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## Appeal Decision

Site visit made on 8 October 2024

**by S Leonard BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2024**

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**Appeal Ref: APP/B9506/W/23/3334834**

**Land Adjoining Sydney Cottage, Winsor Road, Winsor SO40 2HP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Charlotte Euridge against the decision of New Forest National Park Authority.
  - The application Ref is 23/00877FULL.
  - The development proposed is a single dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the refusal of the application, which is the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 19 December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

### Main Issues

3. The main issues are:
  - Whether the appeal site is a suitable location for a new dwelling, having regard to its location within open countryside and the National Park Authority (NPA) adopted settlement strategy;
  - The effect of the proposal on the character and appearance of the Forest North East Conservation Area (FNECA) and the setting of locally listed buildings;
  - The effect of the proposal on highway safety, with particular regard to access, parking and turning areas; and
  - Whether the proposal would provide adequate mitigation for impacts upon the integrity of the New Forest and Solent Coast European designated nature conservation sites (EPS), having particular regard to increased recreational usage and increased output of nutrients.

## Reasons

### Location

4. The NPA strategy in respect of new residential development in the National Park is set out in Policies SP4 and SP19 of the *New Forest National Park Local Plan 2016 – 2036* (2019) (the Local Plan). Whilst Policy SP4 is not specifically mentioned within the first reason for refusal, it is, however, referred to within Policy SP19 and the NPA's case officer report and statement of case. As such, the appellant would have had the opportunity to comment upon the relevance of this policy through the appeal process and has not been prejudiced in this respect. Accordingly, I have taken account of Policy SP4 as part of my determination of the appeal.
5. The appeal site lies outside the settlement boundaries of the four "Defined Villages" as designated in Local Plan Policy SP4 (Ashurst, Brockenhurst, Lyndhurst and Sway). Nor does it lie within any of the Local Plan allocated development sites made in respect of other parts of the National Park to contribute towards meeting local community needs across the New Forest.
6. As such, Local Plan Policies SP4 and SP19 only permit new residential development on the appeal site if there is an extant permission, it meets an essential need for a countryside location, or it comprises a Rural Exception Site, or it meets the specific locational needs for commoners, Estate Workers or agricultural or forestry worker dwellings.
7. The proposed market housing dwelling does not fall within any of the categories that would be deemed acceptable in principle on the appeal site according to the above policies. This is not disputed by the appellant. However, the appellant refers to support given by the Framework to, amongst other things, the development of windfall sites in meeting the housing requirements of an area, including an emphasis on the benefits of using suitable sites within existing settlements for homes (Paragraph 70).
8. In response, the NPA has confirmed that its most up-to-date annual monitoring reports demonstrate that, since the start of the Local Plan period, the number of completed windfall dwellings within the National Park area has exceeded the figure set out within the Local Plan. As such and given that the site does not lie within a designated settlement boundary, I am not persuaded that the proposal is justified on this basis.
9. For the above reasons, I therefore conclude that, in the absence of evidence to demonstrate the need for the proposed residential unit, the appeal site is not a suitable location for a new dwelling, having regard to its location within open countryside and the NPA's adopted settlement strategy as set out in Local Plan Policies SP4 and SP19. These policies, amongst other aims, seek to ensure that development is suitably located having regard to the NPA's adopted spatial pattern of development and that it protects open countryside within the New Forest National Park (NFNP) from inappropriate development.
10. These policies are consistent with the sustainable development and housing aims of the Framework and the great weight given in the Framework to the conservation and enhancement of the landscape and scenic beauty of National Parks.

*Designated and non-designated heritage assets*

11. The appeal site comprises a rectangular-shaped parcel of land which fronts onto the southeast side of Winsor Road. There are detached two storey houses on either side including Sydney Cottage within whose curtilage the site was formerly located. The site comprises former garden land and is mainly given over to soft landscaping with some areas of hard surfacing associated with vehicular access and parking space. The only building is a detached single storey corrugated outbuilding. The site lies within the FNECA and the NFNP.
12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act) requires that with respect to development affecting buildings or other land in a conservation area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
13. The NPA's Conservation Area Character Appraisal for the FNECA (the CA Character Appraisal) states that Forest North East is an area of historic landscape and settlement which has developed its unique character over the past 1000 years due to the position of the historic commons and the influence of the Royal Forest and as a result of the enclosure of land for arable use.
14. The area originally had a scattered pattern of settlement comprising isolated farms and cottages. This was added to by ribbons of roadside development in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Most cottages dating back to this period comprise brick with slate roofs. Corrugated iron is noted as a typical New Forest building material, including agricultural buildings.
15. The CA Character Appraisal notes that beyond the ribbon development of housing along the through routes, the area has maintained much of its rural character, and there remains a strong presence of agricultural and forest-based industry. Identified objectives of the conservation area designation include the preservation of the rural qualities and character of the area.
16. The appeal site is located within the Winsor (B) character area of the FNECA. This part of the conservation area is characterised by linear built development along a large length of Winsor Road, surrounded by more open arable agricultural land. This is predominantly on the south side of the road and is generally one plot deep with a common rear boundary, with only the remains of farmsteads in larger, deeper plots. The CA Character Appraisal notes that the settlement developed predominantly in the 19<sup>th</sup> and early 20<sup>th</sup> centuries and these buildings are mainly constructed in brick with slate or tiled roofs.
17. The appeal site forms an integral part of this ribbon housing development along the southern side of the road. Notably, it is sited within a visually prominent group of early 20<sup>th</sup> century farm workers cottages which run south-westerly from Spring Cottage opposite the junction with Pollards Moor Road as far as Brambledown Cottage.
18. These dwellings are identified within the CA Character Appraisal as being a particularly prominent group of buildings demonstrating this period of development by reflecting the typical construction and period details of this era. As such, these non-listed buildings have been identified by the NPA as non-designated heritage assets.

19. They include Sydney Cottage and Stanley Cottage which lie either side of the appeal site. As a group, these cottages present a strong visually cohesive presence to the street scene. This is largely due to their similar heights, scale, brick construction, simple pitched slate or tiled roofs and traditional window and door detailing, all of which reflect the typical construction and period details of the time of their origin.
20. I saw during my site visit that other further elements of cohesiveness comprise a similar perpendicular orientation towards the road, small front gardens, and front porch and feature chimneys.
21. Pitched roof single storey outbuildings are also a notable feature within this group of buildings. These include several examples of remaining older corrugated or timber outbuildings. These buildings are reflective of historic rural outbuildings associated with the farm workers dwellings, thereby providing a built visual reminder of the agricultural related history of these cottages and a built connection to the remaining open agricultural land to the rear.
22. These single storey structures also comprise an integral component of the established rhythm of frontage development along this part of the road. They add an organic element to the frontage development, being sited in a more ad hoc arrangement in relation to the site frontage than the more regular front building line of the cottages. They generally tend to be sited within generous gaps between two-storey buildings, and this, together with their single storey height enables the undeveloped landscaped backdrop to the frontage-built development to be appreciated from the street.
23. The presence of more modern housing within this area, including on the opposite side of the road, does not diminish the quality of this group of buildings and the FNE Conservation Area Appraisal notes that later 20<sup>th</sup> century and modern development is scattered throughout the Winsor (B) character area, but that its design and character, generally does not reflect the local distinctiveness of this area.
24. I acknowledge that the NPA has raised no objection to the design of the proposed dwelling per se, in that it would comprise a simple traditional pitched roof two storey dwelling of a similar scale height design proportions and materials as the two neighbouring cottages to both sides and it would be in keeping with the other locally listed cottages within this stretch of the road. I have no reason to disagree with this assessment, based upon the evidence before me, including my site visit.
25. However, the proposed position of the new dwelling would necessitate the removal of the existing single storey structure on the appeal site. This corrugated outbuilding with pitched slate roof, notwithstanding its poor state of repair, constitutes a strong visual connection to former historic agricultural use associated with the farmworker's cottages. As such, its removal would harmfully erode the setting of the neighbouring locally listed cottages as well as the historical significance of this part of the conservation area.
26. Moreover, the appeal scheme would not incorporate any single storey replacement structure to replicate this historic rural relationship between cottage and outbuilding.

27. The proposal would also, in combination with the remaining plot for Sydney Cottage, result in a noticeably tighter layout of dwellings in relation to their side boundaries than is typical of the more open layout of development along this locally listed group. In this respect, whilst the former plot comprising Sydney Cottage and the appeal site was wider than most within the locally listed group of cottages, it was not significantly wider than the neighbouring plots at Moorview Cottage, Inglenook, and Stanley Cottage. Amongst these plots, the scheme would appear incongruously cramped, having regard to the spacious arrangement of built development in relation to their side boundaries, an arrangement that currently exists in respect of Sydney Cottage conjoined with the appeal site.
28. The result would be an incongruous disruption of the established layout of development along this stretch of the road which would have a detrimental impact upon the loose knit and semi-rural setting of the locally listed row of cottages. This would harmfully erode key positive elements of their setting and be detrimental to the character and appearance of the street scene.
29. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character and appearance of the FNECA nor the setting of the adjacent locally listed dwellings. It would harm their significance as designated and non-designated heritage assets respectively. Having regard to Paragraphs 208 and 209 of the Framework, in both cases there would be a "less than substantial" level of harm.
30. In respect of advice in Paragraph 208 of the Framework, "less than substantial harm" to the designated heritage asset does not equate to less than substantial planning objection, and the Framework sets out the need to address the "less than substantial harm" against the public benefits of the scheme.
31. The appeal proposal would bring economic and social benefits, including construction jobs, increased local spend and an additional dwelling which would boost the supply of housing, providing a 3-bedroom family sized dwelling, which, as a small site, could be built out relatively quickly. However, there is no substantive evidence before me to indicate that the NPA has an identified shortage of housing against the Local Plan housing requirements, and as only one additional dwelling would result, these matters attract modest weight as public benefits. They are outweighed by the harm the proposal would cause to the character and appearance of the FNECA.
32. For the above reasons, the proposal would fail to preserve or enhance the character and appearance of the FNECA and would harm the setting of the neighbouring locally listed dwellings. As such, it would be contrary to Local Plan Policies DP2, DP18, SP16 and SP17. These policies, amongst other things, seek to ensure that new development comprises high quality design which enhances local character and distinctiveness, is appropriate and sympathetic in terms of, inter alia, siting and layout, enhances the built and historic environment of the New Forest, does not harm the significance or special interest of designated or non-designated heritage assets, and does not individually or cumulatively erode the Park's local character or result in a gradual suburbanising effect within the National Park.
33. For similar reasons the proposal would not accord with policies of the Framework which require well-designed and beautiful places and the

conservation and enhancement of the historic environment as set out in Chapters 12 and 16.

34. It would also conflict with Paragraph 182 of the Framework, which confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the scale and extent of development within these designated areas should be limited.
35. In coming to this view, I acknowledge a previous dismissed appeal<sup>1</sup> in respect of an outline application for a new frontage dwelling on the appeal site, which at that time was within the garden of Sydney Cottage.
36. The previous appeal predated the current development plan, the designation of the FNECA and the inclusion of the site within the National Park. However, it is still pertinent to the current appeal that the previous Inspector identified a need to protect the rural character of the area. Moreover, the decision found harm to the coherence and character of a distinctive and coherent group of cottages, with the cottages having plots wider than those on the opposite side of the road and of a similar width to that of Sydney Cottage (which at that time included the land of the appeal site) as well as garages generally located to their sides.
37. I find that the above factors are still relevant to the current appeal and I have come to a similar conclusion as the previous inspector having regard to impacts upon the character and appearance of the area. However, for the sake of clarity, I have based my decision on the merits of the current appeal scheme and appeal site circumstances that exist today, and also noting that the previous appeal decision related to a different scheme in terms of access and parking/garaging arrangements.

### *Highway Safety*

38. The appeal site is under separate ownership from Sydney Cottage and the appellant has confirmed that the owners of that property currently have no right to park on the appeal site. As such, the appeal scheme would not alter the existing parking and access arrangements associated with Sydney Cottage, whereby access is obtained from the north-eastern end of the of the site frontage to a gravelled parking area.
39. The owners of Sydney Cottage do, however, have an historic right of way over part of the appeal site which would enable access to the rear of Sydney Cottage via the existing vehicular access point from Winsor Road. As such, on-site parking and turning could be provided to the rear of that property, should the owners choose to do so.
40. Notwithstanding a lack of submitted tracking detail, the NPA is satisfied that there is sufficient space to the rear of the proposed dwelling to provide on-site parking and turning for the new dwelling to meet the County Council Highways Authority Standing Advice in these regards. This would also apply in respect of parking and turning provision to the rear of Sydney Cottage which could be achieved through utilisation of the aforesaid right of way over the appeal site.

