
Appeal Decision

Site visit made on 21 May 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2020

Appeal Ref: APP/N1730/W/19/3241745

Land adjacent Lynchmere Cottage, Reading Road, Mattingley, Hook RG27 8JZ

- 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 & Mrs M Carter against the decision of Hart District Council.
 - The application Ref 19/01389/FUL, dated 18 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is the erection of a two storey, two bedroomed dwelling and associated garage, access and landscaping following the demolition of the existing barn and greenhouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission includes a revised site plan showing a reduced sized curtilage for the new dwelling. The plan does materially change the nature of the application but there have been no adverse third party comments to the proposal. Furthermore, it does seek to address an issue raised by the Council which the authority has been able to make comments upon. Therefore, adequate opportunity has been given for comments on this matter and there has been no prejudice caused to the interests of other parties. As a result, this plan has been considered in this appeal.
3. A Unilateral Agreement (UU) dated 12 March 2020 details financial contributions for mitigation of the effect of the development on the Thames Basin Heaths Special Protection Area. A Bat Mitigation Strategy report (BMSR), dated September 2019, was also submitted with the appeal. This details bat survey findings for the existing barn and mitigation to address a specific reason for refusal. Both the UU and BMSR will be commented upon in the reasoning of this decision.
4. On 26 March 2020, the Hart Local Plan (Strategy and Sites) (HLPSS) 2032 was adopted. Consequently, consideration has only been given to saved policies RUR1 and GEN 1 of the Hart District Council Local Plan (Replacement & First Alterations) 1996-2006 (LP) 2002 and 2006 and HLPSS policies SS1 and NBE1 in this decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

6. The appeal site comprises agricultural land which includes an agricultural barn, greenhouse and hardstanding which lies adjacent to Lynchmere Cottage. This property lies within the settlement boundary of Mattingley under LP policy RUR1 but the appeal site lies just outside in countryside. The land and fields surrounding the appeal plot include trees, hedgerow and woodland. Mattingley is a small village comprising local traditional buildings, including farm buildings, and is set within landscaped surroundings. Most of the village is within a Conservation Area and contains many listed buildings. The village has a distinctly rural character and appearance.
7. HLPSS policy SS1 states development will be focused within defined settlements, on previously developed land in sustainable locations. HLPSS Policy NBE1 states that development in the countryside, outside of defined settlement boundaries, will only be supported where it falls within certain exceptions of acceptable development, many of which are provided for by other policies in the Local Plan. The proposal would be for a new dwelling following the demolition of an existing barn and greenhouse. Consequently, it would not represent a replacement dwelling or an extension to an existing dwelling nor would it be for a replacement building or an extension of an existing building. Under the policy, no other exception has been brought to my attention nor does any other exception apply in this instance upon assessing them, and therefore, the proposal would conflict with these HLPSS policies.
8. LP policy GEN 1 states that proposals for development which accord with other proposals of this plan will be permitted, where amongst other matters, they are in keeping with local character by virtue of their scale, design, massing, height, prominence, materials and landscaping. In this regard, the dwelling has been designed using traditional features and styles from the existing properties within the village. Additionally, it would replace an existing building, including a derelict green house.
9. However, the site is located on the edge of a rural settlement within the countryside. The dwelling and garage would be substantial in scale and massing, with its footprint and floorspace significantly greater than the agricultural barn and greenhouse. It's ridge height would also be higher than the existing building. Furthermore, the design of the development would be overly domesticated with extensive glazing, regularly spaced features such as windows, a prominent chimney and double garage. The roof form of the new dwelling would also comprise different elements, including a lower pitched roof over a ground floor and frontage gable. Such a development would be noticeably different to the simple agrarian design of the barn and its rural context.
10. Despite the smaller curtilage now proposed, there would also be likely associated domestic paraphernalia, such as parked vehicles, children's play areas, sheds, fencing, etc. As a result, the combination of design and domestic

paraphernalia would give rise to a detrimental urbanising effect within this distinctly rural context. Therefore, the proposal would not be in keeping with the local character for all these reasons.

11. From the road, the dwelling would be well-screened by vegetation. However, it would result in a permanent feature having a long term impact on the character and appearance of the area which would be noticeable to the existing and future occupants of surrounding properties. The dwelling would be poorly designed by reason of its scale, massing, height and domesticated style. This would conflict with the National Planning Policy Framework (the Framework) which states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. In this regard, the development would not be sympathetic to local character and history, including surrounding built environment and landscape setting. Furthermore, there is no guarantee that the vegetation would remain in perpetuity. There can be any number of reasons why vegetation disappears, such as disease, weather impact or accidental damage.
12. For all these reasons, the development would not be appropriate development and would harm the character and appearance of the area. Accordingly, the proposal would conflict with policy GEN1 of the LP and policies SS1 and NBE1 of the HLPSS.

Other matters

13. The prospect of the extant prior approval being implemented has not been demonstrated. Nevertheless, even if this was more than a theoretical possibility or real prospect, this scheme was smaller in size, utilising an existing access (through Lynchmere Cottage) and would be far less domesticated in appearance, with extensive timber cladding, simpler built form, single hipped pitched roof and fewer glazed areas. Consequently, the converted barn would retain much more of the feeling of a rural building and its design quality would be far more appropriate to its countryside location. As a result, limited weight is given to the fallback scheme as it has a better design than the appeal proposal.
14. The proposal would boost housing land supply and it would provide a two bedroom dwelling, a housing type needed in the district. For the purposes of the Framework, the development would not be an isolated dwelling in the countryside. The proposal would enhance the vitality of a rural community and support local services. In this regard, national policy also states development in one village may support services in a village nearby. These economic and social benefits would weigh in favour of the proposal.
15. However, these benefits would be small by reason of the scheme being for a single dwelling. In respect of the boost to housing supply, the effect would be minimal, especially as it is not disputed that the Council has a five year housing land supply. Significantly, the proposal would not achieve a well-designed place and design is a key aspect of sustainable development.

Planning Balance

16. The proposal would result in a dwelling contributing to a housing requirement but there would be harm to the character and appearance of the area in conflict with the above-mentioned policies of the LP and HLPSS. Given the significant

nature of this harm, the proposal would be contrary to the development plan taken as a whole. Only limited weight is given to the fallback position and under the Framework, the benefits would be small and the design impact adverse.

17. Planning should be plan-led and the development plan should not be set aside lightly. Therefore, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.
18. As there is a substantive reason to dismiss this appeal, there is no requirement for me to consider whether the obligation meets the statutory tests that are detailed in the Framework or undertake an Appropriate Assessment under the relevant Habitat Regulations. In this regard, the appellants have agreed the principle of contributions for habitat mitigation. The Council has raised concerns about the details of the obligation, and I would have asked for further comments upon this, if there had not been a substantive objection to the proposal.
19. The BSMR confirms bat presence within the barn and the need for the granting of a European Protected Species licence. Had there not been a substantive reason for refusal, more information would have been requested as to whether a licence determination would meet the three tests, as set out in the Natural England's 'Standing Advice', if the scheme had proceeded.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR