



Appeal Decision

Site visit made on 14 July 2026

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 September 2026

Appeal Ref: 6008742

Land Adjacent Everglade Farm, Mount Pleasant Lane, Lymington SO41 8LS

- 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 Connor Cooper against the decision of New Forest National Park Authority.
- The application Ref is 25/00974FULL.
- The development proposed is 2no. concrete hardstands; stationing of 2no. residential caravans (compliant with the caravan act); laying of aggregate; sewage treatment tank; alterations to existing access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the above banner heading, I have taken the description of development from the decision notice rather than the application form. The decision notice description is referred to in the appellant's appeal statement and accurately describes all relevant aspects of the appeal scheme, including the proposed residential use. I have determined the appeal accordingly.
3. I am aware of an enforcement notice relating to the appeal site¹, served in 2023 by the National Park Authority (NPA). However, that relates to a different type of development to that currently proposed. Whilst another enforcement notice was previously served on land near to the appeal site and was upheld at appeal², that appeal did not consider the planning merits of the development enforced against. The above factors somewhat limit the relevance that these notices have to the current section 78 appeal, which I must determine having regard to all relevant planning merits and the submitted evidence before me.
4. On 17 August 2026, the Government issued a revised version of the National Planning Policy Framework (the Framework). As these revisions could affect the issues in this case, the NPA and the appellant were invited to make further comments. My decision reflects this latest Framework and the responses received.

Main Issues

5. The main issues are:
 - whether the proposed development is within a suitable location having regard to development plan policies governing the countryside;

¹ National Park Authority Ref: 22/0155/EC

² Appeal Ref: APP/B9506/C/21/3266195

- whether the proposal would conserve and enhance the landscape and scenic beauty of the New Forest National Park (NFNP), including consideration of effects upon tranquillity and trees;
- the effect on protected species, with particular regard to great crested newts; and
- the effect on highway safety, with particular regard to vehicular access to and from the appeal site.

Reasons

Location

6. The appeal site is outside of a “Defined Villages”³ settlement boundary, as set out in the NFNP Local Plan 2016-2036 (LP) (adopted 2019). For planning policy purposes, it is therefore within the countryside. LP policy SP4 sets out that development proposals will only be permitted outside the Defined Village boundaries and allocated development sites subject to five criteria (a. – e.).
7. LP policy SP28 sets out that small-scale affordable housing developments may be permitted as “exceptions” on sites in or adjoining villages to meet the identified needs of local people in these areas. However, there is no legal mechanism before me to secure the residential caravans as affordable housing.
8. In any event, the site’s location does not adjoin a village settlement, despite being in the vicinity of farm buildings and dwellings, and other land plots east of the site which I saw, at the time of my site visit, to contain various structures and paraphernalia. The appeal scheme thus does not comply with criterion a. to policy SP4, as it is not in accordance with policy SP28 on Rural Exception Sites.
9. It is put to me that the appeal scheme would provide small-scale residential accommodation designed to meet personal housing needs. However, there is no evidence before me to suggest that this amounts to an essential need for a countryside location. The proposal therefore does not comply with criterion c. to policy SP4.
10. Supporting text to LP policy SP4 advises at paragraph 4.18 that this policy also enables the delivery of housing specifically for New Forest commoners, Estate workers and dwellings tied to the rural economy, for example agricultural and forestry workers’ housing. The appellant has not put forward a need case in these respects, and thus the appeal scheme does not comply with policy SP4 criterion d. As the proposal does not form a redevelopment of an established employment site, it does not comply with policy SP4 criterion b., which requires accordance with policy DP44 on employment sites.
11. At the time of my visit, within the appeal site I observed a small wooden shed, several small containers, a greenhouse and other paraphernalia. Even if these were to be considered as existing buildings for the purposes of criterion e. to LP policy SP4, the proposal involves a residential use type that is not supported by the criteria listed under policy SP19. The appeal scheme thus does not comply with criterion e. to policy SP4.

