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# Appeal Decision

Site visit made on 6 September 2021

**by S Edwards BA MA MRTPI**

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

**Decision date: 19 November 2021**

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**Appeal Ref: APP/M1710/W/21/3269644**

**Stannards, Grooms Farm Lane, Frith End, Bordon GU35 0QR**

- 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 Green against the decision of East Hampshire District Council.
  - The application Ref 53722/002, dated 22 August 2020, was refused by notice dated 9 November 2020.
  - The development proposed is change of use, existing detached summerhouse into holiday let.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.

## Main Issue

3. The main issue is whether the proposal would accord with national and local planning policies, having particular regard to the suitability of the appeal building and its location.

## Reasons

4. Located within an area of rural character, the appeal site comprises a residential property and outbuildings set within spacious grounds. The appeal building is a timber structure sited in the south-western corner of the plot, which was granted planning permission in 2015, subject to a condition restricting its use to purposes incidental and ancillary to the enjoyment of the dwellinghouse.
5. For planning policy purposes, the appeal site is located in the countryside, which Policy CP19 of the East Hampshire District Local Plan: Joint Core Strategy<sup>1</sup> (JCS) defines as the area outside settlement policy boundaries. Policy CP9 of the JCS and Policy TM3 of the East Hampshire District Local Plan:

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<sup>1</sup> Adopted 2014.

Second Review<sup>2</sup> (LP) support proposals for visitor accommodation outside settlement policy boundaries in limited circumstances, notably where it involves the conversion of suitable rural buildings. The appellants have also drawn my attention to Policy C14 of the LP and Policy CP6 of the JCS, which affect proposals to re-use existing rural buildings.

6. There does not appear to be a definition, either within the wording of the policies or their supporting text, of what constitutes a suitable rural building. It is therefore a matter of planning judgement as to whether the appeal structure can be regarded as a suitable rural building. The summerhouse is a modern building, which has been constructed and used for purposes incidental and ancillary to the enjoyment of the main dwellinghouse. Having regard to the available information before me, I cannot be satisfied that the appeal structure can be regarded as a rural building simply by virtue of its location in the countryside. Accordingly, Policy C14 of the LP and Policy CP6 of the JCS are not considered directly relevant to the proposal before me.
7. Policy CP19 of the JCS emphasises the need to operate a policy of general restraint in order to protect the countryside for its own sake, and thus sets out a strict approach in respect of development proposals in the countryside, which are only permitted in circumstances where a genuine and proven need for a countryside location is established. It is accepted that the appeal building lies within a relatively short distance of Alice Holt and could also provide overflow accommodation to the nearby hotel. Nevertheless, and in the absence of clear evidence to the contrary, this does not to my mind constitute a genuine and proven need for the proposed development to be located in the countryside, as required by Policy CP19.
8. The appeal site is accessed via a narrow, unlit track, and lies in a secluded location, at some distance away from local facilities and services. Although the appeal building may be located near the A325, which the appellants identify as a public transport corridor, there is limited information before me to demonstrate that the appeal site is served by frequent and regular bus services. I understand that the appeal site is approximately 3 km from the nearest train station, but it nevertheless remains unclear, having regard to the available information, how well it is connected to the wider network.
9. It is accepted that the site lies within cycling distance of Alice Holt, but this would not alone provide justification for the proposal. Overall, I find it unlikely that visitors would favour alternative modes of transport to private motor vehicles, not just to travel to and from the site but also to visit local shops and facilities, as well as tourist attractions sited further away whilst staying there.
10. My attention has been drawn to a recently approved planning application<sup>3</sup> for the change of use of an existing building to a holiday let. The appeal building was previously used as an agricultural building and the scheme was approved on the principal basis that it enabled the reuse of a building in accordance with relevant local policies. Having regard to the available evidence, the circumstances and context of this particular scheme do not however constitute a direct parallel to the proposal before, thus limiting the weight which can be afforded to this application.

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<sup>2</sup> Adopted March 2006.

<sup>3</sup> Local Planning Authority Reference 57633/011.

11. For the foregoing reasons, the proposal would not accord with national and local planning policies, having firstly regard to the suitability of the appeal building, and its location, away from existing settlements. The appeal scheme would not constitute sustainable development and would therefore be contrary to Policies CP9 and CP19 of the JCS and Policy TM3 of the LP, but also Section 6 of the Framework which, amongst other things, seeks to promote sustainable rural tourism.

### **Other Matters**

12. The appeal site lies within 5 km of Wealden Heaths Phase II Special Protection Area (SPA), which is recognised as being of international importance for its birdlife. As detailed within the Council's submissions, Natural England requires development proposals capable of affecting the SPA to submit information as part of a Habitat Regulation Assessment (HRA) to the Local Planning Authority for a project-specific HRA. The aim is to establish whether the proposal would have, in combination with other plans and projects, a likely significant effect on this International site and identify appropriate mitigation where required.
13. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment on the basis of the available information, to ensure that the proposal would not adversely affect the integrity of this protected area.

### **Conclusion**

14. There are no material considerations which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*S Edwards*

INSPECTOR