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## Appeal Decisions

Site visit made on 5 May 2026

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2026

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### Appeal A Ref: 6001864

#### Tower Hall, Flexford Lane, Sway, Lymington SO41 6DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr J Wallrock against the decision of New Forest National Park Authority.
  - The application Ref is 25/00417FULL.
  - The development proposed is single storey extensions to provide garden room (demolish existing conservatory) and entrance vestibule.
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### Appeal B Ref: 6001830

#### Tower Hall, Flexford Lane, Sway, Lymington SO41 6DN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr J Wallrock against the decision of New Forest National Park Authority.
  - The application Ref is 25/00447LBC.
  - The works proposed are single storey extensions to provide garden room (demolish existing conservatory) and entrance vestibule.
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## Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed insofar as it relates to the single storey extensions to provide a garden room, pergola, and entrance vestibule. The appeal is allowed insofar as it relates to the internal alterations to a kitchen store and toilet.
3. Listed building consent is granted for internal alterations to a kitchen store and toilet at Tower Hall, Flexford Lane, Sway, Lymington SO41 6DN in accordance with the terms of the application Ref 25/00447LBC, dated 27 March 2025, so far as relevant to that part of the works hereby permitted and the plans submitted with it, and subject to the following conditions:-
  - 1) The works authorised by this consent shall commence not later than 3 years from the date of this consent.
  - 2) The works shall be carried out in accordance with drawing numbers: Location and Existing Site Plan Dwg No 001; Existing Floorplans Dwg No 002 Rev A; Proposed Floorplans Dwg No 012 Rev D; and Proposed Floorplan Large Scale Dwg No 015.
  - 3) Prior to the installation of any new doors, detailed drawings (at a scale of 1:5, 1:10 or 1:20 as appropriate) including cross sections showing the design,

materials and construction specifications of the joinery shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be completed in accordance with the approved drawings.

### **Application for Costs**

4. An application for costs was made by Mr J Wallrock against New Forest National Park Authority. This application is the subject of a separate decision.

### **Preliminary Matters**

5. Peterson's Tower is a grade II\* listed building, and Arnewood Court, the Trial Tower, and North Lodge and the former stableblock to Arnewood Court, are grade II listed buildings. All are within the Sway Tower Conservation Area. As required by Sections 16(2), 66(1), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
6. The site address given above comes from the original application form. The site comprises the Trial Tower and part of the former stable block, and is now a dwelling referred to as Tower Hall.
7. As set out above, there are two appeals at the property, one seeking planning permission for the single storey extensions to Tower Hall, and the other listed building consent for the extensions and internal alterations. Each case has been considered on its individual merits, although to avoid duplication they have been dealt with together, except where otherwise indicated.
8. The description of works set out above are taken from the original application form, although it is clear from the plans and accompanying details that the development comprises single storey extensions to the front and rear of the building, along with internal works to two bedrooms and the kitchen store and toilet. During the appeals, the appellant confirmed that alterations to the bedrooms was an error, and a revised drawing omitting these works was provided. The Authority was given an opportunity to comment upon the revisions, and regard has been paid to the comments received.
9. The appeals site is within the New Forest National Park (NP). As required by Section 245 of the Levelling-up and Regeneration Act 2023, special regard has been paid to seeking to further the statutory purposes of the NP.

### **Main Issue**

10. The main issue is the effect of the works upon the character and appearance of the area, having particular regard to:-
  - whether the works would preserve a listed building, its setting, or any features of special architectural or historic interest it possesses, and linked to that whether they would preserve or enhance the character or appearance of the conservation area; and
  - for Appeal A, whether the works would further the statutory purposes of the New Forest National Park.

## Reasons

### *Heritage*

11. Positioned to one side of Barrows Lane, the property comprises a concrete tower and converted outbuildings to Arnewood Court. The rear gardens of Tower Hall provide lawns, parking areas and a patio, and there is a vehicular access onto Flexford Lane, near to which is a barrel-vaulted roofed garage. To the north of the property is a group of workshops and industrial premises, with the lane serving these units providing views of Arnewood Court.
12. *Conservation Area.* The village has an unusual appearance deriving from the interest of one landowner in cast concrete and its uses. Arnewood Court is at the centre of the conservation area, and this high status house and its ancillary outbuildings and lodges are constructed from concrete, as is a farm and piggery, several houses, boundary treatments, and two tall towers. The proliferation of numerous nineteenth century concrete buildings and structures in such a concentration creates a distinct local vernacular that is an important part of the character and appearance of the conservation area. In addition to giving the area a unique identity, the height and size of the two concrete towers makes them idiosyncratic landmarks, with Peterson's Tower being visible from long distances away. The imposing impact of the towers, the linear form of the settlement and the prevalence and resultant historic visual cohesion of so many concrete buildings and structures that reflects the cultural history of the area, are all part of the significance of the conservation area.
13. *Listed Buildings.* Peterson's Tower is a grade II\* listed building and is constructed of mass concrete of two different colours. At over 60m high it forms a striking landmark. This bold impact, along with its age, slender ornamented form, its height, materials and means of construction, are all part of the special architectural and historic interest of this listed building. The domination of the tower makes a unique contribution to the cohesion of the conservation area and to the settings of nearby listed buildings.
14. Also contributing to the cohesion of the conservation area are the grade II listed buildings of the Trial Tower, Arnewood Court and its associated outbuildings. These form a cluster to the north of Flexford Lane, with Arnewood Court being in the centre of the settlement. This house has a legibly imposing high status size and form and is constructed from concrete with a distinctive tower, all of which are part of the special interest of this listed building.
15. The former stables and North Lodge is a range of concrete buildings with a deliberate functional appearance that is part of its special interest. The Lodge is distinctly different from the stables as it has a modest residential form and appearance that reflects its functionality as a means of control to accessing the estate. The stables building has a utilitarian simplicity, with its focal carriage entrance being set amongst a mannered placement of windows and doors. Constructed from mass concrete with self-supporting vaulted concrete ceilings, it has an essentially linear form, with a strong horizontal emphasis that is exaggerated by an ornate parapet. These features and the range's legible subservience of form and function to the main house, are all part of the special interest of these listed buildings.

16. Originally in the grounds of Arnewood Court and comprising a discrete building, the Trial Tower is now attached to the former stables by a modern conservatory. At just over 30m tall, it was constructed to experiment with the use of concrete prior to the construction of Peterson's Tower, and it has a plain appearance. The verticality of the building contrasts the horizontal emphasis of the stables, and together with Peterson's Tower, the Trial Tower is a landmark building that gives a unique identity to the area. The unusual history of the building, the use of concrete and the relationship it has to the main house, its outbuildings, and to Peterson's Tower, are all part of the significance of this listed building.
17. The close proximity of these concrete buildings, their collective relationships to each other, and the resultant historic and visual cohesion they create is an important element of the settings of these listed buildings. The clear hierarchy of function and form that is evident between the towers, and between North Lodge and the former stables with Arnewood Court is an integral element of their settings, as well as being part of the significance of the conservation area.
18. *Vestibule Extension*. Although the extension has been designed to reflect the vaulted roofs of the range, these are largely hidden from view and it is the plain, horizontal emphasis of the building with the deliberate distinction of the lodge at one end that is paramount. The style and size of the vestibule extension would appear as a discordant addition upon the plain austerity of the stables range. Upon the northern elevation of this building there are two balanced projections, but these are modest in extent, and the proposed extension would project well beyond these, being of a comparable depth to the lodge. Even with the deliberate retention of the concrete cornice, the curved roof when combined with the bulky size of the extension would appear at harmful odds with the simplicity of the range, and particularly so as the roof would be comparable to the height of the existing building. The extension and its differences to the host would also detract from the prominence of the Trial Tower, thereby eroding its dominating impact.
19. The curvature of the roof would be different to that present in the doors of the range, and this and the tall full height glazing, zinc cladding and blue brick would give the extension an overtly contemporary appearance that would appear stridently different to the host building with its modestly sized windows and the monotony of the render. The extension would not reflect the distinct local palette of materials that is an integral part of the experience of these listed buildings and the cohesive appearance of the conservation area.
20. Whilst the New Forest National Park Design Guide (2022) advises exemplary modern design may be acceptable to illustrate the progression of a building over time, in this case the extension would appear conspicuously intrusive upon the simplicity of the stables, a simplicity that denotes its subordinate, service relationship to the main house. The functional focus of North Lodge would be diminished, and rather than the eye being drawn to the intricacies of the tower on the rear Arnewood Court, it would be the extension that would become a focal point, thereby detracting from the primacy of the Trial Tower and Arnewood Court.
21. Reference has been made within the appellant's Heritage Statement (2025) to a structure upon the north side of the stables in the late 19<sup>th</sup> and early 20<sup>th</sup> century. However, the form and nature of this structure has not been identified, and from the evidence that has been provided it was in a different position to the proposed extension. As such the weight that can be attributed to this comparison is limited.

22. *Garden Room and Pergola.* The existing conservatory would be demolished and replaced by a vault roofed garden room and pergola. Although described in the Heritage Statement as an industrial response to the site, the vaulted roof and use of zinc and blue brick would make a similar harmful contrast upon the southern elevation of the range as would occur with the vestibule, introducing materials that would have little reference to those in the hosts nor to those found within the conservation area. The extension would project beyond the width of the Trial Tower and the prominence of the curved elements would be exaggerated by the provision of deep eaves, giving the garden room a bulk that would conflict with the narrow, linear plan form of the stable range.
23. As shown on the planning history drawings (dwg nos 004.01.02, 004.01.03 Rev C and 004.01.06 Rev A) the existing conservatory resulted in the widening of a former window into a double doorway. The proposed entrance would result in a further loss of historic fabric. Even though it would be a small loss, as advised in Making Changes to Historic Assets (Historic England 2016) losses should be kept to a necessary minimum with the retention of as much historic fabric as possible. Why there is a need to enlarge the existing opening further has neither been explained nor justified.
24. The pergola would not be attached to the Trial Tower, and whilst having a more lightweight impact than the existing conservatory, it would nevertheless disrupt the vertical stridency of the tower. The base would be less obscured, but the pergola would appear as curiously contrived and disruptive even if planted, as the form, style and use of materials would be very different to the starkness of the tower.
25. Both the garden room and the pergola would fail to preserve the special interest of these listed buildings, disrupting the historic visual and hierarchical cohesion of the group to the detriment of their settings and to the conservation area.
26. *Peterson's Tower.* The works would have a neutral impact upon the setting of Peterson's Tower. The separation of the extensions from this tower along with the tapestry of other buildings, structures and uses between them, would result in the works being seen as part of the built-up area of the village as a whole, and the dominance of this tower nor its relationship with the Trial Tower would not be undermined by the works.
27. *Internal Works.* To one side of the existing kitchen dining room is a kitchen store and toilet. These have been created from modern partitioning, each room having its own door. The proposed works would block-in the toilet door creating a new opening into the storeroom. Apart from blocking in the existing doorway, the partitioning would not be altered, and the works would neither affect nor result in the loss of historic fabric. As such and subject to conditions requiring details of the door, these internal works would have a neutral impact upon the special interest of the listed building.
28. *Heritage Balance.* The National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case the proposal would lead to less than substantial harm to the conservation area and to the settings and special interest of Arnewood Court, the stables range, North Lodge, and the Trial Tower. The harms would be at the lower end of the scale, due to the size of the extensions compared to that of

the buildings, their settings, and the conservation area as a whole. These harms have to be weighed against the public benefits of the proposal, including where appropriate securing the optimum viable use.

