



Appeal Decision

Site visit made on 09 June 2026

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2026

Appeal Ref: 6006743

Badger Cottage, Road through Linwood, Linwood, Hampshire BH24 3QT

- 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 Simon Lillington against the decision of New Forest National Park Authority.
 - The application Ref is 25/01443FULL.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at Badger Cottage, Road through Linwood, Linwood, Hampshire BH24 3QT in accordance with the terms of the application, Ref 25/01443FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: WDB-028-15 Rev. A; WDB-028-16 Rev. A; WDB-028-18 Rev. A.

Main Issue

2. The main issue is whether the size of the proposed extension is appropriate to the existing dwelling (as defined by local plan policy), its curtilage, and its countryside location within the New Forest National Park (NFNP).

Reasons

3. Policy DP36 of the NFNP Local Plan 2016-2036 (LP) (adopted 2019) states that extensions to existing dwellings will be permitted provided that they are appropriate to the existing dwelling and its curtilage. Badger Cottage lies outside of a "Defined Villages"¹ settlement boundary as set out in the LP. As it thus lies within the countryside, proposals to extend Badger Cottage are subject to the floorspace limitations as set out in LP Policy DP36.
4. The evidence before me indicates that Badger Cottage is not a small dwelling as defined by Policy DP36. In such circumstances, this policy states that the extension must not increase the existing dwelling floorspace by more than 30%.
5. The planning history shows that Badger Cottage's floorspace has been extended well in excess of 30% since 1982. Most recently, an application for a first floor rear

¹ Ashurst, Brockenhurst, Lyndhurst and Sway

extension was refused by the National Park Authority (NPA) and then allowed on appeal² (“the previous appeal decision”). The NPA challenged the validity of the previous appeal decision in the High Court³ on two grounds, and the court dismissed both grounds. That extension has now been implemented.

6. The relevant definition of “existing dwelling” is provided in the Policy DP36 supporting text as “the dwelling as it existed on 1 July 1982”. Neither main party has calculated the proposed floorspace increase. However, the previous appeal decision sets out that the first floor rear extension would amount to a cumulative increase of approximately 76.3% above and beyond the 1982 floor area.
7. The proposed extension subject of this appeal would thus amount to a cumulative floorspace increase that clearly goes even further beyond the 30% existing dwelling limit as indicated under Policy DP36. In quantitative terms, this significant cumulative increase amounts to material conflict with this policy. The fact that Badger Cottage has already been extended over a period of years beyond a 30% floorspace limit does not alter the above. The appellant has not advanced a case of exceptional circumstances as set out under Policy DP36. In the above respects, the proposed extension conflicts with Policy DP36.
8. The extension would however align with the existing rearmost elevation. It would have a modest single-storey scale and massing, and would not be visible beyond the rear garden enclosed by large trees. Badger Cottage’s front elevation would be unaffected, which is more visible and vernacular in character. There would thus be no adverse impact on the locally distinctive character of the NFNP’s built environment, as the extension would be sympathetic to Badger Cottage and sited in a discreet location.
9. Moreover, as the location of the proposal contains decking, it would not extend on to undeveloped land. Given this and the other reasons outlined above, the extension would not result in a discernible or on-the-ground gradual suburbanising effect within the NFNP, and would thus not conflict with LP Policy SP17.
10. The decision notice also cites conflict with LP Policy DP2, which lists a number of general development principles. The officer report does not articulate the precise conflict with that policy. The evidence before me does not indicate any harmful impacts on historic environment, landscape character, biodiversity, trees and hedges, living conditions, traffic, pollution or car parking. Having regard to my overall above findings, there is no conflict with Policy DP2 and in this context, the appeal scheme is therefore a sustainable form of development.
11. Supporting text to Policy DP36 sets out that extensions can over time cause an imbalance in the range and mix of housing stock available. I note that the previous appeal decision refers to information regarding the sizes and prices of houses in the local area. Such information is not provided in the current appeal submissions before me, although the officer report does not articulate any harm in this respect. The appeal proposal before me forms a modest kitchen extension and a small utility room. I have no reason to dispute that these additions would not alter its local status as a mid-range property in terms of floorspace and price.

² Appeal Ref: APP/B9506/D/23/3325766

³ *New Forest National Park Authority v SSLUHC & Mr Simon Lillington* [2025] EWHC 726

12. Whilst the proposed extension would amount to significant conflict with LP Policy DP36 in quantitative floorspace terms, for the above reasons it would not undermine the relevant objectives of Policy DP36, as articulated in its supporting text. Whilst supporting text does not have the same force as policy and cannot trump it, it is nonetheless relevant to its interpretation.
13. Allowing this appeal would not result in any qualitative or real-world adverse impacts. In this context, the appeal scheme cannot reasonably be described as a flagrant breach of Policy DP36, even when accounting for the previous extensions to Badger Cottage. I therefore conclude that the appeal extension is appropriate to the existing dwelling and its curtilage. Allowing this appeal would not make Policy DP36 or the LP as a whole obsolete, as each case can continue to be assessed on its own merits and circumstances.
14. The first statutory purpose of National Parks (NP) is to conserve and enhance their natural beauty, wildlife and cultural heritage. The second statutory purpose is to promote opportunities for the understanding and enjoyment of the special qualities of the NP by the public. Section 245 of the Levelling-up and Regeneration Act 2023 strengthens the above duty on relevant authorities in respect of their functions which affect land in NPs, who now must “seek to further” their statutory purposes.
15. I find that the proposal would not harm the NFNP’s special qualities relevant to the proposal and its location. The NFNP’s natural beauty, wildlife and cultural heritage would be unharmed, and the development would not diminish opportunities for the understanding and enjoyment of the special qualities of the NFNP by the public. In such circumstances, allowing this appeal would not conflict with the abovementioned strengthened duty.

Conditions

16. Conditions 1 and 2 are necessary in the interests of certainty and clarity.

Conclusion

17. Statute⁴ requires me to have regard to the development plan as a whole unless material considerations indicate otherwise. A narrow focus on the quantitative floorspace limitations of Policy DP36 would not discharge that statutory duty. Additionally, a breach of its floorspace limitations does not automatically lead to conflict with LP policies SP17 and DP2, as they do not refer to floorspace.
18. For the above reasons, I have found that the appeal scheme is in accordance with the development plan as a whole, and the material considerations before me do not indicate that a decision should be made otherwise than in accordance with it. The appeal is therefore allowed.

R Cahalane

INSPECTOR

⁴ Section 38 (6) Planning and Compulsory Purchase Act 2004 (As Amended)