Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2026

by David Kay BA Dip.Arch RIBA(Retired)

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal Ref: 6009489
Langley Tavern, Lepe Road, Langley, Hampshire SO45 1XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr D Strydom against the decision of New Forest National Park Authority.
- The application Ref is 25/01351VAR.
- The application sought planning permission for a Single storey rear extension; storage unit in designated storage area to rear of building, without complying with a condition attached to planning permission Ref 24/01334FULL, dated 21 May 2025.
- The condition in dispute is No 2 which states that: Within six months of the date of this permission, all shipping containers other than the container shown on drawings 005E, 006A, 007B, 008B shall be removed from the site.
- The reason given for the condition is: To ensure an acceptable appearance of the building in accordance with Policies SP16, SP17, DP18 and DP2 of the adopted New Forest National Park Local Plan 2016 – 2036 (August 2019).

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension; storage unit in designated storage area to rear of building at Langley Tavern, Lepe Road, Langley, Hampshire SO45 1XR in accordance with the application Ref 25/01351/VAR, without compliance with condition number 2 previously imposed on planning permission Ref 24/01334FULL dated 21 May 2025 and subject to the following conditions:

    1. All shipping containers present within the curtilage of the appeal premises, other than the container located within the designated storage area shown on drawings 005E, 006A, 007B and 008B, shall be removed from the site prior to the 31 October 2027.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 17 August 2026. Whilst this made certain revisions to aspects of national planning policy, having examined the revised Framework in respect of the matters relied on by the main parties, I find these are unchanged. I have therefore determined the appeal in accordance with the revised Framework.

3. The appeal site is within the New Forest National Park (the NFNP). Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty placed on relevant authorities required by the Countryside and Right of Way Act 2000 (CRoW Act), requiring relevant authorities and decision makers to ‘seek to further’ the statutory purposes of protected landscapes, of which the NFNP is one. It requires,

as far as is reasonably practical, relevant authorities to seek to avoid harm and to contribute to the conservation and enhancement of their natural beauty, special qualities and key characteristics, and to conserving and enhancing wildlife and cultural heritage in National Parks. I have had regard to this duty in my determination of the appeal.

4. At my visit it was evident that the works associated with the mother permission had been enacted, the rear extension and storage container within the designated storage area being in place. However, neither the extent and line of the fence enclosing the storage area, nor the location of the container within the enclosure on-site, accorded with that indicated on the approved drawings. These are matters to be addressed by the National Park Authority. For the purposes of this appeal, I have determined it on the basis of the drawings before me.

5. Further, at my visit it was evident that one of the two other containers referred to in evidence had already been removed. I have therefore determined the appeal on that basis.

Background and Main Issue

6. The proposal seeks the variation of condition 2 attached to planning permission ref: 24/01334FULL dated 21 May 2025 (the mother permission). The mother permission related to a single storey rear extension together with a storage unit in a designated storage area to the rear of the appeal building, the Langley Tavern.

7. Condition 2 of the mother permission required the removal of shipping containers, other than the one allowed within the designated storage area, from within the curtilage of the appeal building within six months of the date of the permission. The appellant seeks the variation of Condition 2 to allow a longer period of use of the other shipping container within the curtilage.

8. The main issue of the appeal is, therefore, whether variation of condition 2 would result in a harmful effect on the character and appearance of the surrounding area, having particular regard to its location within the NFNP.

Reasons

9. The appeal property, the Langley Tavern, is a public house situated towards the southern edge of the village of Langley, though it lies outside any settlement boundary, and is therefore defined as being in the countryside and lies just within the NFNP boundary. The property is constructed from red-brown bricks to its walls and with steeply pitched roofs covered in dark red clay tiles, and incorporating a mix of stepped brick gable features to one end and a hipped roof feature to the other. It is fully two-storeys to its principal, road facing elevation, and single storey with traditional pitched roof dormer windows in the rear roof slope. Later single storey flat roofed additions are present to its rear.

10. The property sits within large grounds consisting of extensive grassed areas to its western and southern sides, used for children's play areas and beer gardens, and with a significant belt of mature trees around its boundary. Its road frontage to the east, is mainly a tarmac surfaced car park area, incorporating landscape features which also house several Lime trees which are the subject of tree preservation orders. To its north is an access from the front car park, through a high brick wall and security gates, to an area of more informal gravelled overspill car parking.

11. The shipping container, which is the subject of this appeal, is located alongside this gravelled access track and parking area. It is situated between the edge of the gravelled area and the northern boundary of the site with neighbouring residential properties lying to its north. The boundary at this location consists of a solid, head height timber fence. A belt of mature coniferous trees sits on the northern side of the boundary, screening much of the view into the site at this point.

12. At my visit, one of the two shipping containers stated to be present at this location had been removed, though a 'stores 2 doors community shopping' box van was parked in the location the other shipping container was evidenced to occupy. The remaining shipping container was mid-blue in colour, with large yellow stickers on it, such that it did not blend into its surroundings against the timber fence or the coniferous trees.

13. Owing to the combination of the position of the shipping container, around 6 metres from the security gate and fence, together with its colour, it is visible in views from the public realm on Lepe Road, through the fence and security gate opening. However, this view of the shipping container is only visible for a very short time whilst travelling either north or south on Lepe Road, before it becomes obscured by the solid brick separating wall or other dense vegetation. Its location is also set back by some distance from the highway as a result of the forecourt parking.

14. This section of Lepe Road is characterised by residential development both to the north, south and east of the appeal site. Therefore, whilst the appeal site from a planning policy designation is within countryside, it is situated within a built-up area of the village, where built form, frontage parked vehicles and other domestic paraphernalia is present within the street scene. It would also be read against the context of a potentially substantial number of parked vehicles being present within the frontage of the public house.

15. Having examined the location of the shipping container, relative to the public house and its location within a built-up area of the village, together with the presence of significant mature trees to the appeal property's perimeter boundaries, I find that the temporary retention of the appeal development would be limited in scale and would not represent major development for the purpose of Policy N4(2) of the Framework. Therefore, it would not have a detrimentally harmful effect on the natural beauty, special qualities and key characteristics of the wider NFNP and its statutory purposes, nor to its wildlife and cultural heritage. I find it would therefore accord with Policy N4 of the Framework.

16. Whilst I fully acknowledge that the shipping container is not a designed building and therefore would not accord with the generally design led Policies DP2, DP18 and SP17 of the New Forest National Park Authority Local Plan 2016-2036 (adopted 2019) (the Local Plan), or the Design Guide Supplementary Planning Document (the SPD), all of with which I find it would conflict, it is not a permanent structure and its retention, for a strictly limited period, would not result in development that would not be reversible following its removal. I find its conflict would, therefore, be temporary and fully reversible, and I therefore give the conflict moderate weight.

17. The National Park Authority (the NPA) have questioned the need for the shipping container for storage, noting the presence of unidentified areas on the submitted floor plans which may be used. However, these are in use associated with kitchen and bar operations and their associated storage area needs.

18. The appellant has noted the temporary need for the storage unit whilst a more permanent solution is found to the long-term storage needs of the business. I acknowledge the potential difficulties with commercial viability that are faced by operators of public houses within the current economic climate, which is well documented, and is also acknowledged by Policy HC6(1)(a) of the Framework, as is the importance of the retention of key community facilities, such as public houses, particularly within rural communities, which are material considerations.

19. For the above reasons, I find that the appeal development would conflict with Policies DP2, DP18 and SP17 of the Local Plan and the SPD. However, these conflicts would be time limited and fully reversible and therefore I attribute moderate weight to them. I have found the appeal development would accord with Policy N4 of the Framework and would gain support for the retention of community facilities from Policy HC6 of the Framework. These are material considerations to which I attribute substantial weight. I therefore conclude that the material considerations outweigh the conflicts I have found.

Other Matters

20. I have had regard to the submissions from the NPA and the appellant regarding the timescale for any extended temporary use of the shipping container. Given the appeal process timescales, the appellant has already had several months of use and time in which to formulate a scheme and commence the approvals process. I have therefore specified a definitive date for the cessation of such temporary use, and the removal of all unconsented containers present, to ensure that no other containers brought on to site in the interim would inadvertently remain through specifically identifying the removal of the container present at my visit.

Conditions

21. By allowing this appeal a new planning permission is created. The Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990, should also restate the conditions imposed on the earlier permission that continue to have effect. I have, therefore, re-imposed all those conditions that I consider relevant and in accordance with the Framework and the PPG.

22. In the interests of certainty, I have attached a condition specifying the approved plans for which the permanent siting of a shipping container used for storage is allowed, whilst stating the date by which any other temporary shipping containers which are present on the site must be removed.

Conclusion

23. For the reasons set out above, I conclude that the appeal development would conflict with the development plan, when read as a whole. However, other material considerations, including policies in the Framework, justify determining other than in accordance with it. I will therefore allow the appeal and grant a new planning permission.

David Kay

INSPECTOR