



Appeal Decision

Site visit made on 15 November 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/N1730/W/21/3280002

Swaines Hill Manor, Swaines Hill, South Warnborough, Alton GU34 4DP

- 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 B Reid against the decision of Hart District Council.
 - The application Ref 21/00550/FUL, dated 24 February 2021, was refused by notice dated 16 April 2021.
- The development proposed is described as construction of 2 no. dwellings with ancillary accommodation with access, parking and landscaping (following demolition of 4 no. agricultural buildings).
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Decision

1. The appeal is allowed and planning permission is granted for construction of 2 no. dwellings with ancillary accommodation with access, parking and landscaping (following demolition of 4 no. agricultural buildings), at Swaines Hill Manor, Swaines Hill, South Warnborough, Alton GU34 4DP, in accordance with the terms of the application, Ref 21/00550/FUL, dated 24 February 2021, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. Planning permission was refused partly on grounds that no ecological survey had been provided. A report has however been submitted as part of the appeal, and on the basis of its findings the Council has withdrawn its reason for refusal. Whilst not therefore a main issue, I shall return to this matter below.

Main Issue

3. The main issue is whether the site would be a suitable location for the proposed development in relation to its effect on the character and appearance of the countryside.

Reasons

4. Policy SS1 of the Hart Local Plan (Strategy and Sites) 2032 (the Local Plan) sets out the Council's spatial strategy. This seeks to focus development within defined settlements, on allocated sites, and on previously developed land within sustainable locations. The appeal site fits none of these criteria. Policy NBE1 of the Local Plan sets out further criteria for development on land located outside defined settlements, and therefore within the countryside for development plan purposes. Again, the development would not fit any of these criteria. The scheme would thus conflict with both Policies SS1 and NBE1. Here

the Council's concern is that the scheme would cause harm to the character and appearance of the countryside.

5. The 2 buildings subject of the appeal scheme have each previously been granted prior approval for conversion into dwellings. Planning permission was also subsequently granted for their conversion (the existing permission). The existing permission is extant, and the Council considers that it is a realistic fallback. I have been provided with no reason to consider otherwise. I therefore attach significant weight both to the likelihood that the existing permission will be implemented in event that the appeal is dismissed, and to its relative effects.
6. The immediate landscape setting of the site comprises rising and falling ground containing an attractive mix of open fields, woodland and scattered domestic dwellings with gardens. The location can as such be clearly characterised as open countryside, though given the reasonably close proximity of other dwellings, the site is neither physically isolated nor secluded.
7. The site itself contains 4 relatively modern buildings of varied size, 2 of which are of considerable bulk and scale, and 3 of which are partly derelict. These are accommodated on platforms cut into the sloping ground and surrounded by large areas of concrete hardstanding. There is therefore little or no sense of integration with the surrounding landscape.
8. Two of the buildings are constructed from shuttered and prefabricated concrete panels, and the others from a mix of sheet metal and what appears to be asbestos. The buildings as such have a non-descript, functional, semi-industrial character, which is inherently unattractive. In terms of design, materials and appearance, the structures show little or no affinity with the more traditional buildings present within and which characterise the broader rural locality.
9. The site and the buildings within it are exposed to limited external view. Nonetheless, given my findings above, within the limited views available the site and the buildings within it each appear wholly intrusive in character. As such, whether or not the existing buildings are perceived as being 'agricultural', they strongly detract from the quality of their setting.
10. Insofar as the existing buildings would be replaced by 2 dwellings roughly modelled on traditional agricultural structures, the Council did not object to the designs proposed, noting that they would be sympathetic to the rural location. Indeed, in terms of their form, scale and materials, the proposed dwellings would generally harmonise with other traditional buildings within the locality. As the same cannot be said of the existing buildings on site, this would inevitably also be true of the conversions covered by the existing permission.
11. Domestic use of the proposed dwellings would be reasonably apparent despite their styling, and the scheme would see domestication of the site. The presence of domestic development within the open countryside would thus be increased. The same would however also be the case in relation to the existing permission. Here the only reason to consider that perception would differ between lies in the contrasting form and appearance of the buildings in question, and the fact that few dwellings exhibit the crude characteristics of the structures whose conversion has been approved.

