



Appeal Decision

Hearing held on 20 January 2026

Site visit made on 20 January 2026

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal A Ref: 6001096

Land at Rosemary Cottage, Hamptworth Road, Hamptworth, Salisbury SP5 2DY

- 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 Ms A Gover against the decision of New Forest National Park Authority.
 - The application Ref is 25/00418FULL.
 - The development proposed is retention of mobile home used as residential accommodation for family member.
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Appeal B Ref: 6001787

Land at Rosemary Cottage, Hamptworth Road, Hamptworth, Salisbury SP5 2DY

- 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 Ms A Gover against the decision of New Forest National Park Authority.
 - The application Ref is 25/00419FULL.
 - The development proposed is retention of hardstanding.
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Decisions

1. Appeal A is allowed and planning permission is granted for retention of mobile home used as residential accommodation for family member, at Land at Rosemary Cottage, Hamptworth Road, Hamptworth, Salisbury SP5 2DY, in accordance with the terms of the application Ref 25/00418FULL and subject to the Schedule of Conditions to this Decision.
2. Appeal B is allowed and planning permission is granted for retention of hardstanding at Land at Rosemary Cottage, Hamptworth Road, Hamptworth, Salisbury SP5 2DY, in accordance with the terms of the application Ref 25/00419FULL.

Preliminary Matters

3. Both appeals relate to the same site and to each other. I have considered each on its individual merits, but as they raise some similar issues and to avoid duplication, I have dealt with them in a single decision letter.
4. Rosemary Cottage, a Grade II listed building, lies immediately adjacent to the appeal site. Although the Council referred to this heritage asset in its submissions, the effect of the proposals on the listed building and its setting did not form a

reason for refusal under Appeal A. Nevertheless, I raised the matter with the main parties at the Hearing. Given the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the desirability of preserving a listed building or its setting, I have considered the heritage implications of both schemes. I address these matters within my assessment of the main issue concerning character and appearance.

5. In determining these appeals, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who do and do not share a protected characteristic. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

Appeal A – Main Issues

6. The main issues are:
 - i) Whether the development amounts to inappropriate residential encroachment in the open countryside, contrary to the spatial strategy of the National Park; and
 - ii) The effect of the development on the character and appearance of the National Park landscape and on the setting of the Listed Building.

Appeal B – Main Issue

7. The main issue is:
 - i) The effect of the development on the character and appearance of the National Park landscape and on the setting of the Listed Building.

Background

8. The appeal site ('the Site') comprises a parcel of land containing a mobile home (Appeal A) and a recently introduced hard-surfaced parking area (Appeal B). It also includes a barn/stable block and a storage container.
9. The Site adjoins Rosemary Cottage and its residential curtilage along the northwest boundary. Both Rosemary Cottage and the adjoining field to the southeast fall within the same ownership as the Site. Access to the Site is taken directly from Hamptworth Road via a separate entrance from that serving Rosemary Cottage.
10. The appellant contends that the Site forms part of the curtilage of Rosemary Cottage. However, and notwithstanding the address provided for the Site, established case law identifies three defining characteristics of residential curtilage: it must relate to a small area immediately around the dwelling; it must have an intimate functional association with it; and it must be capable of being regarded as part of the same enclosure.
11. In this case, the Site's independent access, its historic agricultural field use, and its physical separation from the cottage all point away from it meeting those criteria. These features indicate that it does not share the necessary intimate association with the dwelling or form part of the same enclosure.

