
Appeal Decision

Site visit made on 22 January 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/Y9507/W/19/3239911
Old Coach House, Hill Brow, Liss GU33 7PB

- 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 Mrs Janice Hall against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/00732/FUL, dated 13 February 2019, was refused by notice dated 25 April 2019.
 - The development is described as a “proposed replacement dwelling”.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Janice Hall against South Downs National Park Authority (NPA). This application is the subject of a separate Decision.

Procedural Matters

3. There is dispute between the main parties as to what the appropriate description of the proposed development should be. The description of development on the application form was long and included extensive references to the appellant’s justification for the proposal which were not acts of development. Subsequently in section E of their Appeal Form the appellant has used the more concise wording utilised by the NPA in their decision notice. In the interest of clarity, I have therefore use this more concise description in the banner heading above. I nevertheless note that the appellant’s intention is that the proposed dwelling would follow the demolition of the Old Coach House and three outbuildings on the site as detailed within their Planning Statement.
4. I note further discussions occurred between the NPA and appellant regarding amending the description of development as part of the appeal process. No agreement was reached between the main parties and I do not consider a further change to the description to be necessary as it may prejudice interested parties and include details which fall outside the scope of this appeal. Accordingly, I have determined the appeal based on the description on the NPA’s decision notice and on the understanding that the proposal includes the demolition of three outbuildings.
5. The appellant has submitted an amended location and site plan as part of the appeal for consideration. The revised plan relocates the proposed replacement

dwelling away from Arawai House to generally align with the footprint of the existing building on site, except with a greater setback of approximately two metres away from the shared boundary with Arawai House. The NPA have had the opportunity to comment on the amended plan and I am satisfied, applying the Wheatcroft Principles, that no interested parties would be prejudiced given the primary objections against the proposal would remain the same. I have therefore determined the appeal based on the amended plan, and where not superseded the plans referenced on the NPA's decision notice.

6. The South Downs Local Plan (LP) was adopted July 2019 and replaces the Local Plans referenced in the NPA's decision notice. The NPA have confirmed the policies most relevant to the determination of this appeal. The appellant has had the opportunity to comment in this regard. I have accordingly based my decision on the policies contained in the newly adopted LP.

Main Issues

7. The main issues are whether the proposed development:
 - is appropriately located outside of settlement boundaries, having regard to the policies of the South Downs LP; and
 - would conserve or enhance the character and appearance of the historic environment, with particular regard for non-designated heritage assets and their setting.

Reasons

Location outside of settlement boundaries

8. The appeal site is a generous plot of land located to the north of London Road. An old coach/stable building is centrally located within the site and was formerly used in association with Arawai House, which is a large Victorian villa built in the late 19th Century of notable quality on the neighbouring property to the east. The appeal site has since been separated from Arawai House to form an independent property and been granted planning permission to convert the old coach/stable building to a residential dwelling¹. The appeal site is now referred to as Old Coach House.
9. The appeal site is located outside of any defined settlement boundary and is therefore considered to be within the open countryside under the South Downs LP. The appeal proposal seeks to demolish the existing building on site, along with three other outbuildings, to establish a replacement dwelling generally in the same location. Policy SD25 of the LP sets out the development strategy for the National Park (NP) and outlines the exceptional circumstances under which development in the open countryside may be considered appropriate. The criteria with particular relevance to the appeal proposal includes compliance with relevant policies in the LP, and where a proposal would represent an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the NP. I do not consider the other circumstances listed under the policy to be applicable or satisfied by the appeal proposal.

¹ NPA Ref: SDNP/17/00659/FUL

10. Policy SD30 of the LP relates to replacement dwellings outside settlement boundaries and is therefore considered to be relevant to the proposed development, and the assessment against Policy SD25. Although there is currently no habitable dwelling on the appeal site in practical terms, the planning permission which granted the residential conversion and use of the Old Coach House² has been commenced, with material operation works being carried out, and therefore remains extant in perpetuity as set out in the appellant's submitted legal opinion. The permission² is therefore considered to have 'legally established' the residential use of the site for the purposes of Paragraph 7.87 of Policy SD30.
11. Policy SD30 seeks to reduce the loss of small homes in the NP through replacement by substantially larger homes. This in mind, the policy sets out that all new and existing development, including outbuildings, should not exceed approximately 30% (no higher than 35%³) of the gross internal area (GIA) of the existing dwelling, and should not be overbearing or result in detrimental harm to the amenity of nearby residents by virtue of loss of light and/or privacy. The proposed replacement dwelling would not amount to an overbearing built form, or any harmful loss of light or privacy to neighbouring residents, by virtue of the low lying and visually obscured position of the appeal proposal in relation to neighbouring residential dwellings. Primary consideration is therefore given to the proposed net increase of GIA.
12. The Extensions and Replacement Dwellings Technical Advice Note (TAN) (adopted May 2019) sets out how to calculate the percentage increase of GIA for a proposed development. The NPA and appellant disagree on the applicable figures that should be taken into account when calculating the net increase of GIA. However, it is of note that the figures quoted by the appellant are inconsistent with those noted on their proposed plans of development which show a larger GIA. Accordingly, using the GIA of the extant planning permission² as a baseline plus the GIA quoted by the appellant for the three identified outbuildings to be demolished, the proposed increase in GIA would exceed the 35% limit³ based on the larger GIA figures shown on the appellant's plans of development.
13. This excludes an additional outbuilding, which appears to be used as a summer house, that was identified by the NPA on site and which I observed during my site visit. This outbuilding has not been identified for demolition by the appellant, and no clarification has been provided with respect to the status of this outbuilding, nor description of how/whether it has been factored into their calculations. It is therefore my view that the appeal proposal would amount to a substantially larger home than permitted under the extant planning² permission, whether the additional summer house outbuilding is included in the total calculations or not, excessively increasing the GIA of the site contrary to the objectives of Policy SD30 and as set out in the corresponding TAN.
14. Consequently, the proposed development would then conflict with Policy SD25 and the exceptional circumstances under which development in the open countryside outside of the defined settlement boundaries under the LP may occur. This undue increase of GIA is exacerbated when considering, in practical terms, the significant increase in overall GIA the appeal proposal represents compared to the existing building on site. For development to comply with