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<sup>1</sup> T/APP/B1740/A/88/110996/P4



41. The NPA's concern is that, if shared by the existing and proposed dwellings, this access drive would be of insufficient width and partly flanked on both sides by the side walls of the houses, so that it would be too narrow to enable two cars to pass, which could lead to highway safety concerns and inconvenience to users of Winsor Road, should this result in a temporary blocking of the highway.
42. The site of Sydney Cottage lies outside the appeal site and as such, and in the absence of any other mechanism before me to secure the parking, turning and access arrangements for this property as shown on the Proposed Block Plan, there is no guarantee that in the future the access drive would be shared between the two properties.
43. A single property access would alleviate the NPA's concerns about inadequate vehicle passing space but would then result in the existing dwelling failing to provide two on-site parking spaces as required by the NPA's adopted car parking standards as set out in Annex 2 of the Local Plan.
44. This part of Winsor Road is classified as a C Road, and it is also subject to a 30mph speed limit. As such, it is a minor traffic route with moderate traffic speeds. Also, the appeal site is located within a straight stretch of the road where visibility is good and where a formal public footway exists opposite the appeal site. Moreover, the road is wide enough to accommodate a vehicle which has stopped temporarily awaiting access to the appeal site, as well as a vehicle parked alongside the frontage of Sydney Cottage.
45. Given the above, I am not persuaded that either of the parking and access scenarios of concern to the NPA would be likely to create incidents of highway danger. Moreover, I have not been presented with any substantive evidence in respect of accidents along this stretch of the road and this weighs in favour of the proposal.
46. For the above reasons, whilst parking in respect of Sydney Cottage would not accord with the parking standards of the Local Plan, given the circumstances of the appeal scheme and in the absence of cogent evidence from the NPA to the contrary, I conclude that it has not been satisfactorily demonstrated that the appeal scheme would result in material harm to highway safety, with particular regard to access, parking and turning areas. As such, the proposal would not conflict with Local Plan Policy DP2, in so much as this policy, amongst other things, seeks to ensure that new development would not result in unacceptable adverse impacts associated with traffic.
47. For similar reasons, the proposal accords with Paragraph 115 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

#### *EPS*

48. To address the NPA's third reason for refusal, mitigation is required against potential harm to the EPS associated with new residential development, arising from increased recreational use of these areas and a deterioration in water quality due to additional nutrients entering the Solent water environment.

49. The appellant has confirmed willingness to provide the appropriate level of mitigation in respect of both impacts. The NPA considers that the recreational impacts are capable of being mitigated by means of a financial contribution in accordance with the NPA's *Habitat Mitigation Scheme* and the *Solent Recreation Mitigation Partnership's Scheme*, to be secured by means of a planning obligation.
50. There are no details before me in respect of how the additional nutrient impacts would be mitigated, and the NPA considers this matter is capable of being dealt with by means of a planning condition.
51. In the context of this appeal, the responsibility for assessing the effects of the proposal on the EPS falls to me as the competent authority. Notwithstanding the above, were I minded to allow the appeal, I would need to carry out an Appropriate Assessment (AA) before considering the proposed mitigation set out in the UU and the NPA's suggested planning condition, since the proposal would be likely to have a significant effect on the EPS. However, as other main issues provide clear reasons for dismissing the appeal, I have not had cause to pursue undertaking an AA. As such, I do not need to consider this matter further, since any findings on this issue would not change the appeal outcome.

### **Other Matter**

52. The NPA's delegated report refers to an inadequate usable garden for the proposed and existing dwellings. No reference is made to any adopted NPA requirements in this respect. Neither is this matter referred to in any of the NPA's reasons for refusal or expanded upon in the NPA's appeal statement. As such, I have not considered this matter further. Moreover, it would not affect the outcome of this appeal, having regard to my conclusions on the first 2 main issues.

### **Conclusion**

53. Whilst I have not found demonstrable harm in respect of highway safety, the harms I have found in respect of location and the impact upon designated and non-designated heritage assets are sufficient reasons to dismiss the appeal.
54. Having carefully considered the balance of factors, I consider that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework. Therefore, the appeal should be dismissed.

*S Leonard*

INSPECTOR