



Appeal Decision

Site visit made on 26 June 2025

by O Tresise MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/B9506/W/25/3362994

New Forest Care, Chinhamb Road, Bartley, Hampshire SO40 2LF

- 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 M Fry of New Forest Care Ltd against the decision of New Forest National Park Authority.
- The application Ref is 24/01085FULL.
- The development proposed is the change of use from E to C3 in existing mixed use building; removal of existing door and window and installation of new door and window.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with local policies which seek to limit the scale of extensions to rural dwellings, with particular regard to the effect of the proposed development on the range and mix of housing stock available and the landscape and scenic beauty of the New Forest National Park.

Reasons

3. The appeal site comprises of a two-storey building, located near the junction of Chinhamb Road and Bourne Road. The building is currently used as an office and a residential dwelling providing supported housing for children. The site is located outside the 'Defined Villages' of the New Forest National Park (NFPN).
4. Policy DP36 of the New Forest National Park Local Plan 2016-2036 Adopted August 2019 (NFPN Local Plan) restricts the enlargement of existing dwellings. For larger dwellings outside the Defined Villages an extension must not increase the floorspace of the existing dwelling by more than 30%. The supporting text to the policy indicates that extensions can over time cause an imbalance in the range and mix of housing stock available and affect the locally distinctive character of the built environment of the New Forest.
5. For the purpose of this policy, existing dwelling means the dwelling as it existed on 1 July 1982, or as the dwelling was originally built or legally established, if the residential use post dates 1982.
6. The evidence indicates that the building was in residential use in 1982, and the appellant provides residential floorspace figures for the building at that time. The property appears to have been subsequently used for mixed use comprising

residential with a restaurant/café to part of the ground floor. Planning applications in 2004 provided further information on floorspaces and uses. However, planning permission for use of the building as a residential dwelling and office was granted in 2008 (planning application ref 07/92345). There is no suggestion that this was not implemented and therefore the existing dwelling was established upon implementation of that permission.

7. The proposal would change part of the office space to provide an additional four rooms for the existing dwelling, enlarging the floor area of the residential property from around 142sqm to around 211sqm. Whilst Policy DP36 does not refer to conversions, the appeal scheme would extend the floorspace of the existing house by over 48%, significantly in excess of the 30% allowed by the policy. This would lead to the permanent loss of a smaller sized dwelling outside the Defined Villages to the detriment of maintaining a mixed housing stock.
8. The appellant states that the policy wording and the supporting text does not make reference to conversions of existing floor space to residential use or to the reversion of commercial floorspace that was originally residential back to residential use in the definition of an 'extension'. However, the purposes of Policy DP36 of the NFN Local Plan are clearly set out in paragraph 7.79, and the aims of such policy are to strike an appropriate balance between meeting changes in householder requirements and maintaining a stock of smaller size dwellings in the area.
9. I appreciate that the proposal would provide residential accommodation and allow the appellant's business to develop. However, it does not within the circumstances allowed by Policy DP36 of the NFN Local Plan.
10. My attention has been drawn to the approved schemes¹ at East Boldre Post Office, Post House in Pilley, and Bashley Post Office and Stores. All of these schemes involved a change of use, enlarging existing dwellings beyond the 30% limit. These cases included a non-designated heritage asset and restoring the character of a building but there is limited other information outlining the full circumstances under which they were approved. Therefore, I cannot draw any direct comparison with the appeal proposal.
11. I acknowledge a recent High Court judgment² concerning Policy DP36 of the NFN Local Plan. However, that case related to an extension of a cottage from two to three bedrooms and the appellant had provided information on sizes and prices of houses in the local area. In that case, in allowing the appeal the Inspector had found that the proposal would not alter its status as a mid-range property in terms of its floorspace and price in its local context and the judge had found that the Inspector had not misdirected himself on Policy DP36. In contrast, the appeal proposal would increase the existing dwelling by four rooms and there is no substantive evidence before me that it would not harmfully affect the stock of smaller sized dwellings in the area.
12. The appeal site is within the New Forest National Park (NFN). Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended) (the Act) requires me to seek to further the purposes specified in section 5(1) of the Act.

¹ 23/01507/FULL at East Boldre Post Office, 22/00511 at Post House in Pilley, 14/00938 at Bashley Post Office and Stores

² New Forest National Park Authority v Secretary of State for Housing, Communities and Local Government and Mr Simon Lillington [2025] EWHC 726 (Admin)

This includes the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. Paragraph 189 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park.

13. The appeal proposal would involve a number of changes to the interior of the building, and altering the openings on the single storey projection to provide new patio doors and a window. As these changes would be modest in scale compared to the overall size of the existing structure, they would not harm the character and appearance of the building nor result in an unacceptable suburbanising effect in the area.
14. I therefore find that, whilst the proposal would conserve the natural beauty, wildlife and cultural heritage of the National Park, it would result in the permanent loss of one smaller sized dwelling, thereby reducing the range and availability of housing stock in the area.
15. It follows that the proposal would undermine the aims of Policy DP36 of NFNP Local Plan. Taking all of the above into account, I find that the proposed development would conflict with the development plan when read as a whole.

Other Matters

16. The appeal site is located within the Forest North East Conservation Area (FNECA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
17. The Forest North East Conservation Area Character Appraisal states that Bartley was predominantly formed by the linear settlement along Chincham Road, which developed largely in the late 19th century and early 20th century. Whilst there are no listed buildings within this character area, a number of unlisted buildings have been identified as being of local, vernacular or cultural interest. The roadside boundaries to the plots are predominantly hedge.
18. Insofar as it relates to this appeal, the significance of the FNECA stems from its historic integrity and architectural quality. Bearing in mind the nature and the modest scale of the proposed external alterations, the appeal scheme would not interfere or detract from the architectural qualities of the built form. Therefore, the character and appearance of the FNECA as a whole would be preserved.
19. The Authority did not find harm or development plan conflict in relation to several other matters, including partial loss of existing office space, living conditions, highway safety and parking. However, even if I were to agree with the Authority on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
20. The appellant queried about the consultation process. However, the Authority's Officer report has clearly explained how the policy applied to the proposal. Therefore, this matter does not change my conclusion on the main issues.

Conclusion

21. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

O Tresise

INSPECTOR