³ Ashurst, Brockenhurst, Lyndhurst and Sway

12. Supporting text to policy SP4 also advises that the Defined Villages are considered to be the most sustainable settlements in the NFNP. They have the broadest range of community facilities, local employment opportunities, transport links and a good range of other services for residents and visitors. The appeal site lies between the Defined Village of Sway and the larger town of Lymington. That town is outside of the NFNP boundary.
13. Routes from the site to these settlements are largely along narrow and unlit roads with no segregated footways. Given this, and the respective distances involved, non-vehicular routes to the facilities and services in Sway and Lymington would not be convenient or welcoming in terms of distance and accessibility constraints. The site's location would thus deter or constrain many non-vehicular trips required to cater for the essential needs of future residents, including those with protected characteristics. Future residents would thus likely be heavily dependent on the use of private vehicles for their day-to-day needs.
14. I therefore conclude that the proposed development is not within a suitable location having regard to development plan policies governing the countryside. In arriving at this conclusion, I have had regard to the site's rural context and that the appeal scheme would generate limited additional activity compared with larger forms of residential development. The appeal scheme conflicts with policy SP4 of the LP, the relevant requirements of which are already set out above.
15. The first reason for refusal also cites conflict with LP policy SP19. However, this is a permissive policy relating to the delivery of dwellings within certain locations, including within the Defined Villages. I have thus found no conflict with this policy, as conflict with another LP policy would not have any bearing on the purpose of policy SP19 as a permissive policy. That being said, the appeal scheme is not a type of development that is explicitly supported by policy SP19.

Landscape and scenic beauty of the NFNP

16. Supporting text to LP policy SP15 describes tranquillity as the relative peace and naturalness, combined with the open and unfenced landscape of much of the NFNP that gives a sense of space, remoteness and freedom. The largely undeveloped nature of the appeal site and its immediate surrounds, coupled with the levels of natural enclosure, provide a sense of tranquillity, albeit tempered by vehicular traffic movements along Mount Pleasant Lane.
17. Land east of the site along the lane has been subdivided, and the wider environs contain scattered dwellings, farmsteads, paddocks and woodland. It is put to me that the character surrounding the proposal site includes similar sites with caravans as that proposed. Even if the surrounding plots include caravans, at the time of my site visit, none were visible from either within the appeal site or along the lane.
18. In any event, the land either side of the appeal site is subject to an enforcement notice against overnight accommodation, amongst other things. I thus have insufficient certainty that any similar caravans either side of those proposed are lawful. In this context, I envisage that movement and light generation from residential use of the site throughout the year would inevitably erode tranquillity.
19. Within the appeal site, land levels decline noticeably from Mount Pleasant Lane, and there is a large area within site that is clear of tree growth. Caravans are typically of low height and when compared to conventional housing, they do not

- have the same extent of built form and permanence. They would however have a discernible visual presence, and the westernmost caravan would be visible from the lane, albeit at a distance, due to the proposed proximity to the site boundary.
20. Despite the heavily vegetated setting, some other seasonal views of the wider proposed development would also be possible along the lane. Most notably along the site entrance, as the proposed vehicular access improvement works would necessitate removal of roadside shrubbery.
21. The site contains further shrubbery within, including trees towards the rear. The proposal would require removal of shrubbery, most notably across the site's rearmost section where the concrete hardstands, residential caravans and surrounding hardstanding is proposed. This shrubbery is protected by a woodland Tree Preservation Order (NPA Ref: TPO/0010/19). The proposed development would also be adjacent to trees outside of the appeal site. The abovementioned shrubbery makes a positive contribution to the natural beauty of the NFNP.
22. The majority of tree roots are typically found in the top shallow section of soil. Therefore, and in the absence of tree survey information before me demonstrating the contrary, the proposal could cause root damage to surrounding trees, including through compaction of the soil structure.
23. The caravans and associated hardstanding areas thus cannot reasonably be described as low impact. This built form would jar with and adversely diminish the character of the site and its surrounding context. In landscape terms, and also for the above reasons, the proposed physical alteration of undeveloped land for residential use and associated hardstanding, necessitating loss of shrubbery, would harm the intrinsic natural beauty of the NFNP.
24. For the above reasons, I conclude that the appeal scheme would not conserve and enhance the landscape and scenic beauty of the NFNP, including when considering the effects upon tranquillity and trees. The proposal thus conflicts with LP policies DP2, SP7, SP15, SP17 and DP18. These policies seek, amongst other things, development to be contextually appropriate and sympathetic in terms of appearance, form, siting and layout, to protect and enhance the setting of groups and individual trees and hedgerows, to avoid a gradual suburbanising effect, and to avoid or mitigate unacceptable environmental impacts in respect of tranquillity.
25. The appellant is willing to accept conditions requiring a landscape plan, an arboricultural impact assessment and tree protection plan, retention of boundary vegetation, replacement planting, long-term landscape management and external lighting restrictions. Whilst appropriate construction methods may avoid adverse harm to retained trees within and surrounding the site, such conditions would however not mitigate all the above harm that I have identified in respect of the overall proposed development.

Protected species

26. In their consultation response, Naturespace UK advises that the appeal site includes wet woodland, which the appellant has not disputed. Wet woodland is a suitable habitat for great crested newts (GCN) which are protected species⁴. This habitat is also listed as one of the habitats of principal importance in England⁵.

⁴ under the Conservation of Habitats and Species Regulations 2017 (as amended)

⁵ Section 41 of the Natural Environment and Rural Communities Act 2006 (as amended)

27. As already set out in the preceding main issue, the appeal scheme requires removal of shrubbery, most notably across the site's rearmost section where the concrete hardstands, residential caravans and surrounding hardstanding are proposed. These natural features to be removed could provide habitat for GCN.
28. Whilst the NPA has not identified any protected species actually present on the site, conversely the appellant has not provided survey information, undertaken by a suitably qualified ecologist, that demonstrates an absence of protected species such as GCN. Paragraph 99 of Government Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
29. In this case, without any survey of the relevant habitat features, it is simply not known whether GCN are present within or within influencing distance of the appeal site and, if they are, whether mitigation measures would be appropriate. The appellant would accept planning conditions relating to the submission of ecological assessments and mitigation measures. However, given the degree of uncertainty relating to the findings of such assessments, use of conditions would not be reasonable in this case.
30. Therefore, the absence of sufficient information means I cannot rule out potentially significant harm to protected species. Given this, and having regard to the above Government Circular advice, there is conflict with LP policies DP2 and SP6 insofar as they require development to respect the natural environment and to protect, maintain and enhance locally important features of the natural environment, including habitats and species of biodiversity importance.
31. The NPA found no reason to conclude that the Biodiversity Net Condition (BNG) would not be capable of being discharged, in terms of the proposal securing a minimum 10% BNG. I have no reason to disagree, irrespective of my conclusion on this main issue. However, compliance with the statutory provisions relating to BNG as set out in the Environment Act 2021 neither weighs in favour nor against allowing this appeal.

Highway safety

32. The site has an existing vehicular access point onto Mount Pleasant Lane. The NPA contends that these works have not been lawfully undertaken, although its lawfulness cannot be formally determined under this section 78 appeal.
33. In any event, I found exit visibility from the appeal site to be significantly restricted by dense shrubbery on earth banks either side of the access. Provision of appropriate visibility splays, as indicated in the Hampshire County Council Highway Authority (HCCCHA) guidance before me⁶, would therefore undoubtedly require removal of shrubbery along Mount Pleasant Lane.
34. The appellant intends to upgrade the existing access as part of the overall appeal proposal. However, the submitted plans before me do not show what the available sight lines would be when exiting the appeal site by vehicle. There are also no

⁶ Technical Guidance Note TG3 - Stopping Sight Distances and Visibility Splays

vehicle tracking and swept path analysis details, including in respect of how a mobile home would safely enter and exit the site.

35. Although my visit was a snapshot in time, traffic levels and vehicle speeds were generally low. This suggests that it might be possible to provide less extensive visibility splays than as explicitly set out in TG3. The appeal proposal is however not supported by technical information accounting for achievable sight lines, average speeds approaching the site access, or the anticipated nature and amount of traffic generation and movements entering, exiting and from within the site.
36. On the basis of all the above, there are risks in highway safety terms. Given the absence of a bespoke assessment of the transport impacts, and sufficiently detailed plans, I cannot reach a conclusion as to what the precise visibility splays requirements are for the proposal, nor whether these can be achieved at the site.
37. The above absence of more detailed evidence does not allow me to conclude whether or not harm would result, or whether conditions would be effective in managing this issue. Taking a precautionary approach, I conclude that there would be harm to highway safety arising from the proposal.
38. I have not been directed to a policy requirement for refuse vehicles to enter and exit this site. HCCHA also requested that the proposed access and associated driveway should be constructed of a non-migratory surface materials for the first 2m, to reduce the risk of loose materials being transferred to the highway. Precise surface materials could however be secured by means of planning condition.

Other Matter

39. Based on the evidence before me, the proposal is within influencing distance of the Solent Special Protection Areas/Ramsar sites. The Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) require that permission may only be granted after having ascertained that it will not affect the integrity of European Sites and Ramsar sites. However, as I am dismissing the appeal for other substantive reasons, I am not pursuing this matter further as it could not lead me to a different decision.

Planning Balance

40. I have found that the proposed development is not within a suitable location having regard to development plan policies governing the countryside. The development would also not conserve and enhance the landscape and scenic beauty of the NFN. The above amounts to actual and harmful impacts arising from the proposal, and I cannot rule out potentially significant harm to protected species and biodiversity. Whilst provision of caravans is a reversible form of development, the appellant has not applied for temporary permission and thus the above harms could persist for many years, if I allow this appeal.
41. The above amounts to conflict with LP policies DP2, SP6, SP7, SP15, SP17 and DP18. The proposal is thus not a sustainable development proposal as set out in LP policy SP1. The appeal scheme also conflicts with the National Park statutory purposes requiring conservation and enhancement of natural beauty and wildlife, which is also reflected in LP policy SP1. This extent of policy conflict amounts to conflict with the development plan as a whole.

42. My conclusion of harm on the highway safety main issue is based on an absence of adequate evidence. For the avoidance of doubt, had I concluded favourably on that main issue, it would not have affected the overall outcome of the appeal, given the extent of development plan conflict as I have identified above.
43. The scheme would provide additional small-scale housing accommodation, to make productive use the land parcel and to provide a lawful and managed form of occupation. It would make a small but material contribution to housing delivery. The LP sets out that 800 dwellings will be delivered within the NFNP between 2016 and 2036, which is an evidenced locally derived figure.
44. The Framework's national decision-making policy (NDMP) HO7 sets out that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. There is however no evidence before me to indicate a current shortfall in housing supply within the NFNP.
45. Moreover, there is no substantive evidence before me to indicate that the residential accommodation proposed would meet the needs of the groups of people listed under NDMP HO1. I therefore afford moderate weight in favour of the provision of two additional units of residential accommodation, and the associated social and economic benefits arising from this.
46. The proposal is not a form of development listed in NDMP S5 as one that should be approved outside settlements. This policy also states that development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with NDMP HO11. Even if the appeal site could be described as part of an established rural landholding and existing pattern of development, it is not located within groups of houses.
47. There is no evidence before me indicating that the appeal scheme would meet an essential need for a rural worker. It is self-evident that the other permissive circumstances listed under NDMP HO11 do not apply to the proposal.
48. In applying NDMP S5, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. In this respect, NDMP DP3 sets out a list of key principles for well-designed places.
49. The key principles relevant to this appeal set out that development proposals should, amongst other things, respond to their context, including the character and features of their site and its setting, so that they integrate with and enhance their surroundings. Proposals should also prioritise walking, wheeling, cycling and public transport. For the reasons set out in the first and second main issues, the appeal scheme would not achieve these key principles.
50. NDMP N4 governs Protected Landscapes which, as set out in the Framework's Annex B Glossary, includes National Parks. It seeks development proposals to be sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape. NDMP N4 also sets out that substantial weight should be placed on the importance of conserving and

enhancing the natural beauty of these areas, and to conserving and enhancing wildlife in National Parks.

51. In light of all the above considerations, the benefits of approving the appeal development proposal are in this case substantially outweighed by adverse effects.

Conclusion

52. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations before me, including the Framework, do not indicate that a decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

R Cahalane

INSPECTOR