29. The appellant has referred to the encouragement within the Framework for new development in conservation areas and within the settings of heritage assets to enhance or better reveal the significance, and it has been pointed out that the pergola would better reveal the Trial Tower. The base of the tower would be more visible and this would be a public benefit of the scheme. However, the wrap-around pergola would still result in the tower being partly concealed by a structure that does not reflect the special interest of this listed building. Consequently, the benefit would be tempered and not so significant as to outweigh the harms.
30. The property is occupied, and the works would not be necessary to allow an ongoing residential use. Compared to the existing conservatory, the extension would reduce light spill through having a solid roof, and this and the removal of the existing extension from the tower would be public benefits of the scheme, albeit such benefits would be moderated by the replacement extension and the pergola. A vestibule would provide a formal entrance to the building, but this would be a personal benefit for the appellant. Whilst the works are considered to allow the appellant's continued preservation of the buildings, maintenance and repairs could occur irrespective of the extensions. The public benefits of the works would not therefore outweigh the considerable harms to the conservation area and the listed buildings.
31. For these reasons, the extensions would fail to preserve the special interest and settings of the Trial Tower, the stable range, North Lodge, and Arnewood Court, and would neither preserve nor enhance the character or appearance of the conservation area. There would be conflict with the Act and the suggested conditions would not overcome these harms. While the works would reduce light pollution in accordance with Policy SP15 of the New Forest National Park Local Plan (2019) (LP), the extensions would conflict with Policies SP16, DP2, DP18 and DP36, as they seek, amongst other things, that extensions are appropriate to the existing dwelling, that development respects and enhances the historic environment, is contextually appropriate, and conserves and enhances the special interest and significance of designated heritage assets.

#### *National Park*

32. The site is within the New Forest National Park (NP), whereby there are statutory duties to conserve and enhance its natural beauty, wildlife and cultural heritage, as well as seeking to further their statutory purposes. The special qualities of the NP are identified in the New Forest National Park Partnership Plan (2022), and one of these qualities is the unique historic and cultural heritage of the NP.
33. The village is upon a coastal plain and is surrounded by fields, woods, and tree and hedge lined lanes, and this countryside positioning creates a sense of tranquillity. In such a setting the concentrated cluster of concrete buildings, structures, and the towers is striking, giving this part of the NP a unique identity. The historic development of the settlement is the legacy of one landowner, and his works have resulted in a characterful village with a distinct cohesive idiosyncrasy that makes a positive contribution to the cultural heritage of the NP.

34. The removal of the existing conservatory and its replacement with one with a solid roof would reduce the level of light pollution, and this element of the works would further the statutory purposes of the NP. However, weighing against this would be that the extensions would detract from the distinct historic qualities of the settlement and the contribution it makes to the cultural heritage of the NP. The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty of a NP. As the extensions would erode the unique historic appearance and cultural heritage of the area they would fail to accord with this requirement.
35. The appellant has referred to the *New Forest National Park Authority v (1) Secretary of State for Housing, Communities and Local Government and (2) Mr Simon Lillington [2025] EWHC 726 (Admin)* judgement. This case assessed an Inspector's decision to allow an extension to an existing dwelling and the application of the statutory duties. It found that the development would not harm the local character of the NP, unlike the proposed works which would for the reasons explained have an adverse impact upon it.
36. For these reasons the extensions would fail to further the statutory purposes of the NP, and there would be conflict with LP Policies DP2, DP18, and SP16 and their requirements for new development to enhance local character and distinctiveness, to respect and enhance the historic environment and its features, including local vernacular buildings.

### **Other Matters**

37. The appellant has raised concerns regarding the Authority's handling of the applications. Such concerns fall to be pursued by other means separate from the planning merits of the appeals.

### **Conditions**

38. The conditions suggested by the Authority have been considered against paragraph 57 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements.
39. The standard time condition has been imposed, as has one requiring the development to be carried out in accordance with the plans that show the internal alterations, to avoid doubt and in the interests of proper planning. As these internal works include a new door, details have been required to protect the appearance of the listed building.

### **Conclusion**

40. Appeal A: the extensions would fail to preserve the special interest of listed buildings and their settings, and would neither preserve nor enhance the character or appearance of the conservation area. There would also be harm to the landscape and scenic beauty of the NP and its cultural heritage. The suggested conditions would not mitigate these harms. Thus, for the reasons given above, and having considered all other matters raised, appeal A is dismissed.
41. Appeal B: the scheme involves a number of different elements that are physically and functionally independent. The proposed internal works for alterations to a kitchen store and toilet would be acceptable and clearly severable from the single storey extensions to provide a garden room, pergola and entrance vestibule.

Therefore, a split decision in this case is appropriate and listed building consent for the internal works to the kitchen store and toilet are consented, but consent for the extensions is refused. Thus, for the reasons given above, and having considered all other matters raised, appeal B is part allowed and part dismissed.

*JJ Evans*

INSPECTOR