

APPEAL DECISION 18/11690

Three-storey extension; extend side dormers; balcony; rooflights; garage/store Club House, New Forest Water Park, Ringwood Road, Fordingbridge SP6 2EY

Members will recall this planning application was the subject of a report to the August 2019 Planning Committee. The application was deferred from the April meeting to allow the applicant to clarify the proposal and provide additional details and justification. The application was refused at the subsequent August meeting for the following reasons

- 1. The proposal is for a 60% floorspace increase to an existing manager's accommodation unit within this rural business based in the open countryside. Special consideration of any residential accommodation in the countryside is required to ensure that any development is sustainable as required by the National Planning Policy Framework 2019 (NPPF), Core Strategy policy CS1, and Local Plan part 2 policy NPPF1 and DM20. In this case the site already benefits from a significant amount of staff and manager accommodation and it is considered that there is no overriding justification or essential need to support such a large percentage increase in accommodation at this site. Occupation of the manager accommodation by a second family unit is not considered to constitute sustainable development.*
- 2. The proposal by virtue of its size, design, bulk and mass is considered to represent poor design that detracts from the character and appearance of the existing building and the rural character of the area, inconsistent with NPPF section 12, policy CS2 of the New Forest Core Strategy and Policy DM20 of the New Forest Local Plan part 2, which 'inter alia' requires development proposals to be well designed and to contribute positively to local distinctiveness and sense of place, and the rural character of the area.*

Members are referred to the attached appeal decision and costs decision and will note the appeal was dismissed. The costs appeal was also refused by the Planning Inspectorate. The Council in its determination of the application was not found to be unreasonable.

In dismissing the appeal the Inspector made the following points

- The relevant policy in this case was DM20 (floorspace extension to countryside dwelling) and not tourism Policy DM13 as alluded to by the appellant.
- The additional extended family accommodation was not sustainable in this location and there was no overriding need for additional manager floorspace. The Inspector took note of the current level of staffing floorspace available to serve the business.
- Provision of an extended family dwelling (to cater for the adult son and partner) would lead to additional traffic to access every day services and the needs of any occupiers and was clearly unsustainable.
- The inspector did not consider this was a mixed use with commercial and residential as had been claimed. Some home office/business use was normal for many dwellings.

- Whilst DM20 does allow for more than a 30% increase the exceptional circumstances required were not demonstrated in this case.
- The Inspector considered the design of the new extension to be wholly inappropriate leading to a top heavy, unbalanced building with a dominant and incongruous roof form including the extended triple dormers on both roof slopes. The result was a disproportionate and bulky enlargement in depth, width and height.
- The fact that the site was less obvious from general public view did not disguise what was poor design which would have an adverse impact on the local area and would be clearly seen by those visiting the site as patrons of the waterpark. The proposal was considered to be harmful to the character and appearance of the host property and the character of the wider surrounding area.
- The inspector understood the isolated nature of the business and the need for manager accommodation (which had already been adequately met). Support for local rural businesses in the NPPF, however, is not unqualified and must take into account local impact when assessed against existing development and any essential need and justification.
- In the costs decision the Inspector found the Council, through its determination, including the case officer report and appeal statement had properly justified the reasons for refusal which were clearly and precisely set out. The Council had responded to the various points made by the appellant's agent and given him every opportunity to revise and present their plans. The Council were entitled to refuse the application and defend the appeal and has not acted unreasonably in doing so.



Appeal Decision

Site visit made on 9 January 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/B1740/W/19/3238093

**New Forest Water Park Club House, Ringwood Road, Fordingbridge
SP6 2EY**

- 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 Mr Mark Jury against the decision of New Forest District Council.
 - The application Ref 18/11690, dated 21 December 2018, was refused by notice dated 14 August 2019.
 - The development proposed is rear extension to club house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The refusal reasons on the decision notice and the officer report do not refer to any policies of the emerging New Forest District Local Plan 2016 - 2036 Part 1: Planning Strategy (LPP1). The Council's statement of case confirms that the LPP1 has been examined in Summer 2019, and was found to be sound, subject to modifications. The Council has stated that consultation on the proposed modifications has commenced, and that it is likely that the LPP1 will be adopted in Spring 2020. The Council has confirmed that Policy CS2 of the New Forest District (outside the National Park) Core Strategy 2009 (CS) and Policy DM20 of the Local Plan Part 2: Sites and Development Management 2014 (LPP2) are saved as part of the emerging LPP1. Given the advanced stage of the LPP1, it can be given considerable weight in the determination of the appeal. I have dealt with the appeal accordingly.

