



Appeal Decision

Hearing and site visit held on 13 August 2024

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/B9506/C/23/3325725

Land adjacent to Dibden Golf Course/Rectory Cottage, Main Road, Dibden, Southampton SO45 5TD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Anthony Chick against an enforcement notice issued by New Forest National Park Authority.
- The notice was issued on 1 June 2023.
- The breach of planning control as alleged in the notice is without planning permission,
 - (i) engineering operations, comprising the installation of hard surfacing and formation of earth bunds, and
 - (ii) the material change of use of the land from land without a lawful planning use to the use of the land for the stationing of a caravan/mobile home for residential purposes in the approximate position shaded blue on the plan attached to this Notice.
- The requirements of the notice are:
 - 5.1 Permanently cease the use of the land affected for the stationing of a mobile home for residential purposes or purposes unrelated to agriculture and the storage of any associated residential or non-agricultural items/paraphernalia.
 - 5.2 Permanently remove the mobile home (shown in the approximate position shaded blue on the plan attached to this Notice) from the land affected.
 - 5.3 Permanently remove all associated residential and non-agricultural items/paraphernalia from the land affected.
 - 5.4 Permanently remove the hardsurfacing shown in the approximate position shaded orange on the plan attached to this Notice.
 - 5.5 Permanently remove the earth bunds shown in the approximate position shaded green on the plan attached to this Notice.
 - 5.6 Restore the land to its former level and condition prior to carrying out the developments specified at 3(i) and 3(ii) of this Notice.
 - 5.7 Remove any debris resulting from compliance with requirements 5.1-5.6 from the land affected.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Matters concerning the Enforcement Notice

1. Section 3 of the enforcement notice (the Notice) alleges operational development and a material change of use of the Land. There is no reason why the notice should not include both these forms of development. However, in 3(ii), there is no need to include what use the land was being put to before the material change of use (MCU) took place. Furthermore, as the stationing of a caravan/mobile home for residential purposes is a use of land, it is not

necessary for the approximate position of the caravan/mobile home to be identified on the plan. The words *'from land without a lawful planning use'* and *'in the approximate position shaded blue on the plan attached to this Notice'* are therefore unnecessary and shall be deleted.

Preliminary Matters

2. The appellant's appeal statement includes a ground (f) appeal even though this was not identified on the appeal form. The Council had time to consider and respond to the ground (f) submission. It was also discussed during the Hearing. The introduction of the ground (f) appeal has not caused injustice and I shall proceed on this basis.
3. There is no dispute that the appellant meets the definition of gypsy and travellers set out in Annex 1 of the Planning Policy for Traveller Sites 2023 (the PPTS).
4. Revisions to the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (the PPTS) were published in December 2024. The revisions to these documents do not fundamentally change matters applicable to this case. There was therefore no need to seek the main appeal parties' comments on the revisions.

Appeal on Ground (a) and the deemed application for planning permission

5. An appeal on this ground is that planning permission should be granted for the corrected matters alleged. The **main issues** are:
 - the need for the development to be in the National Park;
 - the effects of the development on character and appearance of the locality;
 - the effects of the development on living conditions of neighbouring occupiers with regards to noise and activity;
 - the effects of the development on biodiversity, in particular, on the New Forest Special Protection Area and the Solent and Southampton Special Protection Area; and
 - whether any identified harm would be outweighed by other considerations.

Reasons

Policy

6. The reasons for issuing the notice referred, amongst other things, to policies SP46 (Sustainable Tourism Development) and DP31 (Agricultural and Forestry Workers' dwellings) of the New Forest National Park Local Plan 2016 – 2036 (the LP). Given the appellant's agreed gypsy status, the Authority conceded at the Hearing that these policies are not relevant, and I concur.
7. Policy SP19 (New Residential Development in the National Park) of the LP sets out the Authority's approach to delivering an additional 800 dwellings within the New Forest National Park (the NP). While the Authority claim the provision of gypsy pitches would be counted in their completions calculation, there is nothing in the policy wording or the supporting text to suggest that this subject policy applies to gypsy and traveller developments. I therefore find it more

likely than not, that it is policy SP33 (Gypsies, Travellers and Travelling showpeople) of the LP that is of key relevance to the development, not policy SP19.

8. The LP acknowledges that the New Forest has a long history of association with the gypsy and traveller community, and that their needs are recognised in national planning policy. The designated boundary of the NP is not contiguous with the recognised boundary of the New Forest. The Framework advises decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph 187). Further, great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks (paragraph 189). The development is not major development and paragraph 190 of the Framework does not apply.
9. The supporting text to policy SP33 refers to planning authorities strictly limiting new traveller site development '*in open countryside away from existing settlements.*' The LP provides no definition of 'open countryside'. Mr Illsey however explained that all the NP is countryside, including the settlements. 'Open countryside' is therefore used to describe areas within the NP falling outside of settlements. I shall adopt this terminology for the purposes of my decision.
10. The appeal site is located outside of a settlement boundary. It is therefore in the open countryside. The development is not however isolated as it sits between Rectory Cottage and Broad View and is adjacent to the Main Road/A326 roundabout.
11. Policy SP33 serves a dual purpose, firstly it deals with the overall need for sites. Secondly, SP33 confirms '*proposals for the provision of permanent and/or transit accommodation to meet an established need of gypsies, travellers and traveling showpeople will be supported within the National Park where it can be demonstrated that there is a need for the site to be located within the National Park*' and compliance with the detailed criteria can be demonstrated. The policy therefore has two elements, both of which need to be satisfied.

Five Year Land Supply

10. Paragraph 7(b) of the PPTS requires local planning authorities to prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. The PPTS also requires local planning authorities to identify, and update annually, a 5-year supply of specific deliverable sites against their locally set targets.
11. The Hampshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017) (the GTAA 2017) identifies a need for 1 additional pitch to be provided within the NP between 2016 and 2036. Land at Forest View is allocated to meet that identified need. The GTAA is however 7 years old. Furthermore, it predates the *Lisa Smith* judgement and the change to the gypsy and traveller definition found in Annex A of the PPTS. These factors have the potential to significantly affect the identified need for pitches within the NP. For these reasons I find the GTAA 2017 to be out of date.
12. It is the Authority's view that as land to accommodate the identified need of 1 pitch has been allocated in the LP, there is no need for traveller

accommodation needs to be reviewed. At the Hearing the Authority indicated a review could be carried out as part of the upcoming local plan review. However, this does nothing to address the lack of up-to-date information about the accommodation needs of travellers now. For these reasons, I shall give the established need figure identified in policy SP33 of the LP limited weight.

13. There can be no doubt that the NP designation represents a strict planning constraint across the NP area. I was told there are no pitches available within the NP and the current position regarding the availability of pitches within the adjacent New Forest District Council area is unknown. I also understand that the allocated pitch is in private ownership and is an extension to an established pitch. I further understand the allocated pitch has been granted planning permission, but that permission has not been taken up.
14. In these circumstances, a suitable and available alternative site for the family currently occupying the appeal site cannot be identified. This weighs positively in favour of the development.

Local connection and occupancy

15. The appellant told us how his family have travelled and worked extensively throughout the New Forest for generations. His family's local connection with the New Forest pre-date the designation of the NP. He and previous generations of his family hold Foresters Rights (granted by the Verderers of the New Forest), which allows the grazing of their horses throughout the New Forest. The appellant's Foresters Rights provide for the grazing of 2 to 5 horses. He also trades his horses, and previously his grandad's and uncle's horses, at the Beaulieu Road Sales Yard, which holds 6 auctions a year, as well as travelling to Appleby, Stow-on-the-Wold and Wickham horse fairs.
16. The appellant told the Hearing how he does garden work within the New Forest and the wider Southampton area. He acknowledged there is insufficient work arising in the NP to keep him employed full time. He estimates approximately 75% of his work is generated in the NP. He travels as far as Bournemouth in the west and Chichester in the east for work to fill the rest of his time.
17. The Council has provided no evidence to contradict the appellant's local connection to the New Forest. However, I agree with the Council, that as the New Forest boundary is not contiguous with the NP boundary, the development does not need to be in the NP for the appellant's connection to the New Forest to be maintained. The development is therefore contrary to the second part of policy SP33.

Character and appearance

18. The appeal site is located to the south-east of Manor Road at the western end of Main Road. Woodland obscures views of the site from the A326 and the adjacent roundabout. A 1.8 m high close boarded fence screens the site from Manor Road. The prevailing residential character is linear development, with dwellings being set back from the road, behind dense vegetation and frontage trees, in spacious plots.

19. The appeal site contributes to the creation of an area of linear development. The adjacent dwellings at Broad View and Rectory Cottage are set well back from their respective boundaries, behind mature trees and vegetation. Both properties have high close boarded timber fences adjacent to Manor Road like that along the appeal site frontage.
20. The scale of the development, one pitch comprising of one mobile home and one touring caravan, is not dissimilar to the scale of development within the surrounding locality. I saw during my site visit that the mobile home is partially visible above the close boarded fencing. I saw that other dwellings in the locality are somewhat visible, although they tend to be glimpsed through dense vegetation. I acknowledge there is a lack of dense vegetation within the appeal site.
21. There is no dispute that trees have been removed from within the appeal site. Given the topography of the land, remaining tree planting and adjacent woodland, the development has not created views through the site to the countryside beyond. Even if it had, the view beyond would be of the managed landscape of Dibden Golf Course.
22. There is no dispute that the frontage timber fence is immune from enforcement action due to the passage of time. There is a narrow grass verge between it and the carriageway, which is outside the appellant's ownership. Planting could not therefore take place within the verge. The internal layout of the appeal site could be rearranged to facilitate additional planting within the site, in particular adjacent to the frontage timber fence. Planting in such a location would grow up and be visible above the fencing, replicating the appearance of the site prior to the appellant moving on to the land. This could be secured by an appropriately worded condition, which requires details of the site layout, a landscaping scheme, and their future maintenance to be submitted for approval.
23. My attention was drawn to the fact that the site lies within the Hythe and Ashurst Forest Farmlands Local Character Area (LCA12). LCA12 is broken down into 3 sub areas, with the site falling specifically within '7. *Ancient Forest Farmlands*', which encompasses Dibden Golf Course's managed landscape, significant lengths of ribbon development, and open countryside. LCA12 identifies key landscape characteristics and positive attributes applicable within LCA12. It is not however clear how these characteristics and attributes specifically apply to the Ancient Forest Farmlands sub area.
24. Having regard to the key landscape characteristics and positive attributes in LCA12, Manor Road, adjacent to the appeal site, could be described as a leafy lane. It is not however 'sunken' nor, given its relatively short length, could it be said to 'wind' through wooded areas or the landscape. From Manor Road and Main Road there is a strong sense of enclosure due to the dense woodland. Only short views of the site are available from the adjacent highway network. In my judgement, the development has not therefore had any significant adverse effect on the key landscape characteristics or positive attributes identified in LCA12.

25. Longer distance views of the appeal site are available from Dibden Golf Course. Aerial images show lines of trees, native species hedgerows and other vegetation throughout the golf course. The Laurel hedgerow planted on the earth bund may, in time, screen the appeal site to some degree from the golf course. However, it also contributes to the suburbanising visual effect the development has had on the locality. A suitable soft landscaping scheme, to replace the Laurel hedgerow could be secured by condition. Such a scheme would resolve the visual harm the development has had on views from the golf course.
26. The character of the largely open and undeveloped landscapes between and within settlements within the NP are unaffected by the development. Only limited views of the development are available, and they could be lessened and improved through the provision of appropriate landscaping.
27. Taking all these factors together, in my judgement, the development causes negligible harm to the character and appearance of the immediate locality, which could be addressed through the imposition of suitably worded conditions. The development therefore accords with policies DP2(a), (b) and (c), SP7, SP17 and SP33(a), which seek, amongst other things to ensure development is appropriate in appearance and respects landscape character. The development would also conserve the landscape and scenic beauty of the NP, in accordance with paragraph 182 of the National Planning Policy Framework.

Traffic generation and parking

28. During my site visit I saw that the appeal site can accommodate the appellant's van, which he uses for work and as his personal vehicle. In addition, there were two 'vintage' cars that he has restored as a hobby. Ample space remained for additional vehicles to be parked. A storage container is sited adjacent to the mobile home, and this is used to store the appellant's work tools and other domestic paraphernalia. The appeal site contains adequate parking and storage facilities. The layout of the site can be formalised as part of a Site Development Scheme should I find planning permission should be granted.
29. There is no substantiated evidence to show commercial activities are taking place on the land. As a gardener, it is unclear how the appellant would carry out his business on the premises, other than the storage of his tools. It would also be unlikely that his customers would visit the appeal site.
30. The appellant does not dispute that he had used social media to sell his boat and his son's quad bike. The boat was however moored elsewhere and as such generated no visits to the land. While selling the quad bike may have generated some additional traffic, I find it less than likely that this would have been over and above what could be generated by the sale of personal belongings from any residential property.
31. With regards to parking, there is ample space within the site to accommodate vehicles likely to be associated with its residential occupation. Furthermore, as Manor Road, is a no through road, vehicles can park along some of its length without obstructing access to neighbouring properties or the cycle path.

32. Given the above, I find it less than likely that the level of vehicular traffic generated by the development is significantly greater than what would be generated by a single dwellinghouse. The appeal site is almost adjacent to the A326 transport corridor and therefore the traffic generated by the development is not inappropriate for the roads within the NP.
33. For these reasons, the development accords with policy SP33(c) and (d), which require the site to be well located on the highway network and provide adequate on-site parking and storage facilities.

Sustainability

34. Footpaths and cycleways, along with accessible bus stops ensure that residents of the site are not reliant on private motor vehicles to access local services and facilities. I saw the location of the bus stops, footpaths and cycleways, as well as the location of services and facilities during my site visit. The main appeal parties agree that the appeal site is sustainably located, and I concur. The development therefore complies with policies SP2(f) and SP33(e), which seek to ensure that development does not result in unacceptable adverse impacts associated with traffic in the NP and that it is appropriately located in respect of access to local facilities.

Living conditions

35. Having regard to the site's proximity to the A326, it falls within a least tranquil (Level A) area according to the Authority's Tranquil Areas Mapping (2015). The site and surrounding properties therefore lie in an area subjected to man-made noise and visual disturbance.
36. The land is separated from its immediate neighbours by wooded areas and from other dwellings in the wider locality by woodland and highways. The land has high timber fencing to its front and side boundaries. The development has therefore had no adverse effects on the living conditions of neighbouring residents through overlooking or loss of privacy.
37. I saw the appellant's work vehicle and work tools during my site visit. The amount and type of tools present did not seem to be significantly different to what might be found at any residential property. In my judgement, the appellant's work-related activities on the land would be unlikely to cause any significant disturbance to neighbouring occupiers.
38. The Authority claim that the development has generated anti-social behaviour, environmental protection issues and commercial use of the land associated with vehicle sales resulting in noise and high levels of activity. The Authority confirmed that while they had seen social media posts for a boat and a quad bike being sold by the appellant, they had no firsthand knowledge of the claimed commercial use of the land, the anti-social behaviour or environmental protection issue.
39. The Authority opined the environmental protection issue may relate to effluent arising from the residential use of the land. A scheme for the disposal of foul water and waste arising from the development could however be secured by condition.

40. Representations received from the Parish Council and two neighbouring residents do not specifically refer to the development having had any direct effect on their or other residents' living conditions. One representation refers to business activities being run from the land and the use attracting '*unusually high volumes of vehicular traffic and parking issues*'. I have already addressed these matters in paragraphs 28 to 31 above.
41. In the absence of any substantive evidence to the contrary, I find that the development has had no significant adverse effects on the living conditions of neighbouring residents. The development therefore accords with policies DP2(e) and (f), SP15 and SP33(f), which seek to preserve the amenities of neighbouring residents.

Special Protection Areas (SPAs)

42. The New Forest National Park is home to rare habitats and species, which have been designated as Special Area of Conservation, Special Protection Area and a Ramsar site, which I shall collectively refer to as the NFSPA. It is recognised to be one of the most important sites for nature conservation in the country and throughout Europe. Qualifying habitats include Annex I habitat, a mosaic of ancient pasture woodland, lowland heath, lawns, wetlands, and river systems. Annex I and II species include European honey-buzzard, Hen harrier, Eurasian hobby, European nightjar, Woodlark, Dartford warbler, Wood warbler, southern damselfly, stag beetle and great crested newt.
43. The coastline and river estuaries also provide a diversity of natural habitats and support major populations of wintering waders and wildfowl. The Solent and Southampton Special Protection Area's (SSSPA) qualifying features comprise Annex 1 and Annex 2 species, including: breeding common tern, little tern, Mediterranean gull, roseate tern and sandwich tern. It also supports overwintering black-tailed godwit, dark-bellied brent goose, ringed plover, and teal. The area also regularly supports at least 20,000 waterfowl.
44. As the competent authority, I have a duty to undertake an appropriate assessment. The NFSPA and the SSSPA are protected habitats sites. The scope and content of this appropriate assessment is proportionate to the nature, location, duration and scale of the development and the interest features of the SPAs. The development provides additional overnight accommodation, which is considered likely to have a significant effect on the integrity of the SPAs due to recreation and visitor pressures, and also from nutrient pollution for the SSSPA.
45. The Authority's Supplementary Planning Document: Mitigating Recreational Impacts on the New Forest designated sites (2020) (the SPD), provides for every new residential proposal to mitigate their recreational impacts on NFSPA, in line with policy SP5 of the LP. The SPD sets out a methodology for calculating the mitigation funding for the lifetime of the development. The mitigation funding will contribute to access management, provision of alternative recreational green space, education and awareness promotion, in addition to monitoring and research. Natural England, as the statutory nature conservation body, supports the use of the SPD.

46. The Solent Recreation Mitigation Strategy (2017) (SRMS) provides a similar approach to mitigating for small scale residential developments, such as this one. As with the SPD, the SRMS is supported by Natural England, and sets out a methodology for calculating the mitigation funding for the lifetime of the development. The mitigation funding will contribute to a similar range of objectives as the SPD mitigation funding.
47. The appellant proposes to utilise a PIA Small wastewater treatment system one2clean. Natural England's Nutrient Neutrality calculator has been used to calculate what 'credits' they need to purchase to offset the effects of the development. Natural England has confirmed the calculated credits are correct.
48. The appellant has provided a unilateral undertaking (UU) to secure the payment of the relevant mitigation funding, the purchase of nitrate neutrality credits, and associated administrative and monitoring costs. Natural England has confirmed that the UU will satisfactorily mitigate the effects of the development on the SPAs. The provisions of the UU are necessary to make the development acceptable in planning terms; they are directly related to the development and are fairly and reasonably related in scale and kind to the development. The UU meets the relevant tests, and the planning obligation is a material consideration which satisfactorily mitigates harm in this case.
49. For these reasons, the proposal accords with policies DP2(b) and SP5 of the LP, which require developments to respect biodiversity, and protect and enhance the integrity of the SPAs. The development also complies with the Conservation of Habitats and Species Regulations 2017 (as amended).

Personal Circumstances

50. The appellant confirmed at the Hearing that he lives on the site in a mobile home with his partner. The appellant has two young sons (the boys). Given the uncertainty surrounding the use of this land as a permanent home, the boys do not currently live with the appellant.
51. I was told that the boys cannot live with their mother due to her ongoing addiction issues. While having a roadside existence, the appellant did not consider it appropriate for the boys to live with him. As such, the boys currently live with the appellant's sister (aunt) in bricks and mortar accommodation in Holbury, where they are settled into the local school. The boys currently live a 10-minute drive from their father and the appeal site.
52. Recent changes to their aunt's other caring commitments mean the boys cannot remain living with her in the long term. I do not doubt it would be preferable for the boys to live with the appellant on a settled site, which allows them to remain at their current school to continue their education.
53. If the appeal is not successful, in the absence of an alternative site, the appellant and his partner are at risk of being made homeless. It would also remove any possibility for the boys to resume living with a parent. The loss of a settled base would potentially mean having to resort to living on the roadside.

54. The appellant's personal circumstances therefore weigh in favour of the development.

The Planning Balance

55. For the reasons given above, I find that the negligible physical harm identified as arising from the development can be satisfactorily overcome through the imposition of conditions. Furthermore, the lack of available alternative sites and the appellant's personal circumstances are material considerations, which weigh positively in favour of the development and to which I attribute great weight. Limited policy conflict arises from the lack of a demonstrated need for the site to be in the National Park and this is clearly outweighed by the other material considerations I have identified.
56. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
57. Given the circumstances overall I find that granting a personal planning permission would be proportionate and necessary. Since I decided to allow the appeal and grant full planning permission for the development there will be no interference with the appellant's rights to a private and family life and home.
58. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.
59. The grant of personal planning permission would go some way towards advancing equality of opportunity by providing much needed gypsy and traveller accommodation and by recognising the personal circumstances of the appellant and their family.

Conditions

60. The permission is personal and accordingly a condition restricting occupation to the appellant and resident dependents is necessary. A condition requiring the restoration of the site, when occupation ceases, is required in the interests of helping safeguard the National Park and the character and appearance of the area.
61. A condition limiting the number of pitches and caravans stationed is also needed in recognition that the permission is personal, and to protect the

character and appearance of the area. Conditions preventing commercial activity on the site and restricting the size of vehicles are required in the interests of helping safeguard the character and appearance of the area and living conditions of nearby residents.

62. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation) concerning the site layout, external lighting, amenity/utility buildings, foul water and waste disposal, and hard and soft landscaping works, including their maintenance, is required to safeguard the character and appearance of the area and the living conditions of nearby residents.
63. The form of this condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Conclusion on ground (a)

64. Therefore, despite there being no demonstrated need for the development to be located within the National Park, material considerations indicate that a decision should be taken otherwise than in accordance with the development plan. For the reasons given above I shall grant planning permission for the use and development described in the corrected notice, subject to conditions. The enforcement notice will be corrected and quashed.
65. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

Formal Decision

66. It is directed that the enforcement notice is corrected by:

In section 3. THE BREACH OF PLANNING CONTROL, in (ii), the deletion of the words "from land without a lawful planning use" and "in the approximate position shaded blue on the plan attached to this Notice".

67. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely (i) engineering operations, comprising the installation of hard surfacing and formation of earth bunds and (ii) the material change of use of the land to use for the siting of a caravan/mobile home for residential purposes at land adjacent to Dibden Golf Course/Rectory Cottage (since named Oak Wood), Main Road, Dibden, Southampton SO45 5TD as shown edged red on the plan attached to the notice and subject to the conditions set out in the attached Schedule of Conditions.

M Madge

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephen Jupp
Anthony Chick
Kirstie Cronin

Planning Agent
Appellant
Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY:

Lucy Cooper

Enforcement Manager, New Forest National
Park Authority

David Illsey

Planning Policy Manager, New Forest
National Park Authority

DOCUMENTS

- HD1 Letter dated 19 July 2023 from Dr Rachel Megoran (omitted from K Cronin's statement)
- HD2 Policy SP15: Tranquillity
- HD3 Hampshire Consortium GTAA – Final Report (2017)
- HD4 Signed Unilateral Undertaking in connection with a permanent planning permission
- HD5 Further draft version of the Statement of Common Ground
- HD6 Google Streetview image looking towards the appeal site – March 2009
- HD7 Google Streetview images looking towards the appeal site – June 2012, May 2016, September 2020 & April 2023
- HD8 GDPO extract – Part 4 Temporary Buildings and Uses
- HD9 Policy SP7: Landscape Character
- HD10 New Forest National Park Tranquillity Map
- HD11 Revised New Forest Habitat Mitigation Scheme SPD (2020)
- HD12 Solent Recreation Mitigation Strategy (2017)

SCHEDULE OF CONDITIONS

1. The occupation of the site hereby permitted shall be carried on only by Mr Anthony Chick and his resident dependants.
2. When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
3. There shall be no more than 1 pitch on the site and no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended), shall be stationed at any time, of which only 1 caravan shall be a static caravan/mobile home.
4. No commercial activities shall take place on the land, including the storage of plant, machinery and materials, and the transfer or burning of materials.
5. No vehicle over 3.5 tonnes shall be stationed, parked, or stored on the site.
6. No means of enclosure, external lighting, hardstanding, or outbuildings shall be constructed or erected on the site other than those approved under the Site Development Scheme.
7. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought on to the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements set out in (i) to (v) below:
 - (i) Within 3 months of the date of this decision a site development scheme (SDS) is to be submitted to and approved in writing by the local planning authority. The SDS shall include details of:
 - (a) The mobile home, which shall be clad in timber;
 - (b) External lighting;
 - (c) Any amenity/utility building(s);
 - (d) Foul water and waste disposal, including a long-term maintenance program;
 - (e) Hard and soft landscaping of the site. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping shall include identification of all trees, shrubs and hedges to be retained showing their species, spread and maturity; new tree, shrub and hedge planting including details of species, plant sizes and proposed numbers and densities; and a schedule of landscape maintenance for a period of 5 years following initial planting; and
 - (f) An implementation programme, including any phasing work.

- (ii) If within 11 months of the date of this decision the local planning authority refuses to approve any of the above schemes or fails to give a decision within the prescribed period, an appeal is to have been made to, and accepted as validly made, by the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall be finally determined, and the scheme shall have been approved by the Secretary of State.
- (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the SDS specified in the condition, it shall thereafter be maintained/retained/remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.