

Appeal Decision

Site visit made on 5 January 2017

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 February 2017

Appeal Ref: APP/Y9507/W/16/3157234

Stanleys, Hatch Lane, Liss, Hampshire GU33 7NH

- 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 Malcolm Peaty against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/01128/FUL, dated 7 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is conversion of stable block/garage to Stanleys to a one bedroom dwelling and the demolition of Moonfleet Cottage and the erection of a replacement 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development on the application form refers to the cottage at Stanleys as 'Moonsfleet Cottage.' However, it is referred to as 'Moonfleet Cottage' elsewhere, including the appeal form. As Moonfleet Cottage is used more consistently, I have used that name in my decision.

Main Issues

3. The main issues are whether the proposal would be considered sustainable development with specific regard to:
 - its location in respect to adjacent settlements; and
 - whether the proposed development would conserve the landscape and scenic beauty of the South Downs National Park.

Reasons

4. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. This includes approving development proposals that accord with the development plan, including the East Hampshire District Local Plan: Joint Core Strategy (CS) and East Hampshire District Local Plan Second Review (LP).
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Location in respect to settlements

5. Stanleys is located on Hatch Lane, a rural lane on the outskirts of Liss with built development within the settlement opposite Stanleys and predominantly open countryside, including some dispersed dwellings, around the other sides of the property. In addition to Stanleys is a second, smaller dwelling known as Moonfleet Cottage within the property boundary. Whilst the property would be within walking distance of services and facilities, Hatch Lane is a narrow rural lane that would not be attractive to walking such that residents are more likely to use their car to access those services and facilities. Given the location of the proposed development outside the settlement, it is a relatively isolated location.
6. The Framework sets policies relating to housing in rural areas at paragraph 55 including that development within one village may support services in another village nearby. It confirms that isolated new homes should be avoided unless there are special circumstances, including the re-use of redundant or disused buildings that lead to an enhancement to the immediate setting. Policy CP19 of the CS confirms that there is a general restraint to development to protect the countryside for its own sake and that development is only allowed where there is a genuine and proven need for a countryside location.
7. Policy H16 of the LP enables the replacement of dwellings within the countryside subject to a number of criteria, but seeks to ensure a range of dwelling sizes within the countryside. This includes restricting the increase in size of replacement dwellings of the size of Moonfleet Cottage to 50% of their original floor area. In this case, the proposal would result in a replacement dwelling well in excess of that size limit, such that it would not comply with the policy.
8. The conversion of the former stable block to the property would provide a replacement small dwelling to offset the replacement of Moonfleet Cottage with a larger dwelling. However, this would result in the provision of an additional dwelling at the property. Policy H7 of the LP refers to sub-division of existing dwellings in certain circumstances, but this is an outbuilding rather than part of the existing dwelling. Whilst supporting text to Policy H16 of the LP refers to outbuildings within 5m of the original dwelling, this is in the context of what would constitute an acceptable extension and there is no equivalent provision within the supporting text to Policy H7 of the LP. Neither is it suggested that it is a redundant or disused building whose conversion would lead to an enhancement to the immediate setting that would constitute a special circumstance in accordance with paragraph 55 of the Framework.
9. For these reasons, I conclude that the proposal would result in the creation of a relatively isolated dwelling outside the settlement of Liss and in a poor location in relation to services and facilities, contrary to Policy CP19 of the CS and the Framework.

Landscape and scenic beauty

10. Stanleys comprises a substantial house with outbuilding and the separate bungalow, Moonfleet Cottage with garden extending away from Hatch Lane and the settlement of Liss over the road and into the open countryside, within the South Downs National Park (SDNP). The rear part of the site comprises the

remains of a tennis court and a former orchard located to the rear of the existing buildings, but is essentially an open area within the countryside.

11. Whilst the design of the proposed dwelling would reflect that of Stanleys and it would be substantially screened by existing vegetation from public views into and through the site, it would be located to the rear of the existing dwellings on the location of the former tennis court. Whilst it would be further from the boundary of the property than the existing Moonfleet Cottage and would benefit from passive solar gain, it would extend built development beyond the existing buildings located on the site, such that it would encroach into the SDNP.
12. The Council suggest that the alterations to the existing outbuilding at Stanleys to form a separate dwelling would be minimal, with limited external alterations. Consequently, they conclude that this element of the proposed development would conserve the landscape and scenic beauty of the SDNP and I see no reason to disagree with their conclusions in this regard.
13. However, and for the reasons given above, I conclude that the proposed replacement dwelling would not conserve the landscape and scenic beauty of the SDNP and, in accordance with the Framework, I attach great weight to conserving the landscape and scenic beauty within the SDNP. As such, the proposed replacement dwelling would be contrary to Policies CP19 and CP29 of the CS and the Framework that take particular account of the setting and context of the SDNP and seek to ensure development is in accordance with the purposes of the SDNP, including to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Other matters

14. The final reason for refusal in the Council's decision related to a lack of information regarding biodiversity. A Bat Scoping Assessment was submitted with the appeal and the Council have confirmed that this addresses their concern in this regard. I do not see any reason to disagree with their conclusion, but this would not affect my conclusions on the main issues.
15. I note the appellants wish to downsize whilst continuing to live in this location. This is not an uncommon scenario and, while I have sympathy to the circumstances described, they are not sufficient to outweigh the harm and policy conflict identified.

Conclusion

16. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR