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## Appeal Decision

Site visit made on 30 October 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

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### Appeal Ref: 6000468

#### Silverlea Wood Farm, Flexford Lane, Sway, Hampshire SO41 6DN

- 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 Mrs Ann George against the decision of the New Forest National Park Authority.
  - The application Ref is 24/00976FULL.
  - The development proposed is for a new farm track from the existing access.
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### Decision

1. The appeal is allowed and planning permission is granted for a new farm track from the existing access at Silverlea Wood Farm, Flexford Lane, Sway, Hampshire, Ref 24/00976FULL, and the plans submitted with it, subject to the following condition:
  - 1) Prior to the installation of any external lighting, full details including height, design, location, and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

### Preliminary Matters

2. The application form states the development was started on 14 June 2024 and completed on 21 June 2024. I saw during my site visit that the access track had been completed and appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council. While retrospective, my assessment of the proposal is based on the plans before the Council at the time of the planning application.
3. It is noted in the evidence and was also apparent at the site visit that gates and fencing have been erected at the entrance to track. The gates do not form part of this appeal and as a result I have not considered whether they are acceptable in my assessment.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area including the New Forest National Park (NFNP).

### Reasons

5. The appeal site is within a rural area outside of any settlement. The area is characterised by agricultural and equestrian uses along with dwellings. The roads in the vicinity of the site are country lanes, some narrowing to single width. Hedgerows flank the lanes with mature trees also forming part of the boundaries in some places.

6. Within the area, property accesses vary in form. Some feature hardstanding surfaces such as tarmacadam, compacted chippings, or gravel, while others consist of little more than a gated entrance across compacted ground without any formal surfacing.
7. The principle of the need for a track to access farm buildings to the west of the site is accepted. However, the Council's officer report states that the proposed track, due to its material, width, and inclusion of a passing space, is neither functionally necessary nor proportionate. The refusal reason further asserts that no justification has been provided for the track. However, none of the policies cited in the refusal, nor any others provided, specifically require agricultural development to be justified in this way. Consequently, I have assessed the proposal primarily on its visual impact.
8. The entrance and access track are visible from the road passing the site. Without gates, the track can be seen extending some distance into the site, with associated agricultural activities occurring alongside. When the gates are closed, only the entrance remains visible, and the rest of the track is obscured. However, given the uncertainty regarding the lawfulness of the gates, I have assessed the views of the site as if the gates were not present.
9. The track is constructed from MOT Type 1 material and has been compacted. On site, it presents as a rough surface, with sections compressed by vehicle traffic, giving the appearance of compacted earth. Vegetation is evident, with grass growth along the edges and in the centre of the track and partially covering the passing bay. Loose stone and gravel are also present on the surface.
10. Although the track is of a reasonable length, its appearance is more characteristic of a rural setting than a suburban one, and therefore it does not seem out of place among nearby tracks and lanes. While the bell-mouth entrance is wide, the track beyond this point appears as a single-width lane, with occasional passing places. Any reduction in width would be minimal to maintain usability and would have only a limited effect on its overall visual impact.
11. Whilst the track could have included less surface material with a grassed area in the centre the overall appearance would not have a significantly different visual impact. The New Forest National Park Design Guide references hard surfaces such as paving blocks or tarmacadam further compounding visual intrusion in respect of driveways. It encourages the use of surfacing such as pea shingle, gravel, hoggin and grasscrete, such materials are also suggested in the Sway Village Design Statement. In visual terms I find the track to be more similar to the suggested materials than those sought to be avoided.
12. Furthermore, aside from the access point, there are few public vantage points offering views of the track. The passing space is not prominently visible from the entrance. Even if vehicles on the site were noticeable from the wider area, this would remain true regardless of any change in surfacing material. While the track's visibility is not the sole factor in assessing its impact on the NFNP, the Council has accepted the principle of a track, which inherently involves some level of activity. Therefore, I do not consider that the proposed material in this case significantly alters the overall impact of the track.
13. Policy SP7 of the New Forest National Park Local Plan (NFLP) accords with the National Planning Policy Framework (the Framework), which requires that great weight be afforded to the conservation and enhancement of landscape and scenic beauty

within National Parks, recognising their highest level of protection in this regard. Having considered the evidence, I find that the proposed track would result in a neutral effect on the character and appearance of the NFNP. Accordingly, the proposal satisfies the relevant provisions of the Framework and there is no conflict with the duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Park.

14. Policy DP45 of the NFLP is referenced in the reason for refusal, this relates to non-residential buildings and uses. I find no conflict with this policy. Policy DP48 is also referred to in the Council's case. This policy supports land-based businesses. Whilst this policy provides support for agricultural uses, for example through farm diversification, given the information provided there is limited evidence that the proposal is supported by the policy, however, I do not find any conflicts with it either.
15. Considering the above assessment, I conclude that the proposal would have an acceptable effect on the character and appearance of the area and would conserve the landscape and scenic beauty of the NFNP. Therefore, the scheme accords or does not conflict with Policies DP2, SP7, SP15 and SP17 which seek to, amongst other things, require sympathetic design of an appropriate scale, protect local distinctiveness, and conserve the character and appearance of the NFNP.

### **Other Matters**

16. Hampshire Highways reference the need for a license for alterations to the verge. This is separate legislation outside the requirements of this appeal.
17. The refusal of a track at Hazelhurst Farm is referred to by the Council. Whilst the reason for refusal is given no further details have been provided and therefore it is not clear how comparable the proposal was to the scheme before me.
18. The Council states that no trees or hedgerows were removed to create the track although it is acknowledged that there may have been some vegetation loss. However, the Council did not refuse the application on ecological or biodiversity grounds and therefore I cannot identify any policy conflict in this regard.

### **Conditions**

19. The Council has supplied a list of suggested conditions, including a list of plans and the appellants have provided comments on these. I have considered conditions against the Planning Practice Guidance and the Framework and made amendments to improve precision and enforceability as appropriate.
20. As the works have been completed, I have not attached the plans condition. A condition in respect of lighting is necessary to limit light pollution and protect the tranquillity of the NFNP.

### **Conclusion**

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

*H Faulkner*

INSPECTOR