12. Moreover, the submissions themselves describe the Site as being used for parking and stabling adjacent to the dwelling, rather than as part of the C3 residential use. The appellant's covering letter also acknowledges that the mobile home would not require permission if the land were within the curtilage, implicitly accepting that it is not.
13. Further evidence reinforces this position. The Site was purchased separately from the Hamptworth Estate in 2017 and had previously been used for estate-related parking. Officer reports for earlier applications describe the land as a paddock or agricultural land, and historic red-line plans consistently excluded it from the domestic curtilage of Rosemary Cottage.
14. Taken together, the physical characteristics, planning history, previous land uses and the appellant's own submissions demonstrate that the Site does not fall within the residential curtilage of Rosemary Cottage. The siting of the mobile home therefore represents a material change of use from agriculture to residential occupation requiring planning permission.
15. Although the appellant refers to the nature of the use and matters of expediency, it is notable that they themselves sought planning permission for a change of use. This is a clear indication that the land was not regarded, even by the appellant, as part of the established curtilage. I have therefore determined Appeal A on the basis that it involves a material change of use of agricultural land.
16. The claim that the Site has "always" been hardstanding is not supported by the objective evidence. Historic imagery, officer reports and long-standing descriptions of the land consistently show a grassed, largely undeveloped paddock. The suggestion that grass grew over scalplings is unsubstantiated and does not outweigh the documented planning history.
17. Past vehicle movements or occasional storage do not demonstrate the presence of a formal, consolidated surface. Such informal activity is materially different from the engineered, largely uniform hardstanding now in place. The letters submitted confirm only occasional use, not the existence of the extensive surfacing currently present.
18. Arguments relating to manoeuvring a horsebox, farrier access or general convenience do not retrospectively legitimise the scale of the hardstanding.
19. The extent of the new surface clearly exceeds routine maintenance. Levelling, importing material and creating a consolidated surface across an enlarged area constitute engineering operations requiring planning permission. Appeal B has therefore been determined on that basis.

Reasons

Inappropriate encroachment - Appeal A

20. Based on the information before me and my visit, the Site is in a countryside location within the New Forest National Park.
21. The proposal seeks a change of use to allow the siting of a mobile home. Although the mobile home shares some services with Rosemary Cottage, where the wider family resides, it nevertheless functions as a self-contained unit of residential accommodation. Its size, physical presence and the degree of permanence with

which it is stationed on the land reinforce the conclusion that it amounts to a separate dwelling. The planning unit created by its siting and occupation therefore represents a new residential use outside the established curtilage of Rosemary Cottage and within the open countryside.

22. Policy SP19 of the New Forest National Park Local Plan 2016 - 2036 (August 2019) ('LP') provides for the delivery of 800 additional dwellings within the New Forest National Park between 2016 and 2036, allowing new residential development only in specific circumstances that support local communities and protect the Park's special qualities. Housing will be permitted where it is on allocated sites, implements extant permissions, comes forward as windfall development within the Defined Villages, is delivered on appropriate rural exception sites, or comprises specialist accommodation for New Forest Commoners, Estate Workers or agricultural workers.
23. The proposal does not fall within any of the exceptions permitted by LP Policy SP19 and represents inappropriate encroachment into the countryside, contrary to the Council's spatial strategy. As such, the proposal conflicts with this Policy.

Character and appearance - Appeals A and B

National Landscape

24. Paragraph 189 of the National Planning Policy Framework ('the Framework') states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited, and development within their setting should be sensitively located and designed to avoid or minimise adverse impacts. The statutory purpose of English National Parks, set out in the Environment Act 1995, is to conserve and enhance their natural beauty, wildlife and cultural heritage. Section 245 of the Levelling-up and Regeneration Act 2023 has strengthened this framework by replacing the previous duty to merely "have regard to" National Park purposes with a requirement for relevant authorities to "seek to further" those purposes when exercising functions affecting Protected Landscapes. This elevates the weight to be given to conservation considerations in decision-making.
25. The Site lies within the Landford Forest Farmlands Character Area, a landscape defined by small-scale ancient farmland, wooded enclosures and a dispersed pattern of traditional rural buildings. The Landscape Character Assessment identifies this area as retaining a largely intact rural structure and highlights its sensitivity to suburbanising influences along quiet rural lanes.
26. Historically, the Site comprised a simple grassed paddock containing only a modest barn and enclosed by a traditional brick wall and gate. Its largely open and verdant character contributed positively to the rural setting of Hamptworth Road and reflected the wider pattern of pasture, hedgerows and dispersed rural development. Accordingly, the Site positively contributed to the natural landscape and beauty of the area.
27. The mobile home, finished in white, contrasts with the surrounding landscape and is visually prominent from the public realm, including views from the site's frontage and from the south-east along Hamptworth Road. Although some planting exists

around the structure, it is limited in extent and does little to soften its presence. The addition of a patio area with planters, a hot-tub-type feature and domestic seating introduces further elements of domestication.

28. The hardstanding, together with the removal of part of the historic boundary wall to widen the access, further erodes the site's rural qualities. These works introduce a suburbanised entrance and diminish the simple, open character that formerly prevailed. While an access already existed and a modest amount of hard surfacing to serve the barn might have been acceptable, the scale and form of the works undertaken go beyond what would reasonably be expected in this rural context and therefore result in appreciable harm.
29. I recognise that the overall extent of the development is modest and that its visual effects are relatively localised. However, even small-scale changes can have a disproportionate impact in this sensitive rural setting, where the landscape's simplicity and openness, previously defined largely by the barn and its understated curtilage, form an important part of its character.
30. I recognise that the overall extent of the development is modest and that its visual effects are relatively localised. However, even small-scale changes can have a disproportionate impact in this sensitive rural setting, where the landscape's simplicity and openness form an important part of its character.
31. Collectively, the features introduced reinforce the perception of residential encroachment and represent a marked departure from the site's former agrarian character. The presence of other buildings nearby does not alter the fact that this parcel of land previously functioned as a field.
32. In reaching my decision, I have had regard to the statutory purposes and duties that apply to National Parks. Section 61 of the Environment Act 1995 requires great weight to be given to conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks.
33. Taken together, these factors lead me to conclude that the development fails to conserve or enhance the special qualities of the New Forest National Park.

Heritage asset

34. Rosemary Cottage is a late-17th-century thatched cottage whose significance derives from its age, vernacular form, traditional materials and its relationship with the surrounding rural landscape. The open land to its south and east forms an important part of this setting, allowing the cottage to be experienced as a modest historic dwelling within an agricultural context. Hamptworth Farmhouse, also Grade II listed, lies immediately to the west and shares this rural character.
35. No Heritage Statement has been provided for either application. As a result, the proposals are unsupported by any structured assessment of the significance of the listed building or an analysis of how its setting would be affected, contrary to national policy expectations. This omission limits the appellant's ability to demonstrate an informed and sensitive approach to the heritage asset.
36. The Framework makes clear that the setting of a listed building is integral to its significance, and that any harm to that setting must be given great weight. Development that erodes the rural context in which a listed building is experienced

is therefore unlikely to comply with national policy unless justified by clear public benefits.

37. The hardstanding and the removal of part of the historic brick boundary wall have introduced a more engineered and suburbanised entrance, diminishing the simple rural qualities that contribute to the setting of Rosemary Cottage. These changes weaken the legibility of the cottage's historic relationship with the surrounding landscape.
38. The mobile home adds to this harm. Positioned on land that historically formed part of the cottage's rural setting, it introduces a modern, visually assertive structure whose materials, colour and associated domestic activity contrast with the traditional character of the listed building. As a result, the mobile home competes visually with Rosemary Cottage and reduces the ability to appreciate it as a modest vernacular dwelling within a rural landscape.
39. Overall, and having regard to the landscape effects already identified, the mobile home, hardstanding and altered access result in less than substantial harm to the significance of Rosemary Cottage through the degradation of its setting. This harm carries great weight. In the absence of public benefits capable of outweighing it, the proposals conflict with LP Policy DP2 and SP16, which together and similar to national policy require that developments respect the natural, built and historic environment and support proposals that conserve or enhance the significance of heritage assets and resist those that cause harm unless outweighed by public benefits.
40. For the reasons set out above, the proposals would also harm the landscape character of the National Park. These effects place it in conflict with LP Policies SP7 and SP19, which seek to conserve the landscape, protect the undeveloped countryside and resist new residential development outside defined settlements. The engineered appearance of the hardstanding and associated works further conflicts with Policies LP DP18 and DP36, which require development to respect local character and avoid suburbanising features. In addition, the domestication of the site undermines the National Park's special qualities, bringing the proposals into conflict with LP Policy SP17.

Other Considerations

41. The application is advanced on the basis of the appellant's son's significant medical conditions and disabilities, and his need to live close to the family in semi-independent accommodation supported by a 24-hour carer, which the mobile home currently provides. These conditions require constant supervision, and he is highly vulnerable to environmental risks and negative interactions with others.
42. The evidence also indicates that living independently but close to his family has markedly improved his safety, development and overall quality of life. His participation in supported activities such as animal care, land management and community conservation work contributes positively to his wellbeing, confidence and social inclusion. The appellant, who is both his mother, Care Manager and primary carer, oversees his daily routines and support, and her proximity is integral to meeting his complex needs. This is a summary of the evidence presented at the Hearing, and I have no reason to dispute it.

43. In considering the proposals, I am required to have due regard to the Public Sector Equality Duty under s.149 of the Equality Act 2010. His needs as a disabled person, including the need for family-supported living, are no less significant than those arising from a physical disability. These needs attract substantial weight.
44. I also note the appellant's willingness to accept a condition restricting any permission to the appellant's son and his carer. The appellant has further indicated a willingness to undertake additional landscaping, which could help to soften the engineered appearance of the hardstanding and reduce its visual prominence within the rural landscape. While such planting would not remove the identified harm to the landscape character and the setting of Rosemary Cottage, it could offer some limited enhancement by filtering views, screening the mobile home to a degree, and reinforcing the site's traditional vegetated boundaries.
45. The appellant also refers to the 'fallback' position of siting the mobile home within the established residential curtilage of Rosemary Cottage, which the Council accepts would not require planning permission. The appellant argues that such a fallback would have a greater impact on the setting of the listed building. Nevertheless, although potential locations within the curtilage were discussed, no specific layout or scheme is before me. As a result, I cannot be certain that an alternative siting would, in practice, result in greater harm to the setting of the heritage asset, nor can I be certain that it would avoid its own landscape effects. In these circumstances, the fallback carries only limited weight.

Conditions

46. In respect of Appeal A, I have considered the use of planning conditions in light of the tests set out in the Framework and the Planning Practice Guidance. As the development has already commenced, a commencement-time condition is unnecessary. However, it is appropriate to impose a condition listing the approved drawings to provide clarity and ensure the development is carried out in accordance with the identified plans.
47. A personal occupancy condition is necessary because the justification for the development rests solely on the specific needs of the appellant's son. A general residential use in this countryside location would conflict with the development plan, whereas a personal permission limits occupation to those whose circumstances justify the exception. Requiring the removal of the mobile home and the restoration of the site once those circumstances cease prevents a permanent residential use and protects the rural character of the area. Allowing the restoration scheme to be agreed with the local planning authority also provides flexibility to retain any landscaping secured under condition 3 where appropriate.
48. A landscaping condition is required to mitigate the visual impact of the hardstanding and associated works, softening their engineered appearance and reinforcing the vegetated boundaries that contribute to the rural setting of Rosemary Cottage. A detailed scheme, covering the retention of existing vegetation, new planting, appropriate surface treatments, maintenance arrangements, and opportunities for biodiversity enhancement will ensure the works are implemented and sustained. While this would not remove the identified harm, it would offer some mitigation to the impact on landscape character and the setting of the heritage asset.
49. No conditions have been suggested or are considered necessary for Appeal B.

Planning Balance

50. The proposals would result in the continued presence of a residential use in a countryside location, contrary to the Council's spatial strategy. They would also cause harm to the character and appearance of the National Park and to the setting of a designated heritage asset, with both forms of harm attracting great weight. Viewed as a whole, these impacts place the development in clear conflict with development plan policies aimed at protecting the countryside, conserving the National Park's special qualities and safeguarding heritage significance.
51. The removal of part of the historic boundary wall and the extent of hardstanding have eroded the site's rural qualities and contributed to the suburbanisation of the entrance. However, the degree of harm, while appreciable, is limited in extent, moderated by the presence of an existing access and the likelihood that a modest level of surfacing would reasonably have been expected to serve the former barn. Although the works have altered the simplicity of the original arrangement, the resulting harm is capable of being softened through appropriate landscaping.
52. More broadly, the landscape harm is limited in extent, localised, and capable of being mitigated through the additional planting proposed, subject to the approval of a detailed scheme. The presence of the former barn and its modest functional requirements also provide some context for a limited degree of intervention in this part of the site, further constraining the overall impact.
53. A personal permission tied to the appellant's son and his carer would ensure that, although the mobile home may remain for a prolonged period, its occupation would be strictly limited and would not establish a permanent or general residential use. This restriction significantly reduces the degree of conflict with the spatial strategy and confines the duration of the identified landscape and heritage harm.
54. Personal circumstances are not normally sufficient to outweigh conflict with the development plan or the harm identified, particularly where great weight must be given to both landscape conservation and the protection of heritage assets. However, the evidence demonstrates that the appellant's son has significant medical and social needs requiring close and consistent support. The Public Sector Equality Duty requires me to consider whether refusal would disproportionately disadvantage the appellant or her family, and the evidence indicates that it would. In this context, the compelling nature of the personal circumstances, together with the temporary and reversible nature of the harm and the scope for mitigation, attracts substantial weight.
55. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal conflicts with the spatial strategy and results in harm to landscape character and to the setting of a designated heritage asset, harms to which great weight is given. However, the extent of that harm is modest, capable of some mitigation, and ultimately reversible, and the fallback position does not represent a clearly preferable alternative. In light of the substantial weight afforded to the personal circumstances and associated mitigation measures, these material considerations outweigh the identified policy conflict and harm in this particular case.

Conclusion

56. For the above reasons, I conclude that Appeals A and B should be allowed.

M Aqbal

INSPECTOR

Appeal A - Schedule of Conditions

- 1) Notwithstanding the requirements of the below conditions, the development relates to the following drawings: Location Plan 1:1250, Block Plan 1:500, Mobile Home Elevations 1:100 and Floor Plan 1:100 - RSH1.
- 2) The development hereby permitted shall be occupied solely by George Gover and a carer. When George Gover ceases to occupy the site, the use hereby permitted shall cease, the mobile home shall be removed, and the land shall be restored to its former use and condition in accordance with a restoration scheme that has first been submitted to and approved in writing by the local planning authority. The approved restoration scheme shall be implemented in full within three months of its approval.
- 3) Within three months of the date of this decision, a detailed landscaping scheme for the site shall be submitted to and approved in writing by the New Forest National Park Authority. The scheme shall include:
 - (a) details of existing trees and shrubs to be retained;
 - (b) a specification for all new planting, including species, sizes, spacing and locations;
 - (c) details of all hard surfacing and the materials to be used;
 - (d) biodiversity enhancement measures; and
 - (e) a timetable and method for implementation, together with arrangements for ongoing maintenance for the duration of the permitted use.

The approved landscaping scheme, including all landscape works and biodiversity enhancements, shall be implemented in full in accordance with the approved timetable and thereafter maintained for the duration of the permitted use.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

- 4) No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

APPEARANCES

FOR THE APPELLANT

A Grover
B Hull

FOR THE LOCAL PLANNING AUTHORITY

A Harwood
L Young