² NPA Ref: SDNP/17/00659/FUL

³ Extensions and Replacement Dwellings Technical Advice Note (adopted May 2019)

Policy SD25 both sets of exceptions criteria identified as relevant to this appeal must be satisfied. Therefore, irrespective of whether the appeal proposal represents an appropriate reuse of a previously developed site and conserves and enhances the special qualities of the NP, it would not comply with Policy SD25.

15. Accordingly, the appeal proposal fails to satisfy the relevant policies of the South Downs LP and would therefore not be appropriately located within the open countryside. It conflicts with Policies SD25 and SD30 of the South Downs LP, and Paragraph 172 of the National Planning Policy Framework (the Framework). These policies, amongst other things, identify the development strategy for the NP and the specific exceptions under which development may occur in the countryside outside of defined settlement boundaries.
16. Policies SD1, SD4, SD5 and SD12 of the LP, and Section 16 of the Framework, as identified by the NPA on their decision notice, generally relate to design specific elements of the development proposal and as such would more appropriately be considered as part of the historic environment assessment to follow. No specific conflict with Section 5 of the Framework has been identified, particularly as the appeal proposal would not represent an isolated home in the countryside. References to the South Downs NP Partnership Management Plan and the first statutory purpose for NP designation have also been omitted as they are appropriately reflected within the South Downs LP.

Character and appearance of the historic environment

17. Policy SD12 of the LP relates to the strategic conservation and enhancement of the historic environment within the NP and is considered relevant to the assessment of this appeal. The policy addresses historic environment matters in general terms, including the safeguarding of heritage assets and their setting, with the LP comprising of separate policies to address more specific heritage matters such as designated heritage assets. Policy SD12 emphasises the irreplaceable value of the historic environment and recognises the positive contribution it offers towards informing the cultural heritage of the NP (under Policy SD1) and as a framing tool to better understand local distinctiveness (under Policies SD4, SD5 and SD8).
18. The area is generally characterised by large residential dwellings on spacious plots of land, set amongst wooded surrounds which reflect the tranquillity and landscape characteristics typical of a NP. The character and appearance of the appeal site is strongly linked to the historic relationship between Old Coach House and Arawai House on the neighbouring property. Both sites were constructed around the same period of time and formed part of the same plot of land for over a century. Old Coach House is quite simple in design terms, compared to the more distinguished Victorian characteristics of Arawai House, and has been altered from its original form following a fire in the mid-20th Century. Both the design, siting and scale of the remaining Old Coach House reinforces the subordinate role it served in relation to Arawai House and informs its historic setting and significance. The continued reliance upon the Arawai House access driveway for Old Coach House also reinforces this historically unified relationship between the properties.
19. The NPA have identified both Arawai House and Old Coach House as non-designated heritage assets which are offered a balanced level of protection under Paragraph 197 of the Framework commensurate with the significance of

the asset. However, Paragraph 039 of the Planning Practice Guidance (PPG) emphasises that the majority of buildings will not have enough heritage significance to warrant consideration as a non-designated heritage asset and as such the merits of which should be scrutinised. It is important to note that non-designated heritage assets may be appropriately identified by the NPA through the decision making process on planning applications, and that it is not necessary for such assets to be formally identified by way of a local heritage list or historic environmental record, although this is clearly encouraged.

20. Both Arawai House and the Old Coach House have been appraised by the NPA Conservation Officer in accordance with Paragraph 190 of the Framework and Paragraph 040 of the PPG. The assessment considered Historic England guidance⁴ and the NPA's Local Heritage List selection criteria, used the evidence available and was based on their local expertise. The significance of Arawai House is derived from its good quality design and condition as a post-1840 Victorian villa and as a built form that emerged following the arrival of railways to the area, Liss Station in particular. The subsequent aesthetic and historic value of Arawai House ascribed by the NPA has not been adequately dispelled by the appellant's representations, and so I am therefore satisfied that the NPA's identification of Arawai House as a non-designated heritage asset is appropriate. Old Coach House itself warrants further discussion acknowledging the state of originality following the building fire in the mid-20th Century.
21. The appellant's representations include a detailed heritage assessment of Old Coach House prepared by a qualified heritage expert. The heritage assessment acknowledges the relationship shared between Old Coach House and Arawai House and that the building retains some historic interest. However, the assessment goes on to conclude that the Old Coach House holds little merit as a non-designated heritage asset given the poor quality of the original buildings fabric, the extent of extensions and alterations to the building, and the further deterioration of the original building features under the extant planning permission¹. As such, I accept that Old Coach House does not have enough heritage significance to warrant consideration as a non-designated heritage asset in isolation.
22. Whilst the condition of Old Coach House and state of originality reduces the overall significance of the building, the NPA's appraisal primarily attributed significance to the group value of the building with Arawai House and historic value demonstrating the importance of horse borne transport at the time for people living outside of towns and suburbs. As such the significance of Old Coach House is more appropriately considered as a feature which positively contributes towards the historical setting, context and overall significance of Arawai House. Collectively, these buildings define the historic character and appearance of the two sites and positively contribute towards the cultural heritage of the NP, which attracts great weight under Paragraph 172 of the Framework.
23. The appellant contends that the proposed replacement dwelling, and demolition of the existing building, would constitute a positive enhancement of the appeal site which would more closely reflect the original built form of the coach/stable building from before the fire, and consequently the setting of Arawai House.

⁴ Conservation Principles, Policies and Guidance (English Heritage/Historic England, 2008)

While I note that the overall width of the appeal proposal is suggested to be of a similar width to that of the original building prior to the fire, there is no photographic evidence of the front façade of the full building to support the proposed design. The only photographic evidence provided shows a simple gable end roof from aerial view, with the only punctuating features evident within the roof plane being the chimney stacks.

24. In contrast, the combined prominence of the proposed front facing gabled dormer windows and the large rear extensions would appear to unduly extend the built footprint of the appeal site and overwhelm the subdued character and appearance presently maintained on the ground and under the extant planning permission. The proposal would also come at the expense of the existing building which, irrespective of its merits as a heritage asset, could more appropriately be utilised for the efficient reuse of existing building stock and a previously developed site, conserving and enhancing the special qualities of the NP as set out under Policies SD25 and SD48.
25. I note that the pattern of residential dwellings in the wider area are of a large scale, in particular West Ridge House located to the south west of the appeal site. However, the historic context of scale and function shared between Old Coach House and Arawai House presents an overall significant character which contributes positively towards the historic environment and cultural heritage of the NP. Compared to the otherwise homogenous pattern of large dwellings in the area, the distinct character and appearance of the scaled relationship between Old Coach House and Arawai House elevates these properties and warrants preservation.
26. It is therefore my judgement that the design and scale of the appeal proposal would unduly erode the historic significance of Arawai House and its setting. In particular by wholly demolishing the existing Old Coach House building and replacing it with a comparably larger dwelling commensurate with the ordinary pattern of development in the wider area. The degree of harm to the non-designated heritage asset would be limited given Old Coach House is primarily considered to offer group value. However, this unique feature is considered to positively contribute towards the cultural heritage of the NP which attracts great weight Paragraph 172 of the Framework. No other public benefits have been identified that would outweigh this harm.
27. The appellant argues as part of their case that the extant planning permission over the appeal site is unable to be implemented due to the approved internal layout not being capable of achieving the required Building Regulation standards. However, based on the information before I am not convinced that the suggested deficiencies in accommodation space could not be overcome, nor that the only way to achieve an acceptable standard of accommodation would be to demolish the existing building in place of the appeal proposal before me.
28. The appellant has also referred to two appeal decisions within the NP⁵ which considered the impact of development on non-designated heritage assets in their determination. The assessment of such issues will depend on the evidence available, expertise presented and particular circumstances pertaining to that appeal, including the significance of any heritage asset, the degree of any harm identified and whether there are benefits which may outweigh the identified harm. On review of these appeal decisions, I do not consider the

⁵ APP/Y9507/W/19/3222264 and APP/Y9507/W/18/3209990

particular circumstances of these case to be directly comparable to the appeal before me. Such matters will be a matter of fact and degree, and therefore subject to judgement based on the merits of each case.

29. Accordingly, the proposed development would fail to conserve and enhance the character and appearance of the historic environment, with particular regard for non-designated heritage assets and their setting. It would conflict with Policies SD1, SD4, SD5, SD8, SD12, SD25 and SD48 of the South Downs LP, Paragraphs 127, 172, 184, 192 and 197 of the Framework. Each policy incorporates design criteria which collectively seek, amongst other things, to ensure development appropriately responds to the local context to conserve and enhance the historic environment and cultural heritage of the NP. References to the South Downs NP Partnership Management Plan and the first statutory purpose for NP designation have been omitted as they are appropriately reflected within the South Downs LP.

Other Matters

30. The NPA have identified that the appeal site is located approximately 100 metres away from the Rake Hanger Site of Special Scientific Interest. However, as I am dismissing the appeal on the above reasoning it is not necessary to address this matter in any further detail.

Conclusion

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

J Gibson

INSPECTOR