The Planning Inspectorate

Appeal Decision

Site visit made on 9 June 2015

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 July 2015

Appeal Ref: APP/B9506/C/14/2224711 and 2224712

Land at Keepers Cottage, Main Road, Walhampton, Lymington SO41 5RE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Timothoy Alan Winney (2224711) and Mrs Sarah Ann Winney (2224712) against an enforcement notice issued by New Forest National Park Authority.
- The notice was issued on 1 August 2014.
- The breach of planning control as alleged in the notice is (i) the material change of use of the land affected from agriculture to recreational horse keeping; and (ii) a stable building.
- The requirements of the notice are 1. Cease the use of the land affected for recreational horse keeping; 2. Demolish, dismantle or remove the stable building shown in the approximate position coloured blue on the plan attached to this notice from the land affected; 3. Erect a post and wire or post and rail fence not exceeding 1.2 metres in height above ground level in the approximate position of the green line shown on the plan attached to this notice; and 4. Remove any debris or paraphernalia arising from compliance with the above requirements from the land affected.
- The period for compliance with the requirements is ten weeks.
- The appeals are proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 as amended (the Act) and appeal ref. 2224712 is also proceeding on the grounds set out in section 174(2)(a) of the Act.

Decision

1. The appeals are allowed and the enforcement notice is quashed.

Application for costs

2. An application for costs was made by Mr Timothoy Alan Winney and Mrs Sarah Ann Winney against the New Forest National Park Authority, and by the New Forest National Park Authority against Mr Timothoy Alan Winney and Mrs Sarah Ann Winney. These applications are the subjects of separate Decisions.

Reasons

The ground (b) appeal

3. The land is about 0.14 hectares of almost flat grassland adjoining the residential curtilage of Keepers Cottage, a detached dwelling. The land, which is the subject of the first element of the alleged breach of planning control, has been fenced off from a large field of which it was once a part. On the land is a structure, which is the subject of the second element of the alleged breach of planning control, that is about 5.2 metres long and 2.5 metres wide.

4. Dealing with the second element first the timber structure, referred to by the Council as a stable and by the Appellants as a shelter, has a welded metal sub-frame of rectangular steel sections with the sections on the short sides above the sections on the long sides. The two long sections are shaped at both ends to form skids. Rings are welded to the short sections at both ends and at one end, at the time of the site visit, a chain was connected to the rings. The chain could be attached to a towing vehicle. The structure is not large and is of no great weight and it could be dragged across the land by no more than a tractor or land rover.

5. The Authority has made reference to their Supplementary Planning Document 'Guidelines for horse related development' (SPD), which states that "Mobile field shelters do not require planning permission provided that they are genuinely portable structures and do not take on any degree of permanence". The structure is easily moveable and was only in one position on the land for a significant period during 2014 because swallows were nesting within it (moving the structure whilst this was occurring would have been an offence under the Wildlife and Countryside Act 1981). Since then evidence on the ground, relatively bare patches in the otherwise long grass of the land, indicates that it has been moved on more than one occasion and for some considerable distance on each occasion. The structure is moveable and has not taken on any degree of permanence.

6. The SPD refers to recommendations by the British Horse Society (BHS) on the size of stables. The BHS recommends that a horse requires a stable with an area of 3.7 x 3.7 metres, about 13.7 square metres. The structure on the land is slightly less than this in overall size but is subdivided into two equal parts and is therefore inadequate to be used as a stable. There is an opening into each part and the structure contains no paraphernalia that is normally associated with a stable building. There is no evidence, in fact, that the structure has been used for any horse related purpose. Given these factors and that it is genuinely portable and has not taken on any degree of permanence, it is safe to conclude that the structure is no more than a field shelter, on land where there is no other form of shelter, and is not a stable building. The second element of the alleged breach of planning control has not, as a matter of fact, occurred.

7. The Authority maintains that the land is too small too sustain a horse if its sole source of food is grass. The SPD states that the keeping of horses generally occurs when there is less than 0.5 hectares of land per horse. The Authority thus asserts that feed would have to be brought onto the land, to feed a horse, and that the land would thus be used for the keeping of a horse, rather than for grazing. But such an assertion, which must be regarded to be speculation because there is no evidence to indicate that a horse has ever been permanently on the land, would only be reasonable if a horse was kept on the land permanently and it takes no account of circumstances where a horse is grazed on land on an occasional basis.

