



## Appeal Decision

Site visit made on 7 July 2025

by **S Harley BSc(Hons) M.Phil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> July 2025

**Appeal Ref: APP/B9506/W/24/3341874**

**Aubrey Farm, Keyhaven Road, Keyhaven, Lymington, Hampshire SO41 0TH**

- 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 Belport (Aubrey) Ltd., against the decision of New Forest National Park Authority.
- The application Ref is 23/00926/FULL.
- The development proposed is demolition of 3 no existing agricultural/B8 buildings and the erection of a building for B8 storage and distribution to include associated parking.

### Decision

1. The appeal is allowed and planning permission is granted for demolition of 3 no existing agricultural/B8 buildings and the erection of a building for B8 storage and distribution to include associated parking at Aubrey Farm, Keyhaven Road, Keyhaven, Lymington, Hampshire SO41 0TH in accordance with the terms of the application, Ref 23/00926/FULL, the plans and statements submitted with it, and subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description of development in the banner heading above is as it appears on the application form. However, the accompanying evidence describes the proposal as small scale lock up and leave storage with contents stored in shipping containers inside the building. This is a more accurate description of the proposal.
3. The National Planning Policy Framework (the Framework) was revised in December 2024. The Parties have had the opportunity to comment on the implications, if any, of this. References in this decision are to the revised version.
4. The site is in the New Forest National Park (NFPN). The duty under section 245 of the Levelling-up and Regeneration Act 2023 requires all relevant authorities to “seek to further” the purposes of National Parks. For this appeal, of the two purposes of the NFPN, the most relevant is the first purpose which is to conserve and enhance its natural beauty, wildlife and cultural heritage. There is also a duty under Section 62(1) of the Environment Act 1995 of seeking to foster the social and economic wellbeing of the local communities within the NFPN when in pursuit of the purposes of the NFPN.

### Main Issues

5. The main issues: are whether the site in an appropriate location for a new building for B8 storage and distribution use in terms of planning policies; and the effect of

the proposed building on the character and appearance of the area having particular regard to the NFNCP and the Keyhaven Conservation Area (the CA).

## Reasons

### *Location*

6. The New Forest is a rural area with small, dispersed settlements that generally have a limited range of facilities. The spatial strategy set out in the New Forest National Park Local Plan (the LP) directs development to the four Defined Villages as being the most sustainable locations. Other villages are smaller with a more limited range of services, facilities and transport accessibility. Development is expected to be more limited in these but it is important that local communities across the NFNCP continue to thrive.
7. The appeal site is part of Aubrey Farm, a large agricultural unit covering around 250ha of land, formerly dairy but now arable. The main farm buildings are located in the southern part of the farm located on the edge of the village of Keyhaven but outside of the Defined Villages. Policy SP42 of the LP indicates that small scale employment development that helps the well-being of local communities will be permitted through the re-use or extension of existing buildings, the redevelopment of existing business use employment sites, farm diversification schemes and through home working. The proposal would provide an alternative source of income to the farm, contributing to its future viability. However, as a new building, rather than a re-use of an existing building, in a rural area the proposal would not garner much in principle support from Policies SP42 or SP49.
8. For the reasons set out above I conclude that the site is not an appropriate location for the erection of a building for an unrestricted B8 storage and distribution use in terms of planning policies. There would be conflict with Policies SP42 and SP49 of the New Forest National Park Local Plan 2019 (the LP) which seek to direct development to the most sustainable locations and to re-use existing buildings.

### *Character and appearance*

9. The majority of the Aubrey Farm buildings in this farm yard are large and of modern construction: most have either full or partial cladding to external walls. The main exceptions are the farmhouse and other brick buildings between the two entrances from Keyhaven Road into the farm yard. These, a small part of the the access, and Aubrey Farmhouse are in, but on the edge of, the CA, and would not be altered by the proposal.
10. The main part of the CA is to the south and east of the farmyard so that the remainder of the farmyard, including the site of the proposed building and the associated car parking, is not in the CA. The field between the edge of the appeal site and Lymore Lane, the adjoining houses, and the field the other side of Lymore Lane, are within the CA. The combination of heathland, mire and pasture woodland gives the area a unique cultural identity. The special character of the CA includes its historic pattern of roads and boundaries, its Listed Buildings, the trees in the grounds of Aubrey House and Saltgrass Lane, and its rural feel.
11. There are three buildings on the appeal site with a combined footprint of some 1,670 sq.m as well as the yard which would be used for parking. The largest

building is a single span old cattle barn measuring some 24.4 metres by 45.6 metres with eaves and ridge heights of 2.5 metres and 4.8 metres, respectively. To the north, attached to the cattle barn, are two further narrow agricultural buildings also measuring about 14 metres by 45.6 metres, one with a dual-pitch roof and one with a mono-pitch roof. Their highest points are about the same or slightly less than the ridge height of the cattle barn and their eaves are about 3.5 metres high.

12. All three buildings would be demolished and one twin span building, about the same floor area as the cattle barn, would be erected. The building would be a little further north and east than the cattle barn but most of the footprint would overlap that of the existing buildings. It would have a ridge height some 0.2 metres lower than the existing ridge height.
13. The existing buildings are well back from Keyhaven Road approximately in the middle of the complex of farm buildings. There are no proposals to alter the access which already exists. Due to the distance, and intervening buildings to either side of the access roads into the farmstead, the buildings on the appeal site are barely distinguishable in views from Keyhaven Road. The new building would be further away from Keyhaven Road so the view from there would be relatively unaffected despite the higher eaves. The views from this part of the CA would also be preserved.
14. The main doors into the buildings are on the west elevations. Beyond this is an open field that adjoins Lymore Lane. Although setback the west elevations of the existing buildings can be clearly seen between other large farm buildings across a gate near to Wigeon Cottage on Lymore Lane. They are the most clearly visible of the farm buildings as there is little by way of vegetation or buildings that interrupt the longer view from this direction.
15. The cattle barn is constructed mainly of a mix of cladding and wooden boards, with many gaps for ventilation. There are large openings on the end elevations. The two narrower buildings are partly clad but the lower part of the western elevations are open. The sides of the appeal buildings, and of the cattle barn in particular, are in poor repair. The cattle barn has suffered from many years of occupation by cattle.
16. The proposed building would be of steel portal frame construction with vertical composition cladding and a composite clad roof with roof lights. There would be two roller shutter and personnel doors on the gable ends. The proposed building materials would be more industrial in appearance than wooden boards and there would be no unfilled openings. This is little different to some of the other farm buildings within the farmyard some of which have eaves that appear much higher than those of the cattle barn.
17. The proposed building would be a little closer to Lymore Lane than the cattle barn but would still be a significant distance from public vantage points on Lymore Lane. The eaves would be about one metre higher than the eaves of the cattle barn. For these reasons, the proposed building would change the view from Lymore Lane and this part of the CA.
18. However, the new building would not be significantly greater in any dimension than the envelope of the existing buildings. This is because the roof span of the cattle barn is very wide so the roof planes slope gently down for a considerable distance, and because the eaves of the other two buildings are about 3.5 metres high.

Moreover, the total floor area of buildings within the appeal site would be reduced by some 638 sq.m with a concomitant reduction of volume of about a quarter of the cattle barn and the entirety of one of the northern buildings. The rather dilapidated structures would be removed.

19. Part of the land between the proposed car parking area and Lymore Lane is included in the blue line on the application plan, indicating the appellant has ownership or control of that land. The appellant has agreed to implement a landscaping scheme which could provide a tree/hedge belt along the eastern boundary of the proposed parking area. This would supplement the trees and hedges further north along a similar boundary helping to bolster the rural feel of the area. Although it would take some time to become fully mature the planting of a tree/hedge belt would, in due course, serve to soften the appearance of the development as viewed from the CA and Lymore Lane and add to the rural feel which is characteristic of the CA.
20. Taking all the above into account as I consider the building of the size and materials proposed would result in a relatively minor harmful effect on the character and appearance of the area and some views out of the CA. There would be no changes to views into the CA and no harmful changes to the special characteristics of the CA. The National Park designation affords the area the highest status of protection in landscape terms. Paragraph 189 of the Framework requires great weight to be given to conserving landscape and scenic beauty in such areas. Accordingly, even a minor harm, such as in this case would not further the purposes of the NFNPs.
21. For the above reasons I conclude that the proposed building would have a minor harmful effect on the character and appearance of the area having particular regard to the location in the NFNPs and adjoining the CA. There would therefore be conflict with Policies SP7, DP2, DP42 and DP49 of the LP.

### **Other Considerations**

22. The cattle barn has planning permission for “*change of use from agricultural to storage (use Class B8); alterations to doors; infill openings*” application Ref 22/00447. The principle of the use of the cattle barn for small scale lock up and leave storage with contents stored in shipping containers inside a building has therefore been established. The proposed use, as described in the application statements, would be the same.
23. As Aubrey Farm is now arable rather than dairy, and given its poor state of repair it seems to me that the cattle barn is unlikely to be used for agricultural purposes in the foreseeable future. Rather than remain empty there is a greater than theoretical possibility that the 2022 permission would be implemented to add diversity to farm income. It would be necessary to demolish the existing buildings before the proposed building could be erected so there is no physical possibility of the appeal proposal and the fallback permission being implemented together.
24. As the eaves would not be increased under the 2022 permission less efficient use of the internal space would be possible for container storage. Also the two northern buildings would not be affected so, although open sided, their relatively poor state of repair and appearance would continue to detract from the appearance of the area.

25. There is no restriction on the type of storage within Class B8 that could take place under the 2022 permission. A modern storage building as proposed might be more attractive for users of other types of storage and distribution use than described in the application. This would have implications in terms of numbers/sizes of vehicles and trip generation. However, this could be controlled by planning condition.
26. For these reasons I conclude that the implementation of the 2022 permission would be more harmful than the appeal proposal particularly if the use and potential size of the building were to be restricted. I give substantial weight to this so called fallback position as a material consideration in this appeal.

### **Other Matters**

27. Aubrey Farmhouse is a Grade II Listed Building. Its special architectural or historic interest lies in its 18<sup>th</sup> Century architecture and as a group with other agricultural buildings which form part of the farm complex. Due to intervening buildings the proposal would have no effect on this Listed Building or the setting in which it is appreciated.
28. On the other side of Keyhaven Road is Aubrey House a Grade II Listed Building. Its special architectural or historic interest lies in its 19<sup>th</sup> Century architecture. It is enclosed by a brick boundary wall along the road side with mature trees behind. Due to intervening buildings and trees the proposal would have no effect on this Listed Building or the setting in which it is appreciated.
29. The Parish Council are concerned that large lorries, particularly grain lorries, would cause damage to the boundary wall. However, if restricted as described in the application statements the effect on the highway would be no different to that which already has permission and the Highway Authority has raised no objections on highway safety grounds. Given the width of the access, and the white line/keep clear markings on the highway, with appropriate restrictions I see no reason to suppose the wall would be any more directly at risk from vehicle accidents from the proposed use or the use of other farm buildings.
30. The proposal would be on existing hard standing areas and would not introduce a use that would be more vulnerable to flooding. Neither the Environment Agency nor the Local Lead Flood Authority have raised objections on the grounds of flood risk. I see no compelling reason to come to a different view.

### **Planning Balance**

31. I have found that the site is an inappropriate location for the erection of a building for B8 storage and distribution use and the proposal would have a minor harmful effect on the character and appearance of the area having particular regard to the location in the NFNPA and adjoining the CA. There would be moderate conflict with development plan Policies and the Framework in these respects.
32. The proposal would add to the viability of the farm business, an economic benefit, and would provide a storage service for occupiers of homes who do not have sufficient storage space, which is a community benefit. Together these are moderate factors in favour of the proposal. Importantly I have found that the proposal is less harmful than the fallback position and this carries substantial weight in favour of the proposal.

33. I have considered whether conditions could make an otherwise unacceptable development acceptable. In this case restrictions on the way in which the building could be used and on future extensions to the new building would add weight in favour of the proposal.
34. Applications and appeals should be decided in accordance with the development plan unless material considerations indicate otherwise. In this case the material consideration of the fallback position, together with other benefits, outweigh the moderate conflict with the development plan.

### **Conditions**

35. I have considered conditions against the tests in the Framework and the Planning Practice Guidance. Where appropriate I have altered the wording for clarity and precision.
36. Conditions 1 and 2 are required in the interests of certainty. Conditions 3, 4 and 5 are necessary in the interest of the character and appearance of the area. Condition 4 is necessary to limit the scale of development in the interest of the character and appearance of the area. Condition 5 is necessary for certainty and to limit the numbers/sizes of vehicles and trip generation because of the rural location and the size of surrounding roads.

### **Conclusion**

37. For the reasons given above the appeal should be allowed.

*S Harley*

INSPECTOR

## Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 100\_01 and AE/01 Rev C.
- 3) No development above slab level shall take place until exact details/samples of the elevation and roofing materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
- 4) No development shall commence above slab level until a detailed planting plan along the eastern boundary of the proposed parking area has been submitted to and approved in writing by the local planning authority. This will include details of all proposed tree and hedgerow planting: using locally native species, identifying all tree and shrub species, planting sizes and planting distances, ground preparation and planting method, and protection from grazing animals if required (e.g. using tree guards).
- 5) All planting, seeding or turfing comprised in the approved details of the planting plan shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension otherwise approved by Class H of Part 7 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.
- 7) The premises shall be used for small scale lock up and leave storage with contents stored in shipping containers inside the building and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule