



Appeal Decision

Site visit made on 1 April 2025

by C Coles MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 JULY 2025

Appeal Ref: APP/B9506/D/25/3358409

Mead House, Bartley Road, Woodlands, Hampshire SO40 7GN

- 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 Hawley against the decision of New Forest National Park Authority.
- The application Ref is 24/00741FULL.
- The development proposed is single storey side extension.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted medical information to be considered as part of the appeal. This information had already been considered by the Authority when determining the application. Clarification has been sought on how the development would address the needs arising from the medical diagnosis and I have taken account of the appellant's response on that point.

Main Issue

3. The main issue is the effect of the proposal on the range and mix of housing stock in the New Forest National Park, having particular regard to development plan policy on the extension of dwellings in the National Park.

Reasons

4. Mead House is a detached dwelling on a large plot within Forest North East Conservation Area. The dwelling was originally approved as a double garage associated with Derby Cottage in 1986 and was subsequently used as an annexe and granted a lawful development certificate for independent residential use in October 2012 following four years of use of the building as a single dwellinghouse.
5. The proposed development is for a single-storey side extension to provide additional kitchen space. The Authority raises no concerns regarding the design of the proposed extension, its impact on neighbours or the locally distinctive character of the Forest North East Conservation Area or the New Forest National Park. The main issue for consideration is the effect of the proposal on the range and mix of housing stock, having particular regard to Policy DP36 of the New Forest National Park Local Plan 2016-2036 (August 2019) (LP).
6. Policy DP36 of the LP permits extensions to existing dwellings except (amongst other reasons) where the existing dwelling is a result of an unauthorised use and/or the proposed development would result in the loss of a small dwelling by taking the

habitable floor space of the dwelling above 100 square metres. The Authority has confirmed Mead House would be considered a small dwelling based on the size of the building when first erected. Mead House has already been extended beyond the size limitations of Policy DP36 and any further extension would not be supported. The appellant does not refer to the dwelling as a small dwelling in their Grounds of Appeal but refers to a floorspace allowance in Policy DP36 for extensions of 30%. However, this allowance applies to other dwellings (not small dwellings) outside of a defined village and therefore is not relevant in this case.

7. The property also originated as a consequence of the double garage at Derby Cottage being used as an annexe and then as independent residential accommodation without planning permission. The proposed development is therefore contrary to Policy DP36 of the LP insofar as the size of the extension would exceed the size limitations of Policy DP36 and it would result in the extension to a dwelling which is the result of an unauthorised use.
8. The supporting text of Policy DP36 does allow for a deviation from policy where it has been demonstrated that there is a genuine family need which is defined as an exceptional and unique family need that could not have been reasonably anticipated at the time of purchase. The appellant has age-related health issues and has also been diagnosed with a medical condition which has had a substantial and long-term negative effect on their ability to carry out normal day-to-day activities. Age and disability are protected characteristics under the Equality Act 2010 to which the Public Sector Equality Duty (PSED) applies. In performing my role as decision-maker, I have had due regard to the PSED, along with the Human Rights Act 1998, Article 8 of which requires that decisions ensure respect for private and family life and the home.
9. The proposed extension is intended to allow the appellant to remain independent for as long as possible through a modest addition in floor space to provide kitchen and dining facilities in an accessible layout. However, the supporting information provided is limited and does not clearly show how the new layout would achieve the objective of improving the accommodation to specifically cater for the appellant's age and disability. Thus, whilst I have had due regard to the PSED and Human Rights considerations, the evidence falls short of demonstrating the exceptional circumstances needed to justify making a departure from LP Policy DP36. Amongst other things, this policy seeks to ensure that extensions to the housing stock do not, cumulatively and over time, cause an imbalance in the range and mix of housing stock available. This is an important policy objective in the National Park and the scheme would conflict with the development plan in that regard. Accordingly, basing my decision purely on the evidence before me, I am satisfied that it is necessary and proportionate in the public interest to dismiss the appeal. The material considerations do not indicate a decision otherwise than in accordance with the development plan and therefore I conclude that the appeal should be dismissed.

Other Matters

10. I have been referred to an appeal decision for a property in Redlynch (Ref: APP/B9506/D/22/3307776) where a modest extension was allowed to a dwelling where the size of previous extensions already exceeded the 30% size threshold contrary to Policy DP36 of the LP. That appeal cannot be used as a direct comparison to the current proposal as the specific circumstances of the two cases

are different. The Redlynch property was not the result of an unauthorised dwelling, and, in any event, each case should be determined on its own merits.

11. The appeal site lies within Forest North East Conservation Area, Character Area G (Historic edge of forest encroachment) which is identified as one of the most pressurised areas of the National Park. The designation of the area as a conservation area seeks to ensure the rural qualities and character of the area are preserved and all new development respects the special character of the area. The significance of Character Area G is identified as being formed by dispersed farmsteads, four small country houses and irregular shaped fields interspersed with small woodlands. The site sits within dispersed residential properties in close proximity to woodland.
12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, paragraph 189 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks. Section 245 of the Levelling-up and Regeneration Act 2023 places a duty on relevant authorities to further the statutory purposes of the National Park. The Authority doesn't raise any concerns over the effect of the extension itself on the character or appearance of the Conservation Area, or the natural beauty of the National Park. The proposal would be modest, and by virtue of its scale and location within the site and based on the evidence and my observations on my site visit I am satisfied that there would be no harm in that regard. The proposal would preserve the character and appearance of the Conservation Area and align with the statutory purposes of the National Park. The appeal is considered acceptable in this respect.

Conclusion

13. Whilst I have found no conflict with the statutory presumption under Section 72(1) of the Act, or the statutory purposes of the National Park, the exceptional circumstances needed to demonstrate compliance with Policy 36 of the development plan have not been adequately demonstrated. Thus, the proposal conflicts with the development plan read as a whole and material considerations do not indicate a decision otherwise than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

C Coles

INSPECTOR