12. I have already established that these characteristics hold no merit, and that the proposed dwellings would integrate more successfully. I additionally find that when viewed relative to the existing scatter of dwellings nearby, the location of the proposed dwellings would appear generally consistent with the existing pattern. Moreover, as the appeal scheme would deliver more sensitive landscaping than either exists at present, or is shown on the approved plans, harmonisation of the site with its setting would be improved. As such, any limited harm which might be caused by the more 'domestic' appearance of the proposed dwellings would be far outweighed by the benefits of securing a more sensitive scheme of development for the site.
13. My findings above indicate that the effects of the appeal scheme on the character and appearance of the countryside would be far more positive than those of the development subject of the existing permission. This is a consideration which leads me to conclude that, notwithstanding conflict with Policies SS1 and NBE1 of the Local Plan, the location of the proposed development would be appropriate in relation to its effects on the character and appearance of the countryside. The scheme would otherwise comply with Policy NBE2 of the Local Plan which seeks to secure development which respects and enhances the District's landscapes; and saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006, which amongst other things seeks to conserve and enhance the landscape, and restrict sporadic development unrelated to existing patterns.

Other Matters

Access to services

14. The Council did not refuse permission on the basis of scope for future occupants to access services by means other than use of private motor vehicles. It has nonetheless identified policy conflict in this regard. Indeed, future occupants of the development could not realistically access services on foot or by cycle, and no easy access would be available to public transport. Future occupants would therefore be reliant on the use of private motor vehicles for purposes of travel. This could give rise to environmental harm through vehicle exhaust emissions.
15. Exactly the same would however be true in relation to occupants of the conversions allowed by the existing permission. Given that the total amount of accommodation would be much the same, even if the mix would be different, the environmental effects would be similar if not identical.
16. My findings therefore indicate that whether or not the appeal scheme was allowed, there would be little if any difference in the scope for adverse environmental effects to arise in relation to travel. This leads me to conclude that, notwithstanding further conflict with Policies SS1 and NBE1 of the Local Plan, and with Policy INF3 of the Local Plan which promotes sustainable modes of travel, the development would be acceptable.

Protected species

17. The site contains a population of slow worms, which are protected by law. In the absence of appropriate mitigation the population on site could be adversely affected by the development. In this regard the ecological report submitted as

part of the appeal sets out a mitigation and compensation strategy. As I am satisfied that this can be secured by condition, I am able to conclude that no unacceptable effects would arise.

Conditions

18. I have imposed standard conditions setting out the time period for commencement of the development, and identifying the approved plans for sake of certainty. I have not included general reference to other documents as suggested by the Council, but instead imposed separate conditions where these are necessary as set out below.
19. Condition 3 requires implementation of the development in accordance with the Ecological Assessment. This will help to ensure the mitigation of any adverse effects on protected and other species, and help to secure the broader enhancement of biodiversity.
20. Condition 4 requires the provision of a landscaping scheme, including measures to protect trees and hedges, whilst Condition 5 requires details of external construction materials. In each regard the conditions are necessary in order to help ensure the integration of the development with its setting.
21. Condition 6 requires the approval and implementation of a surface water drainage scheme. This is in order to ensure that the development is sustainably drained.
22. I have not imposed a requested condition restricting working hours. This is because scope for disturbance of neighbours is sufficiently limited by distance. I have also not imposed a condition requiring the provision of parking spaces, as there is little doubt that parking space would be available on site. Lastly, I have not imposed a condition restricting a broad range of householder permitted development rights, as no clear justification for this has been provided, and none is otherwise apparent.

Conclusion

23. For the reasons set out above I find that the development would not give rise to any unacceptable harm to the character and appearance of the countryside, or to the environment, and that this indicates that the scheme would be acceptable despite conflict with the development plan. I therefore conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified in compliance with the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 190713-05 Rev. A; 190713-08; 190713-11; 190713-12; 190713-13.
- 3) The development hereby permitted shall be carried out in accordance with the recommendations of the Ecological Assessment Report dated 13 July 2021, and all ecological enhancements and compensatory measures set out within it shall be fully implemented prior to the first occupation of either dwelling.
- 4) No modifications to ground levels within the site shall take place until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the requirements of Conditions 3 and 6 as applicable; shall include an indication of all existing trees and hedgerows on the land, identifying those to be retained, and setting out measures for their protection throughout the course of the development; and shall contain a timetable for implementation. The development shall then be carried out in accordance with the approved scheme and timetable.
- 5) Construction of the development hereby permitted shall not proceed above slab level until precise details of the materials to be used for the outer faces and roofs of the dwellings and car port have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 6) Construction of the development hereby permitted shall not proceed above slab level until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented prior to the first occupation of either dwelling.