Application for costs

3. An application for costs was made by Mr Mark Jury against New Forest District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - Whether the appeal site is a suitable location for additional residential accommodation, having regard to the accessibility of services and to the reliance on private motor vehicles and to local and national planning policy for the provision of housing; and

- The effect of the development on the character and appearance of the host property and surrounding area.

Reasons

Location

5. The appeal site is located within countryside to the west of the A388 Ringwood to Fordingbridge Road. It encompasses the three Hucklesbrook Lakes, formed from old gravel extraction pits, and now used for water-based recreation. The New Forest Water Park (NFWP) is associated with the northern two lakes and the southern lake is used for fishing. Built development associated with the NFWP is mainly focussed at the north-western end of the northern lake where there is a large customer car park accessed via a track leading off the A388.
6. There are a group of buildings adjacent to the lake and the car park. The largest of these is the two/three storey 'clubhouse' building, which includes the customer reception area and indoor and outdoor customer facilities, including bar, restaurant and outdoor seating. The ground floor is given over to storage and workshop facilities relating to the business, together with changing facilities and a customer shop. Manager living accommodation is located within the first and second floors.
7. During my site inspection I observed that the other adjacent buildings appeared to be used for storage, workshop and living accommodation purposes. I also acknowledged the presence of a number of static and touring caravans within the immediate vicinity of the building and car park complex.
8. The site lies in open countryside where local and national planning policies restrict isolated homes, subject to certain exceptions, including where there is an essential need for a rural worker to live permanently at or near their place of work. The planning application officer report confirms that the existing first and second floor living accommodation was approved under planning permission Ref 53713 dated 9 March 1994 which permitted a first floor addition with rooms in roof to form owner's accommodation. This permission was subject to a planning condition stating that "The residential accommodation hereby approved shall only be used by the owner/manager of the New Forest Water Park and their dependents whilst it is in operation" with the reason being, "The site lies in an area where additional units of residential accommodation are not normally permitted". The Council therefore acknowledged that there was an essential need for on-site residential accommodation to support the water sports business, but that it should be restricted to that which is necessary to manage the business.
9. Having regard to the above, notwithstanding the appellant's view to contrary, I find that LPP2 Policy DM20 is relevant to the consideration of the appeal scheme, since a residential unit of owner/manager accommodation has been approved within the clubhouse building. During my site inspection, I observed that 2 rooms within the manager's accommodation were used as offices and that there were items within the lounge that suggest it could be used to hold meetings.
10. However, notwithstanding this, I found that, essentially, the accommodation is arranged as residential accommodation. It is not unusual for bedrooms to be used as home offices, and in this instance, this would support the residential

use as owner/manager accommodation. Whilst the lounge may in practice be used as a meeting room, I am not persuaded that it is essential to use this room as such, given the large amount of customer lounge/family room floorspace within the remainder of the first floor, which could readily be used for meeting purposes. I observed that there is no separate kitchen within the manager's accommodation. However, the Council has confirmed that the original planning permission included a kitchen within the approved living accommodation, and the owner's choice to utilise the restaurant kitchen does not alter the ability to install an additional kitchen within the approved owner/manager residential floorspace.

11. Policy DM20 accords with the sustainability principles of the Framework by only allowing residential development in the countryside provided it accords with certain criteria, including limited extensions to existing dwellings, which should not normally provide for an increase in floorspace of more than 30%. The figures contained within the planning application officer report confirm that the internal floor area of the approved owner's accommodation, excluding any stairwell, is 110 square metres, and that the proposed floorspace increase to this accommodation would be around 66 square metres, resulting in an increase of 60%. As such, this would be contrary to Policy DM20 a). The Council has used the floor area approved under planning permission Ref 53713 as the existing floorspace, and I find this to be reasonable within the remit of Policy DM20.
12. Policy DM20 allows for larger residential extensions in exceptional circumstances, which include where it meets the genuine family needs of an occupier who works in the immediate locality. However, no details of exceptional circumstances have been provided. The appellant asserts that the extension is required to improve the standard of the accommodation to reflect the current residential needs of the occupiers which have arisen as the owner's grown up children have remained living at home and have become paid managers of the business in their own right. However, it has not been demonstrated that there is an essential need for the extended family to live on the site in connection with the operation of the business. No business case has been advanced in this respect. Both parties have referred to the existence of permanent and temporary residential accommodation elsewhere within the appeal site, and I observed such during my site inspection. I have not been provided with the detailed planning history in this respect, and the appellant has not demonstrated why the appeal scheme is required to accommodate the extended family in addition to the accommodation elsewhere on the site.
13. Policy DM20 states that development should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts. I find that the location of the site away from facilities and services is such that the additional residential occupation of the manager's accommodation by the owner's son and family would lead to increased traffic movements to and from the site by private motor vehicles associated with an additional family unit, noting that the planning condition restricts the occupation of the residential accommodation to that by the owner/manager and their dependents. I am not persuaded by the appellant's assertion that building onto the existing property is more sustainable than building afresh elsewhere, since no demonstrable need has been proven for the owner's son and his family to reside on site in connection with the running of the business

nor why they cannot be accommodated within any of the existing residential accommodation elsewhere on the site.

14. The appellant asserts that LPP2 Policy DM13 is the relevant policy for the determination of the application. However, I find that, whilst this policy seeks to support the local tourism industry, in respect of development outside the defined built-up areas, it relates to development to provide visitor accommodation and/or facilities. The policy does not refer to residential accommodation occupied in connection with the management/running of such enterprises. For the aforementioned reasons, I find that Policy DM20 is the appropriate policy having regard to the nature of the appeal proposal.
15. For the above reasons, I conclude that the appeal site is not a suitable location for additional residential accommodation, having regard to the accessibility of services and to the reliance on private motor vehicles and to local and national planning policy for the provision of housing. The proposal would therefore conflict with CS Policy CS1 and LPP2 Policies NPPF1 and DM20, which amongst other things, require new development to take place in environmentally, socially and economically sustainable locations with a good range of services and facilities and accessible by both car and other transport modes in order that reliance on the private car is minimised, including very tightly restricting new housing development in the countryside, in accordance with the presumption in favour of sustainable development contained within the Framework.

Character and appearance

16. The appeal scheme would comprise a substantial addition to the rear of the building over ground, first and second floor levels, approximately doubling the rear projecting element of the building. The result would be a disproportionate enlargement of the building which would appear unduly bulky due to a combination of its depth, width and height. When viewed from the southwest and northeast in particular, the proposal would unbalance the existing well-proportioned character of the building, whereby the front and rear three storey elements are of a similar depth, height and scale.
17. The proposed massing of the extension would result in the rear part of the building appearing over-dominant and incongruous in relation to the remainder of the building. This impact would be exacerbated by the high position and small size of the rear cropped element of the roof, and the overhanging nature of the first and second floor elements of the extension, which serve to accentuate the top-heavy character of the extension. Furthermore, the proposed triple dormer windows would also accentuate the mass and visual dominance of the roof element of the extension.
18. The dormers would occupy a considerable amount of both side roof slopes of the extension, and they would dominate these sections of the roof, due to a combination of their width, depth and position in close proximity to the roof ridge. As such, they would appear visually prominent and result in these roof slopes having a cluttered appearance, in contrast to the existing single dormers which sit subserviently, and discretely, within the roof slopes. The dormers would appear discordant and over-dominant in relation to the first floor windows below, due to their wider, bulkier design and three-paned, triple window glazing. This would serve to draw attention to the roof of the extension, emphasising its top-heavy appearance. Accordingly, notwithstanding

the use of sympathetic materials, the proposal would have a materially harmful impact on the character and appearance of the host property.

19. Whilst the proposal would be located within an existing group of buildings, and would not have a significant impact upon wider views of the site from beyond the treed backdrop, it would nonetheless impact on the character of the area within close proximity of the building. Notably it would be visible in views from the main customer carparking area adjacent to the building and the approach to the water park reception from the car park.
20. For the above reasons, I conclude that the proposed extension would have a detrimental impact on the character and appearance of the host property and the wider surrounding area. As such, it would not accord with Policy CS2 of the CS and Policy DM20 of the LPP2, in so far as these policies require new development to respect the character and scale of the existing building, be well designed to respect the character, identity and context of the area's countryside, and be appropriate and sympathetic to its setting in terms of its scale and appearance. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design as set out in Chapter 12.

Other Matters

21. The appellant advises that the NFWP is a successful business, providing a recreational facility of regional significance having regard to water-based sport. I acknowledge that the nature of the business is such that, by necessity, it is located in an isolated countryside location and that the Framework gives support to a prosperous rural economy, including the sustainable growth and expansion of all types of business in rural areas and sustainable rural tourism and leisure developments.
22. However, this is not unqualified, and such developments must be sensitive to their surroundings. Having regard to the existing amount of built development on the site, and the aforementioned lack of justification of an essential need for the additional residential accommodation in relation to the business needs of the water park, together with the harm I have identified to the character and appearance of the building and surrounding area, I find that the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR



Costs Decision

Site visit made on 9 January 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Costs application in relation to Appeal Ref: APP/B1740/W/19/3238093 New Forest Water Park Club House, Ringwood Road, Fordingbridge SP6 2EY

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mark Jury for a full award of costs against New Forest District Council.
 - The appeal was against the refusal of planning permission for rear extension to club house.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Guidance advises that parties who pursue an appeal unreasonably without sound grounds for appeal, may have an award of costs made against them. It confirms that awards against local planning authorities may be either substantive, relating to the planning merits of the appeal, or procedural, having regard to behaviour in relation to completing the appeal process. The applicant is seeking a full award of costs on substantive grounds.
4. The Guidance states that examples of unreasonable behaviour by local planning authorities which may give rise to a substantive award of costs include: failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis; and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The applicant contends that the appeal was only necessary because the Council has not shown that they considered the application in a reasonable and objective way and it needed independent scrutiny as a result. The applicant asserts that the Council has not provided sufficient evidence to substantiate the reasons for refusal, and, in respect of the first refusal reason, having regard to the nature of the existing and proposed residential accommodation, has

wrongly related the proposal to Policy DM20 of the Local Plan Part 2: Sites and Development Management 2014 (LPP2). The applicant also contends that the Council has not properly addressed the degree of sustainability of the proposal nor the how it relates to the amount of other existing accommodation on the site.

6. I find that the refusal reasons set out in the decision notice are complete, precise, specific and relevant to the application. They clearly state which policies of the New Forest District (outside the National Park) Core Strategy 2009 (CS) and LPP2 policies that the proposal would be in conflict with. The refusal reasons have been adequately substantiated by the Council in the planning application Officer Report and the Council's Statement of case. The Council has responded to the various points raised by the applicant during the planning application and the appeal process, including the matter of whether Policy DM20 is relevant to the determination of the planning application and appeal. The Council also enabled the appellant to submit revised plans and additional supporting information in order to inform the planning committee prior to the application being determined.
7. In determining the appeal, I have found that LPP2 Policy DM20 is the relevant policy, rather than LPP2 Policy DM13, and my reasons for so doing are explained in the decision letter. I also find that the Council has adequately addressed the sustainability issue, which is incorporated into Policy DM20, and has clearly shown how the concerns regarding the proposal relate to the existence of other residential accommodation on the site, which could potentially be used to accommodate the owner's son and his family. These matters are also referred to in my decision letter.
8. Accordingly, I find that the Council was entitled to refuse the application and defend the appeal and has not acted unreasonably in so doing.

Conclusion

9. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

S Leonard

INSPECTOR