8. There is no evidence, either photographic or anecdotal or noted at the site visit, to indicate that a horse has been kept on the land on a permanent basis. If a horse has been on the land since it was purchased by the Appellants in 2011 it has only been on an occasional basis. There is no evidence to indicate that feed or any other horse related products or equipment have ever been brought onto the land to justify a conclusion that the land has been used for recreational horse keeping. If there has been any change in its use from its previous use for agriculture then the land is in use for grazing, which is itself an agricultural use. In these circumstances it is safe to conclude that the first element of the alleged breach of

planning control, the material change of use of the land from agriculture to recreational horse keeping, has not, as a matter of fact, occurred.

9. The conclusions reached are consistent with case law and appeal decisions referred to by the main parties. The breaches of planning control alleged in the notice have not occurred as a matter of fact. The ground (b) appeals thus succeed and the ground (c), (a) and (f) appeals do not therefore need to be considered.

John Braithwaite

Inspector

The Planning Inspectorate

Costs Decision

Site visit made on 9 June 2015

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 July 2015

Costs application in relation to Appeal Ref: APP/B9506/C/14/2224711 and 2224712

Land at Keepers Cottage, Main Road, Walhampton, Lymington SO41 5RE

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Timothoy Alan Winney and Mrs Sarah Ann Winney for a full award of costs against New Forest National Park Authority.
- The appeal was against an enforcement notice alleging (i) the material change of use of the land from agriculture to recreational horse keeping; and (ii) a stable building.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. National Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. With regard to the second element of the alleged breach of planning control the Authority has stated that "The building has remained in situ for a period in excess of one calendar year and the Appellant has only recently, following the service of the enforcement notice, attempted to move the building to a small degree. The building is a sizeable one and has clearly assumed a high degree of permanence". The Authority has failed, however, to give any consideration to significant facts such as the fact that the structure could not be moved during most of 2014 because swallows were nesting within it. The structure, furthermore, under the provisions of the SPD, is subdivided into two sections that are each inadequate in size to be a stable for a horse. The structure is not, simply on the basis of its size and construction, sizeable, and is, on the facts of the case, easily moveable and no more permanent now than when it was brought onto the land.

4. With regard to the first element of the alleged breach of planning control the Authority has failed to consider that the land could be used for occasional grazing rather than full-time grazing. On the basis of guidance in the SPD the land would be inadequate in size on which to graze a horse full-time but reliance on the SPD rather than on the facts of the case has led to an allegation that is simply unsustainable. There is no evidence to indicate that the land, since it was purchased by the Appellants in 2011 has been used for anything other than occasional grazing and certainly no evidence to indicate that the land has been used for recreational horse keeping.

5. The Authority has relied almost solely on the SPD rather than on the evidence and on the facts of the case. Both elements of the alleged breach of planning control are unsustainable and the Authority has brought forward no evidence to substantiate their case. The Authority has acted unreasonably and the Appellants have incurred unnecessary expense in submitting their appeals. In these circumstances a full award of costs is justified.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that New Forest National Park Authority shall pay to Mr Timothoy Alan and Mrs Sarah Ann Winney the costs of the appeal proceedings described in the heading of this decision.

7. The applicants are now invited to submit to New Forest National Park Authority, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

John Braithwaite

Inspector

The Planning Inspectorate

Costs Decision

Site visit made on 9 June 2015

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 July 2015

Costs application in relation to Appeal Ref: APP/B9506/C/14/2224711 and 2224712

Land at Keepers Cottage, Main Road, Walhampton, Lymington SO41 5RE

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by New Forest National Park Authority against Mr Timothoy Alan Winney and Mrs Sarah Ann Winney for a partial award of costs.
- The appeal was against an enforcement notice alleging (i) the material change of use of the land from agriculture to recreational horse keeping; and (ii) a stable building.

Decision

1. The application for an award of costs is refused.

Reasons

2. National Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. It is true that the Appellants' did not submit an appeal statement but there is no statutory requirement to do so and the grounds of appeal submitted at the time the appeal was made fully sets out the Appellants' case and fully substantiates their ground (b) appeals. It is therefore disingenuous for the Authority to claim that they have "…not had the opportunity to fully respond as a consequence". In this regard the Appellants have not acted unreasonably.

4. The ground (c) appeals were made on the sole basis that they should succeed if the ground (b) appeals were successful. But this ignores the fact that if the ground (b) appeals are successful then the ground (c) appeals need not be considered. The ground (c) appeals were therefore unreasonably made. However, the Authority's reference to permitted development rights under Class A of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 as amended is not relevant in this case and, otherwise, they have simply stated that there is no planning permission or any permitted development right to benefit from. The Authority has not therefore incurred any substantive unnecessary expense that warrants an award of costs.

John Braithwaite

Inspector

The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2015

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2015

Appeal Ref: APP/B9506/D/15/3016567
19 Hillary Close, Lyndhurst SO43 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Kevin Papworth against the decision of the New Forest National Park Authority.
- The application Ref 14/00977 was refused by notice dated 29 January 2015.
- The development proposed is described on the application form as 'ground floor extension to form bedroom, shower room and store. Demolition of existing brick store'.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:

   - The effect of the proposal on the supply of small dwellings in the area.

   - The effect on the character and appearance of the dwelling and locality, which are situated within the New Forest National Park.

Reasons

3. New Forest National Park Core Strategy and Development Management Policies (DPD), December 2010, Policy DP11 intends that extensions to small dwellings should not result in a total habitable floorspace exceeding 100 sq m. In exceptional circumstances a larger extension may be permitted to meet the genuine family needs of an occupier who works in the immediate locality. It is not disputed that the semi-detached dwelling at the appeal site had a floor area of 80 sq m or less in 1982 and therefore comprises a small dwelling as defined in the supporting text.

4. The explanatory text also indicates that when measuring the floorspace of dwellings conservatories will not be included. However, within a footnote it is clarified that it is only those permitted as an exception to policy and which are the subject of a condition limiting their use that are excluded from this figure. The existing conservatory at the host dwelling was built without the need for planning permission, so that under the terms of the policy it should be considered to form part of the floorspace of the dwelling.

5. The Appellant claims that there was a policy change regarding the inclusion of conservatories in 2010. However, the current policy is part of an adopted development plan, which accords it particular significance in the determination of planning applications. Moreover, it is to the current development plan policy, as outlined above, that I must have regard in deciding this appeal.

6. The Appellant also refers to the Authority's Planning information leaflet, Extensions to Dwellings, January 2011. This reproduces the justification for DPD Policy DP11 and indicates the presence of the same footnote, "35" in paragraph 7.39, referred to above, but does not include its actual text. There is no reason to believe that its omission is other than inadvertent. In any event, these matters do not provide a sound basis for excluding the conservatory from the floorspace calculation, given that it is clearly required to be included by the development plan.

7. In consequence, even using the Appellant's figures, which are less than those of the Authority, the floorspace of the extended dwelling, including the conservatory, would be 116 sq m. The enlarged property would therefore significantly exceed the size threshold of Policy DP11 for the extension of small dwellings.

8. It is argued that the extension is necessary to accommodate the Appellant's son who works in the locality. It is said that without the accommodation he will need to leave his job and the area as he does not drive and cannot afford to rent accommodation in Lyndhurst.

9. The policy does make provision for exceptions in the event of the floorspace threshold being breached, as in this instance. The supporting text indicates that genuine family need is defined as an exceptional and unique family need that could not have been reasonably anticipated at the time of the purchase of the property.

10. In this case the information provided by the Appellant shows that in the country as a whole there are large numbers of adult children living with their parents and that this has increased significantly in recent years. In consequence, it seems to me that such a situation in this case, in the New Forest National Park, is highly unlikely to be exceptional. Therefore, even if it is accepted that the situation could not reasonably have been anticipated it has not been demonstrated that there is an exceptional and unique family need that would justify making an exception to the floorspace restrictions of Policy DP11.

11. I am particularly concerned that to allow the appeal on the grounds put forward would be to accept an argument that might be applied on an unduly widespread basis, to the detriment of the supply of small dwellings. The scheme would, in itself, materially reduce the supply of smaller dwellings by resulting in a property with a floorspace significantly exceeding 100 sq m. In consequence, the proposal would undermine the objective of Policy DP11 to maintain the supply of small dwellings.

12. The single storey flat roof store to the side of the host dwelling is a brick built structure and not unsightly. Moreover, like similar projections at other dwellings in the locality the fairly low height of the flat roof tends to limit its bulk. The space above it therefore contributes to the attractive sense of spaciousness in the locality by allowing views of the sky above.

13. Despite factors such as being set modestly off the side boundary and the use of appropriate materials, the side extension would be noticeably taller and bulkier than the store to be replaced. At its highest it would be just below the eaves level of the main roof of the two storey dwelling. In consequence, it would unduly erode the attractive sense of spaciousness, which is characteristic of development in Hillary Close.

14. The supporting text to Policy DP11 makes it clear that in assessing whether an extension would be sympathetic to the dwelling, regard will be had to the scale and character of the core element of the original dwelling. The original dwelling in this instance had a fairly modest scale and mass due to the simple and fairly compact rectangular footprint.

15. However, the existing and proposed additions would span an unduly high proportion of the width of the plot to the rear of the dwelling. The depth of the extension now proposed would also be significantly greater than that of the original dwelling, despite not projecting forward of the main front wall.

16. In my view, the resultant cumulative enlargement, although only single storey, would be disproportionate by comparison to the original dwelling, given the noticeably more extensive and somewhat sprawling footprint. Regardless of the amount of garden area remaining, this would be unacceptably detrimental to the character and appearance of the dwelling.

17. As a result of these factors there would be conflict with the aim of Policy DP11 that extensions should be sympathetic to the dwelling. The adverse effect on the fairly spacious local character of the Park would be contrary to the intention of DPD Policy CP8.

18. There are no concerns regarding the effect on matters such as light levels at the neighbouring dwelling. The lack of any objections from the adjacent occupiers or the Parish Council does not confer acceptability on the proposal. I note the willingness of the Appellant to alter the scheme with regard to matters such as roof design and size but I must make this decision on the basis of the drawings that were considered by the Authority.

19. The proposal would result in adverse effects on the supply of small dwellings and on the character and appearance of the dwelling and locality. In these circumstances and taking account of all other matters raised, there are no other considerations sufficient to justify accepting the development and the appeal fails.

M Evans

INSPECTOR

Appeal Decisions

Site visit made on 19 June 2015

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2015

Appeal Ref: APP/B9506/W/15/3004586
St Leonards Grange, St Leonards, Beaulieu, Brockenhurst, Hampshire SO42 7XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Neil McGrigor against the decision of New Forest National Park Authority.
- The application Ref 14/00560, dated 30 June 2014, was refused by notice dated 9 September 2014.
- The development proposed is an orangery.

Appeal Ref: APP/B9506/Y/15/3004602
St Leonards Grange, St Leonards, Beaulieu, Brockenhurst, Hampshire SO42 7XF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Neil McGrigor against the decision of New Forest National Park Authority.
- The application Ref 14/00561, dated 30 June 2014, was refused by notice dated 9 September 2014.
- The works proposed are an orangery.

Decision

1. Both appeals are dismissed.

Main Issue

2. Whether the proposed orangery would preserve the special architectural and historic interest of this Grade II listed building.

Reasons

3. The appeal property is a large two storey detached house located on the site of a medieval monastic grange. The property dates from circa 1700 and was remodelled in the nineteenth century including by a two storey rear extension. It is sited in large grounds and accessed from a long drive perpendicular to the road, from which the front is visible. Within its grounds to the south are the remains of a chapel, itself a Grade I listed building and a Scheduled Ancient Monument, and further to the south outside the appellants' ownership is the medieval tithe barn of the former grange. The site lies in the unspoilt largely flat rural landscape of this part of the Forest.

4. The building's significance lies in its historical association with the monastic grange and the age of its fabric as well as its architecture, the dominant character of which is its large clay-tiled roof particularly noticeable from the front and rear.

5. The proposed orangery would be sited at the rear of the house, in the right angle between the two storey older northern rear projection and the southern nineteenth century extension.

6. Between these existing two rear wings of the house is a gap where the existing catslide roof is prominent from the rear garden. This roof is a significant element of the historic architectural interest of the rear elevation. The proposed orangery, with its large lantern rooflight, would partially mask the view of this catslide roof. It would also have the unfortunate effect of physically and visually linking the two rear projections of different ages together obscuring the historic development of the building. The southern end of the large orangery would terminate in the middle of the large chimney breast and this aspect of the proposal appears to be unresolved in design terms and merely a random consequence of its overall length.

7. I appreciate that the proposal would involve the creation of a lightwell next to the older hallway and kitchen passage of the house in order to minimise the effect of the orangery on these areas of historic fabric, and that the catslide roof would be seen through the orangery's glazing. I also understand the appellants' reasons for designing it in this location adjacent to the main living areas of the dwelling.

8. But the overall effect of this would be to insensitively cover up the historic rear roof form and link together the rear two storey wings of the house by attaching an overly large rectangular structure that appears to pay little regard to the property's historic architectural development. The fact it would be positioned at the rear of the house away from public views would not lessen its harmful impact on the character of the listed building. Views through the orangery's windows would not be comparable with open views of the existing catslide roof and rear elevation generally because such views would be subject to reflection from the glazing.

9. For these reasons the proposed orangery would fail to preserve the significance of this Grade II listed building. It would therefore be contrary to the aims of Sections 7 and 12 of the National Planning Policy Framework to achieve good design, and to conserve and enhance the historic environment

10. In terms of the planning appeal, the proposal would fail to comply with Policies DP1, DP6, DP11 and CP7 of the New Forest Core Strategy and Development Management Policies DPD. Together these Policies state, amongst other things, that development should respect the built environment, enhance the built heritage of the New Forest, and be appropriate in terms of scale, appearance, form, siting and layout. The proposed orangery would fail to meet the objectives of these Policies in the development plan.

11. For the reasons given above I conclude that both appeals should fail.

Nick Fagan

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 16 June 2015

by Geoffrey Hill BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2015

Appeal Ref: APP/B9506/W/15/3003766
Solent Skip Hire, Upper Hangar Farm, Western Totton by-Pass, Totton, Southampton SO40 8AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Solent Skip Hire against the decision of New Forest National Park Authority.
- The application Ref 14/00385, dated 9 May 2014, was refused by notice dated 27 August 2014.
- The development proposed is a proposed change of use to allow importation, storage and separation of waste.

Preliminary Matters

1. Part A of the Planning Appeal Form notes that the name of the appellant should be the same as the name(s) given on the planning application form. The Planning Appeal Form gives Mr Barry Griffith as the appellant – but that name does not appear on the planning application form. Accordingly, I have used the name given on the application form.

2. The description of development recorded above is that given on the planning application form. At Part E of the Planning Appeal Form it is stated that the description of development has not changed, but a different wording has been entered. Neither of the parties has provided a letter to show that a revised description of development has been agreed. Accordingly I have used the one given on the original application.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue in this appeal is whether the proposed change of use would unacceptably affect the quiet and rural character of the National Park.

Reasons

5. The appeal site is currently in use as a storage location for empty skips and a parking yard for skip lorries. The proposed development is to change the use of the site into a waste transfer station. This would involve bringing waste onto the site, tipping the wastes onto a sorting floor, sorting the wastes, loading

sorted materials into storage containers, before despatching the sorted materials to appropriate recycling facilities.

6. The operation, at 20,000 tonnes per annum, would be small scale in terms of Policy 4 of the adopted Hampshire Minerals and Waste Plan (HM&WLP), and the number of vehicle trips to and from the site could be conditioned to be generally much the same as for the present use of the site. However, the type of activity on the site would be distinctly different. The present use is essentially low-key or even passive, in that no wastes are handled on the site and no processes are carried out. A waste sorting and transfer operation would be more active, and is likely to involve more noise in terms of manoeuvring of vehicles, emptying of incoming skips, the sorting of tipped wastes and loading of storage containers. There may also be a degree of dust and possibly odours arising at times, depending on what materials are received and handled. All of this would make the site more noticeable in this essentially rural location. Although many of these matters would be subject to the controls of an Environmental Permit (EP) issued by the Environment Agency, an EP is concerned more with controlling the activity on the site itself, rather than moderating or mitigating a more general impact on the character of the wider area.

7. I accept that the National Park designation does not preclude waste management activities altogether and, subject to it serving local market area, a small scale activity such as this may be acceptable in an appropriate location. Information provided with the appeal shows that the wastes are likely to come from sources mainly to the east and south-east of the site, in and around the urban area of Southampton. Whilst only a minority of the sources would be within the National Park, the concept of 'local' is somewhat unspecific in that the policy does not obviously seek to restrict the interpretation of 'local' to only - or even mostly - locations within the National Park.

8. The proposed development would be compatible with Policy 25 of HM&WLP, in that sorting recyclable materials out of general waste is a component of sustainable waste management, reducing the amount of waste sent to landfill. However, when applying the polices of the HM&WLP, this has to also take into account the overarching purpose of designating the National Park – which is to preserve the quiet and natural rural character of the area. Paragraph 115 of the National Planning Policy Framework stresses that "great weight" should be given to conserving the cultural heritage of a National Park. As discussed at Policy 29 of HM&WLP, a waste management operation such as this is usually perceived to be akin to a B2 type industrial activity, and one which is more appropriately located on an industrial site and probably in an urban area. Clearly the appeal site is not such a location.

9. I recognise that this is not a particularly quiet location, with the noise of traffic on the nearby Totton by-Pass audible in the background. However, the by-Pass is both the defined boundary of the National Park and – in terms of what is perceived by local residents and visitors to the area - the limit of urbanised development. I consider the proposed waste management operation would be a more urban than rural activity and, as such, it would be incongruous in this rural location and would conflict with the primary principles of the National Park designation. That is, I consider that the proposed waste transfer operation would be incompatible with the cultural heritage of the New Forest National Park.

10. Additional planting could take place around the site boundaries to improve screening but, as discussed above, I do not consider that the primary concern is the visual impact: the main concern is the nature of the proposed new use and how that would be perceived in terms of noise, activity and other disturbance. I acknowledge that the closest point of public access to the site is the footpath some 230 metres distant, and that the nearest ecologically sensitive site is more than 200 metres away and the degree of disturbance caused by the proposed development would not be particularly great. Nevertheless, it would not be unnoticed and it would be perceived as being harmful to the quiet and rural character of the National Park, contrary to the objectives of Policy 4 of HM&WLP.

11. Whilst the degree of harm might be only small, and that it may affect only a relatively small area, I do not consider that there are exceptional circumstances in this case that would justify allowing the development contrary to the development plan policy. Accordingly, the appeal should be dismissed.

Geoffrey Hill

INSPECTOR

The Planning Inspectorate

Appeal Decisions

Site visit made on 15 July 2015

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 August 2015

Appeal A - Ref: APP/B9506/W/15/3035971
Nordic Farm, Silver Street, Hordle, Lymington, Hampshire, SO41 0FN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr W Simpkins against the decision of New Forest National Park Authority.
- The application Ref. 15/00040, dated 14 January 2015, was refused by notice dated 17 March 2015.
- The development proposed is the construction of an access track.

Appeal B - Ref: APP/B9506/W/15/3035975
Nordic Farm, Silver Street, Hordle, Lymington, Hampshire, SO41 0FN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr W Simpkins against the decision of New Forest National Park Authority.
- The application Ref. 15/00039, dated 14 January 2015, was refused by notice dated 17 March 2015.
- The development proposed is the erection of a new barn.

Decisions

Appeal A - Ref: APP/B9506/W/15/3035971

1. The appeal is allowed and planning permission is granted for the construction of an access track at Nordic Farm, Silver Street, Hordle, Lymington, Hampshire, SO41 0FN, in accordance with the terms of the application, Ref 15/00040, dated 14 January 2015, and the plans submitted with it, subject to the following condition:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing 201- Rev A (Jan 2015).

Appeal B - Ref: APP/B9506/W/15/3035975

2. The appeal is allowed and planning permission is granted for is the erection of a new barn at Nordic Farm, Silver Street, Hordle, Lymington, Hampshire, SO41 0FN, in accordance with the terms of the application, Ref. 15/00039, dated 14

January 2015, and the plans submitted with it, as modified, subject to the following conditions:

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) No development shall take place until samples or exact details of the facing and roofing materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

3) The agricultural barn hereby permitted shall be used only for the storage of agricultural vehicles, equipment, machinery and hay and other agricultural produce from the site, as specified on the approved plan and shall not be used to accommodate livestock or for non-agricultural use. Should this agricultural use cease, the building shall be removed from the site and the land re-instated to its former condition or to a condition which has been agreed in writing by the local planning authority, within 6 months of the cessation of that use.

4) No development shall take place until details of the means of disposal of surface water from the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the arrangements for the disposal of surface water shall be retained thereafter.

5) The development hereby permitted shall be carried out in accordance with the approved plan, drawing 200A, where the length of the barn shall not exceed 17m.

Main Issues

3. In appeal A, the main issue is whether the proposed track is essential to facilitate an agricultural activity and the effect of the track on the character and appearance of this part of the New Forest National Park;

4. In appeal B, the main issue is whether the barn would be reasonably necessary for the purposes of agriculture and the effect of the barn on the character and appearance of this part of the New Forest National Park.

Reasons

Background

5. The appeal site comprises an open field of about 1.7ha in extent which lies to the north of Silver Street near the village of Hordle and in an area of countryside that also comprises scattered residential and commercial premises as ribbon development along the main road. The site lies within the New Forest National Park. I also note that specified individual and groups of trees along the site frontage and along the northern boundary of the field are subject to a Tree Preservation Order.

6. At the time of my visit, I noted that much of the appeal site had been enclosed by a high close boarded fence which also enclosed part of the access into the site. I also observed a number of pens/enclosures on the land which contained poultry, ducks and a goat. The field contained five 'hook up' points for

caravans and the appellant's agent says that the site has a licence issued by the Camping and Caravanning Club for 5 caravans and 10 tent pitches. I noted three portable toilets and a wash basin and disposal facility on part of this site. There were also a number of ramshackle timber buildings/sheds one of which stored bales of hay. There was also a touring caravan. The appellant's agent has provided copies of two enforcement notices issued by the Authority in May 2015 which require the removal of an element of fencing; three buildings; a caravan and the stationing of a 'porta-loo'.

7. In appeal A, it is proposed to form an access track about 50m long from the access to the site towards the part of the field where the 'hook-ups' are installed. The appellant says that the track will be two runs of scalpings/gravel each about 600mm wide with grass between.

8. In appeal B, the erection of a new barn is proposed. The plans submitted with the application indicate that the barn would be 8m wide and have a maximum ridge height of 4.6m. During the consideration of the planning application by the Council, the appellant agreed to reduce the length of the barn by 5.5m to 17m and I have considered the appeal on this basis. The barn would have external walls of timber feather edge boarding or similar and a roof of grey metal sheeting.

Appeal A - The access track

9. The Council says that it has not been demonstrated that the track is essential to enable the continuation of an existing agricultural activity and would set an undesirable precedent. However the stated policies in the Authority's Core Strategy as referred to in the reason for refusal do not have such a requirement that development must establish that it is clearly essential for agricultural purposes. It seems to me that the track is put forward to give better access to the agricultural pens as well as the camping/caravanning facility. I noted that although the ground in the field was dry at the time of my visit there were signs that when wet this part of the land was muddy and rutted.

10. In terms of the visual impact of the proposed track, even setting aside the screening effect of the existing timber fencing, I consider that the dual path format of the track with grass in between to be a low key feature and it would be of an appropriate rural form. I am satisfied that the track is of a high quality design which would contribute to local distinctiveness and would not have a suburbanising effect on the local countryside or the special landscape character and ecological importance of the New Forest National Park. I therefore find that the development proposed would meet the requirements of policies DP1 and CP8 of the Core Strategy.

Appeal B - the barn

11. In relation to the proposed barn, as a building put forward for agricultural use Policy DP20 of the Core Strategy indicates that permission will be granted for such a building where stated criteria are met. These include (a) a functional need for the building and that its scale is commensurate with that need.

12. The appellant's agent sets out that the general need for the building is for the storage of hay harvested from the site and agricultural machinery and equipment. The appellant's agent estimates that there is a potential to

generate 840 bales of hay from the land per year. However, while I saw some hay stored on site, this appears to be a theoretical figure rather than one established by empirical evidence over a number of years. Nevertheless, whilst the authority expressed doubt and reservations about the scale of farming activity, the camping and caravanning use as a certified site appears very modest taking up a small part of the field. As such, I have no reason to doubt the appellant's agent figures of the hay yield from the cut and the need to house associated agricultural vehicles and equipment. On balance, I consider that the functional need for a building of the proposed size on this established agricultural enterprise has been demonstrated.

13. In terms of the design and location of the building, it would be located generally alongside another barn-like building in the grounds of the adjacent property "Meadow Edge" and I am satisfied that the barn would not appear isolated or obtrusive in the landscape. Moreover, the use of timber boarding for the elevations of the building is appropriate for the area as is a roof of metal sheeting, subject to details of the colour and actual materials being agreed by the Authority. This can be achieved by condition.

14. Overall, I am satisfied that the details of the building proposed meet the requirements of Policy DP20 of the Core Strategy and the barn would not have a harmful impact on the local area and this part of the National Park.

Other matters

15. Concerns have been raised by the local community including Hordle Parish Council about the overall nature of the site, possible growth as a caravan site incremental development, and traffic movement and noise pollution. However, I have only had regard to the development proposed in these two applications and not other development including that described in the extant enforcement notices. I have considered the proposed barn and track on their individual merits but I do not consider that if permitted the specific proposals would set a clear precedent for other development on the land to take place. Finally, there is no evidence before me to establish that there is likely to be a highway or noise problem associated with the development formally proposed.

Planning Balance

16. In my assessment of the main issues I have given great weight to the conservation of the landscape and scenic beauty of the National Park in accordance with paragraph 115 of the National Planning Policy Framework (the Framework).

17. Within this context, bringing my conclusions on the main issues together, I have found that there is a reasonable functional need in agricultural terms for the erection of the barn of the size now proposed and that neither the barn nor the access track would constitute undesirable development in the New Forest National Park or be harmful to its local landscape or special ecological value. As such, I have found that the proposals accord with the relevant provisions of the Development Plan which is up-to date.

18. This lack of harm and accord with policy is not outweighed by any other consideration or material adverse impacts of either proposal and therefore planning permission should be granted in accordance with paragraph 14 of the Framework.

Conditions

19. In terms of conditions, in appeal A the Authority recommends that any permission is subject to a condition regarding the timing of implementation and requests a condition to remove 'permitted development rights' for the erection of means of enclosure as allowed by the GPDO.[1] However, there is no clear reason why the proposed track would give rise to such enclosure or why the track would need to be screened. Such a condition to remove a right that applies nationally is therefore not reasonable or necessary and does not meet the criteria set out in paragraph 206 of the Framework. I will therefore not impose it. I will however, impose a condition to specify the plan that is approved in the interest of clarity and the development should be undertaken in accordance with it.

20. In relation to appeal B, the authority recommends four conditions which I will consider under the same numbering. In addition to the condition on the timing of implementation (1) as I have said above it is also reasonable and necessary that the samples or details of external materials are submitted to and agreed by the Authority to ensure an acceptable appearance and that the development is undertaken in accordance with these details (2). It is also reasonable and necessary that the barn is only used for the storage of hay together with agricultural vehicles, equipment and machinery as that is the justification for the proposal and the barn should not generally be used to accommodate livestock because of the proximity of a neighbouring house. Further, it is also reasonable that the building is removed if the agricultural use, and therefore justification, ceases. A condition of similar working is imposed on the erection of agricultural buildings in Part 6, Class B, of Schedule 2 to the GPDO. I will therefore impose this condition (3). Finally, it is reasonable and necessary that details of the disposal of surface water from the barn is agreed and implemented to minimise the risk of local flooding (4). It is also necessary in the interests of clarity that a further condition is imposed that requires that the development, if carried out, is implemented in accordance with the revised plan showing the length of barn as 17m.

Conclusions

21. For the reasons given above I conclude that both appeals should be allowed.

David Murray

INSPECTOR

[1] Class A, of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.