also avoid any harm to the settings of the NDHAs to each side.
19. I therefore conclude that the proposal would not harm the character and appearance of the CA. The scheme would comply with Policy SP16 of the NFNPLP which requires, amongst other things, proposals to conserve and enhance the significance or special interest of designated or non designated heritage assets.

Planning balance

20. The proposed development would provide an enhancement to the significance of the CA, in compliance with Policy SP16 of the NFNPLP. However, for the reasons

³ Decision letter paragraph 25.

given above, it has not been demonstrated that the replacement outbuilding is within a suitable location having regard to development plan policies governing the countryside, namely NFNPLP Policies DP37 and DP50. I therefore conclude that the proposal is contrary to the development plan as a whole.

21. It is put to me that repairs to the existing structure could be undertaken without planning permission. The proposal however involves a new building with a larger footprint and higher eaves level. This potential fallback position therefore does not justify making a decision otherwise than in accordance with the development plan.

Conclusion

22. For the reasons given above, the appeal is dismissed.

R Cahalane

INSPECTOR