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## Appeal Decision

Site visit made on 28 August 2019

**by James Taylor BA (Hons) MA MRTPI**

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

**Decision date: 08 October 2019**

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**Appeal Ref: APP/N1730/D/19/3234084**

**Nightingale Barn, Ridge Lane, Rotherwick, Hook RG27 9AX**

- 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 Adrian Tucker against the decision of Hart District Council.
  - The application Ref 19/00588/HOU, dated 15 March 2019, was refused by notice dated 7 May 2019.
  - The development proposed is described as the 'construction of a two bay oak framed garage'.
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### Decision

1. The appeal is allowed and planning permission is granted for the 'construction of a two bay oak framed garage' at Nightingale Barn, Ridge Lane, Rotherwick, Hook RG27 9AX in accordance with the terms of the application, Ref 19/00588/HOU, dated 15 March 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL001, PL002, PL002HT, PL004, and Tucker\_NEW22570.

### Main Issue

2. The main issue in this case is whether the scheme would preserve or enhance the character or appearance of the Rotherwick Conservation Area and the effect on the host dwelling, a locally listed building, and its rural setting.

### Reasons

3. Nightingale Barn is part of a residential conversion of Home Farm, a locally listed building. The buildings are arranged in a quadrangle shape, and Nightingale Barn covers part of the eastern side of the quadrangle. It has recently suffered from fire damage, most notably affecting the single storey garaging. Nonetheless, the significance of Home Farm remains in its proportions, form, and architectural detailing and history, as well as its agricultural setting.
4. Home Farm lies within the Rotherwick Conservation Area (CA) which covers much of the village, as well as the open countryside to the south. This includes the site and Tylney Hall to which, evidence indicates, Home Farm was previously associated with. It is a distinctly rural conservation area, and whilst

Home Farm clearly appears as being in residential use, it still positively contributes to the CA's significance through its form and history.

5. Nightingale Barn has a front garden enclosed by post and rail fencing. It is well maintained and appears residential in nature, providing parking and lawn. Beyond the fence is the gravelled access track, serving further properties at Home Farm. Beyond this, and a further post and rail fence, is an agricultural paddock. The openness of the front gardens, and rural boundary and track surface treatments, provide a sympathetic soft edge between the residential and agricultural land uses.
6. Whilst Home Farm has been converted sympathetically, retaining its essential form and character, it is clearly in residential use and has evolved. The proposed garage would not appear as an agricultural building; however, it would have a well-designed, rural appearance. Furthermore, it would be of a modest scale, have a simple utilitarian form and employ a traditional pallet of high quality and sustainable materials including brick, timber and clay tiles. I consider that the combination of these characteristics means that the proposal would clearly appear subservient and ancillary to the Home Farm complex and satisfactory assimilate with the historic context and rural setting. Furthermore, the existing landscaping around the development area would be largely unaffected and provide additional mitigation given the scale and materials proposed.
7. Additionally, I have noted that the building would not be visible from public viewpoints along Ridge Lane. I have also observed that the site can be seen from the rights of way to the east, however such views are distant, and the building would always be seen in the context of, and against, Home Farm. Therefore, for the reasons set out above, the soft edge and rural setting would remain, and the significance of the CA and Home Farm would be unaffected.
8. My attention has been drawn to a previous Inspector's decision on the site (ref: APP/N1730/D/18/3204724). I have noted the previous Inspector's assessment and that the proposal subject to this appeal is materially different. The current proposal would be of a reduced footprint and height, and the proposals for accommodation at first floor, with associated dormer windows, rooflights and external staircase have been omitted. The features with an overtly domestic character have been omitted and the proposal, as now before me, would be a very simple structure with a form and utilitarian design that could commonly be found in many rural situations. The fact that a previous agricultural building was located on the appeal site is an indication that an appropriately designed structure could be accommodated without causing undue harm to the rural setting of the former farm buildings. For the reasons given, I am satisfied that the alterations to the scale and design of the structure have resulted in a proposal that would be sensitive to the rural location and the character and appearance of the converted farm complex.
9. For the reasons set out above the proposal would preserve the character and appearance of the CA and cause no harm to the host dwelling, a locally listed building, and its rural setting. Therefore, the proposal would not conflict with the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (replacement) 1996-2006 saved Policies CON13, CON17, GEN1, GEN4, RUR2, RUR3 and RUR24. Nor would the proposal conflict with policies BE01, BE02, BE03 of the Rotherwick Neighbourhood Plan 2016-

2032 Adopted Version. Amongst other aims these policies seek good design, the protection of heritage assets and the protection of the countryside.

### **Conditions**

10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. I note the hereby approved plans adequately detail the external materials to be used in the development and so I find a further condition unnecessary in this case.

### **Conclusion**

11. For the reasons given I conclude that the appeal should be allowed subject to the conditions listed above.

*James Taylor*

INSPECTOR