
Appeal Decision

Site visit made on 2 June 2026

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

an Inspector appointed by the Secretary of State

Decision date: 24 June 2026

Appeal Ref: 6005033

2 Durmast Cottages, Bisterne Close, Burley BH24 4AZ

- 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 and Mrs Dibben against the decision of New Forest National Park Authority.
 - The application Ref is 25/01392FULL.
 - The development proposed is rear conservatory.
-

Decision

1. The appeal is allowed and planning permission is granted for rear conservatory at 2 Durmast Cottages, Bisterne Close, Burley BH24 4AZ, in accordance with the terms of application Ref. 25/01392FULL and subject to the following conditions:
 - 1) This development must be begun within three years from the date of this permission.
 - 2) The development hereby permitted shall be undertaken in accordance with the following approved plans and drawings: Site Plans: 24.29.1.C and Proposed Plans and Elevations: 24.29.11.
 - 3) The materials to be used in the construction of the conservatory hereby permitted shall be timber and glazing, as specified on the application form.

Main Issue

2. The main issue is whether the proposal would accord with local policy which controls the cumulative enlargement of dwellings outside Defined Villages, particularly having regard to the character of the New Forest National Park ('the National Park') and the balance of housing stock.

Reasons

3. The appeal site comprises a modest semi-detached property forming part of a pair of traditionally styled dwellings within the National Park.
4. Paragraph 189 of the National Planning Policy Framework ('the Framework') requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection. It also expects development in these areas to be limited and sensitively designed. The statutory purposes of National Parks, set out in the Environment Act 1995, are to conserve and enhance natural beauty, wildlife and cultural heritage. Section 245 of the Levelling-up and Regeneration Act 2023 strengthens this by requiring decision-

makers to seek to further these purposes, thereby reinforcing the weight given to conservation in decision-making.

5. The reason for refusal relates to Policy DP36 of the New Forest National Park Local Plan 2016 - 2036 (August 2019) ('LP'), which seeks to limit the cumulative enlargement of dwellings outside Defined Villages. The Policy is intended to avoid incremental change that would erode the landscape character or appearance of the National Park, contribute to suburbanisation and, importantly, resist the erosion of smaller dwellings that form an important part of the Park's housing stock.
6. I am advised that planning permission was granted in September 2024 (ref. 24/01221) for a two-storey extension, alterations to doors and windows and an outbuilding to the dwelling at the appeal site. The officer's report indicates that the approved development would fall within the 30% limitation in LP Policy DP36, albeit leaving limited scope for further extensions.
7. However, the full details of that permission, including the approved drawings, are not before me, and I therefore attach limited weight to the officer's conclusions as to the precise extent of compliance with LP Policy DP36.
8. Notwithstanding this, I acknowledge that the above planning permission was lawfully implemented, such that it remains capable of completion. However, I observed at my site visit that only limited works had been undertaken, comprising alterations to some windows, and that the other works, including the extension, have not been undertaken.
9. While the fallback position is therefore extant, the limited degree of implementation indicates that the likelihood of it being fully carried out is unclear. I attach moderate weight to this fallback. I am also aware that, in granting that permission, the Council removed permitted development rights for further extensions in light of concerns regarding incremental enlargement. Nevertheless, that does not preclude the submission of a further planning application, which must be considered on its merits.
10. If the fallback permission were to be implemented in full, the cumulative increase in floorspace of the dwelling, when taken together with the appeal proposal, would exceed the 30% limitation set out in LP Policy DP36. In numerical terms, the proposal would therefore conflict with that Policy.
11. The 30% limitation serves as a tool to prevent incremental change that would harm the character or appearance of the National Park, contribute to suburbanisation, or erode the stock of smaller dwellings. It is therefore necessary to consider whether those outcomes would arise in the particular circumstances of the case.
12. The proposed development is a single-storey rear conservatory. Its design, height and siting are not disputed. The extension would reflect the form and detailing of the adjoining dwelling, which already incorporates a comparable conservatory, and would reinstate a degree of symmetry between the pair.
13. The additional floorspace would be modest and the conservatory would have a limited visual presence. Even when considered cumulatively with the fallback position, I am not persuaded that the resulting dwelling would appear unduly large, out of scale with its plot, or out of keeping with its surroundings, or that it would contribute to any suburbanising effect.

14. Despite the conservatory being largely glazed and the associated concerns regarding light pollution, its modest scale, relationship to the existing dwelling and surrounding development, and the presence of existing glazing lead me to conclude that it would not materially harm dark skies or the tranquillity of the area.
15. The Council raises concerns regarding increased activity. However, the proposal would not introduce additional bedrooms, and there is no substantive evidence that a conservatory of this nature would lead to any meaningful intensification of use beyond that associated with an existing dwelling, particularly given that more substantial increases in accommodation at the property have previously been accepted.
16. For the above reasons, the proposal would not harm the character or appearance of the dwelling or the wider National Park. Accordingly, I find no conflict with the Framework's requirement to conserve the scenic beauty of the National Park. As such, I find no conflict with the statutory purposes of the National Park.
17. The proposed increase in floorspace is limited and would not appreciably alter the scale, function or character of the dwelling. The proposal would not introduce additional bedrooms and would remain consistent with the existing use of the property. On the evidence before me, including information relating to property values, I am unpersuaded that it would materially affect the dwelling's role within the local housing stock or lead to the erosion of smaller dwellings that Policy DP36 seeks to resist.
18. I therefore find that, in practical terms, the proposal would not give rise to the types of harm that LP Policy DP36 seeks to prevent. Even so, in numerical terms, the proposal would conflict with LP Policy DP36.

Other Matters

19. The appeal site is within the Burley Conservation Area. Therefore, I have had regard to the effect of the proposal on the Burley Conservation Area, having special regard to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Based on the evidence before me and my observations on site, and having regard to the modest scale and acceptable design of the proposed conservatory, I find that the development would preserve the character and appearance of the Burley Conservation Area.

Conditions

20. In imposing conditions, I have had regard to the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved plans and drawings in the interests of certainty.
21. To ensure that the development positively contributes to the appeal property and the character and appearance of the area, including the Burley Conservation Area, a condition requiring that the conservatory be constructed of timber and glazing, as specified on the application form, is necessary.

Planning Balance and Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
23. The proposal conflicts with the numerical limitation in LP Policy DP36.
24. However, the proposal would not undermine the underlying objectives of LP Policy DP36, and I attach significant weight to the absence of harm to the character or appearance of the National Park, alongside the absence of harm to the housing stock.
25. Taken together, these considerations indicate that the appeal should be determined other than in accordance with the development plan.
26. Accordingly, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR