



Appeal Decision

Site visit made on 8 February 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/Y9507/W/21/3278658

Smiths Farm, Worldham Hill, East Worldham, Alton, GU34 3AT

- 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 Tessa Godbert against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/00778/FUL, dated 17 February 2020, was refused by notice dated 26 April 2021.
 - The development proposed is conversion of existing mixed use building (brewery and agricultural) to a mixture of the following uses:
 - Conversion of front part (former brewery) to residential dwelling
 - Granny Annex ancillary to Smiths Farm including new window opening, replacement of an existing window with a pair of French doors and one new door opening
 - Conversion of (part) upstairs to a yoga/fitness studio/meditation room
 - Ancillary garaging/storage to Smiths Farm
 - Drying out of Oak (seasoning) is to be carried out in the two remaining areas of the building at first floor
 - Use of second barn as additional parking area.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing mixed use building (brewery and agricultural) to a mixture of the following uses:
 - Conversion of front part (former brewery) to residential dwelling
 - Granny Annex ancillary to Smiths Farm including new window opening, replacement of an existing window with a pair of French doors and one new door opening
 - Conversion of (part) upstairs to a yoga/fitness studio/meditation room
 - Ancillary garaging/storage to Smiths Farm
 - Drying out of Oak (seasoning) is to be carried out in the two remaining areas of the building at first floor
 - Use of second barn as additional parking areaat Smiths Farm, Worldham Hill, East Worldham, Alton, GU34 3AT, in accordance with the terms of the application, Ref SDNP/20/00778/FUL, dated 17 February 2020, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Applications for costs

2. An application for costs was made by Mrs Tessa Godbert against South Downs National Park Authority. That application is the subject of a separate Decision.

Preliminary Matters

3. In July 2021 a revised National Planning Policy Framework (the Framework) was published. The Parties have had the opportunity to address this.
4. The property is variously referred to as Smith's Farm and Smiths Farm. For consistency I have adopted the term Smiths Farm for this Decision.

Main Issue

5. The main issue is whether the appeal site is an appropriate location for the proposed development taking account of local and national planning policy.

Reasons

6. The appeal site is within the South Downs National Park (the SDNP), an area which has the highest status of protection. It contains two buildings in a small cluster of dwellings. For simplicity in this Decision I will refer to the larger building as Building One and the other as Building Two.

Overall Development Strategy

7. The purposes of the National Park designation are: 1 - to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and 2 - to promote opportunities for the understanding and enjoyment of the special qualities of the SDNP by the public. The access to Building Two is shared with Hangars Way, a long distance footpath which runs along a series of steep-sided wooded hills, known as "The Hangers".
8. The buildings are of typical agricultural appearance. Building One has predominantly brick walls with multi-pitched corrugated asbestos roof; Building Two is steel framed and asbestos clad. There would be no need for substantial re-construction or extension for the proposed uses and part of the former brewery would be demolished. Both Buildings are prominent from the footpath. Bringing them into more productive use and investing in the external fabric would enhance the local landscape and increase enjoyment of passers-by as well as make good use of existing buildings. There would be no conflict with the purposes of the SDNP in these respects.
9. There appears to be no objection in principle to the conversion of the Buildings to different uses. However, the Authority considers that the options of uses other than the ones proposed might be more appropriate to the countryside location, accord more with other Policies in the LP, and should be explored first.
10. The evidence indicates that the appeal site was part of a significantly larger land holding, the Park Estate, much of which was used for hop growing. In the 1980s hop production in the south east of England declined and diversification of the wider estate took place including to non-agricultural uses.
11. The plan accompanying planning application Ref 20221/002 indicates that Building One was an oast house and Building Two was a hop picking shed. Permission was granted for the use of two bays in the oast house as a brewery and this part of Building Two would amount to previously developed land. During my site visit I saw some indication of ancillary domestic and workshop use in the rest of Building One but the planning status of this is unclear. For the purposes of this appeal I have therefore treated most of Building One and all of

Building Two as being formerly in agricultural use, as have the Authority and the appellant.

12. Policy SD25 of the South Downs Local Plan 2019 (the LP) directs development to defined settlements in the first instance as being the most sustainable locations. The appeal site is not within or near any defined Settlement Boundary and is in the countryside for planning policy purposes. In this respect the proposed uses would conflict with the thrust of the development strategy set out in Policy SD25.
13. The site is not allocated for development and I have seen no evidence that indicates any of the uses proposed have an essential need for a countryside location. The yoga studio would provide a community facility but this could potentially be accommodated elsewhere. Accordingly there would be conflict with LP Policy SD25(2)(a)(b)(c) in respect of all the proposed uses in this countryside location.

Change to dwelling from brewery

14. Land that is or was last occupied by agricultural or forestry buildings is excluded from the Framework definition of previously developed land. Policy SD25(2)(d) provides for appropriate reuse of a previously developed site and the supporting text explains this should be on a landscape first approach and pay full regard to Purpose 1 of the SDNP and to the special quality of an environment shaped by centuries of farming.
15. Notwithstanding the conclusion of the Authority, in my view the former brewery would amount to an employment site by virtue of the fact that, without a restrictive condition a change to one of the uses cited in LP Policy SD35 could occur without the need for planning permission¹. The Policy seeks to protect all existing employment sites from changes to non-employment use. Even without the marketing evidence required by Policy SD35, following my observations at my site visit I judge that, due to the small size of the space and the awkward levels, the former brewery would not be fit for the purposes of modern employment uses. Accordingly I conclude that changing its use would not in principle conflict with the provisions of Policy SD35. The Policy does not indicate what uses would be appropriate in this circumstance.
16. The proposal is for a modest dwelling and a small part of the brewery would be demolished to enable a small garden. Although there is a footpath along Worldham Way leading into East Worldham, where there is a limited range of facilities, future occupiers would be likely to rely on the private car for most day to day activities. However, occupiers of the type of accommodation considered more appropriate by the Authority would be likely to rely on the use of the private vehicle in much the same way and, as recognised in the Framework, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The proposed dwelling would not be isolated and future occupiers would support the local economy and community. As explained above the proposal would help enhance the local landscape.
17. Taking into account the above I consider that a small scale residential use as proposed would not be so inappropriate as to justify withholding permission. Moreover, even though the Authority asserts a robust housing land supply, the

¹ Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) as amended

addition of a dwelling to the local housing stock would accord with the aim of the Framework of increasing the supply of housing. Accordingly I find no conflict with the purposes of the SDNP or Policy SD25(2)(d) and the principles of the Framework in terms of appropriate use of previously developed land and conserving and enhancing the SDNP.

Change from agricultural to mixed ancillary uses

18. The agricultural part of Building One would be changed to a mix of an annex, garaging, storage, workshop and oak drying area with tractor storage in Building Two as ancillary to the dwelling known as Smiths Farm. Policy SD41 of the LP provides for the conversion of redundant agricultural or forestry buildings subject to criteria.
19. The layout and levels inside the agricultural part of Building One are awkward and would not, in my judgement, easily lend themselves to modern agricultural use and, due to intervening dwellings, the fishing lake and woodland, neither of the Buildings are well related to agricultural land. Apart from the demolition of a small part of Building One, externally the form, design, fabric and appearance of the Buildings would be broadly similar to the existing and would retain elements of an agricultural appearance. In this way the special quality of the rural environment as shaped by farming would not be materially harmed.
20. With regard to the criteria of Policy SD41 I find the Buildings are not isolated, being grouped with other buildings. They are served by existing infrastructure and within walking distance of the limited facilities available in East Worldham. However, even though the absence of demand for alternative uses has not been demonstrated, it seems to me that the layout, levels and size of Building One mean it is unlikely to be fit for purpose for modern brewery or most other employment uses.
21. The yoga/fitness studio/meditation room (the yoga studio) would provide a base for a service for the local community and there appears to be no suitable other local facility given that East Worldham Hall has limited parking, no disabled access and little useable outdoor space. There is some evidence of local demand for a yoga studio and this would provide employment opportunities and add to the leisure offer for visitors. I find no significant conflict with Policy SD41 in respect of the proposed yoga studio.
22. Building One as a whole would be too large for an agricultural worker's dwelling and the intervening dwellings, woodland and fishing lake indicates the siting would be inappropriate given that proximity to qualifying agricultural uses is often a key factor in demonstrating an essential functional need. I note that it seems unlikely that there would be a functional need for a worker at the Park Estate. Little supporting evidence has been supplied in this respect, or to the need for such workers accommodation in the local area, although the appellant has indicated that agricultural occupancy conditions have been lifted on a number of properties in recent years and this has not been challenged by the Authority.
23. Whilst it is normally for the appellant to demonstrate that their proposal meets planning policy, the Authority has not put forward any evidence of unmet local community need for affordable housing; nor has the Parish Council requested this. Due to the conversion works required and the awkward levels and configuration it seems unlikely to me that a housing enabler would find it

particularly attractive for affordable housing. Taking all the above into account I do not consider that the agricultural part of Building One would easily lend itself to the specific residential uses identified by the Authority as being more appropriate.

24. Policy SD31 of the LP allows for the provision of annexes and outbuildings for existing dwellings. Whilst the areas proposed are relatively large the Authority raises no objections in principle. I find no reason to come to a different view.
25. Building Two would need substantial reconstruction to be appropriate for uses other than parking or agriculture and would not be suitable as it stands for other uses. Moreover, it seems likely to me that even uses considered appropriate on the rest of the site would require parking facilities and Building Two would enable this without undue impact on the character and appearance of the area.
26. I find some conflict with Policy SD41 in that the appellant has provided little by way of evidence to rule out many of the alternative uses indicated as acceptable. However, on balance I consider the proposed mixed uses would not be inappropriate.

Conclusion on Main Issue

27. Planning Policies can pull in different directions. As set out above I find some conflict with Policy SD41 and Policy SD25 as only a small part of the site amounts to previously developed land; in terms of the uses proposed in this countryside location outside any defined settlement boundary; and in that the appellant has provided little by way of evidence to rule out many of the alternative uses indicated as acceptable by the Authority.
28. There is some risk that elsewhere there may be pressure for tourism related development or development that specifically needs a countryside location such as a rural workers dwelling and which could otherwise have been accommodated in the Buildings. The appellant has provided little evidence in relation to this.
29. However, in some respects, as set out above, the proposals comply with other Policies of the LP; the Framework; and the purposes of the SDNP. The proposed mix of uses would make efficient use of existing buildings, one of which is of substantial construction but of awkward internal arrangement, and would have a beneficial effect rather than harming the character and appearance of the rural character and landscape of the SDNP. In addition, the proposal would add to the housing stock; provide a base for a local community service; and add to the leisure offer for visitors; albeit in a small scale way.
30. I consider the conflict I have identified with parts of the LP Policies, to be outweighed by the benefits of bringing such substantial buildings back into beneficial use without causing material harm to the character and appearance of the local area and the SDNP. Taking all the above into account on balance I conclude that the proposed development would not be inappropriate in this location taking account of local and national planning policy.

Other Matters

31. The appeal site is within 5km of the East Hampshire Hangars, notable for their series of woodlands and orchids, and the Wealden Heaths Phase 2 Special

Protection Areas (the SPAs), which includes four Sites of Special Scientific Interest² notable for breeding bird species. The appellant submitted the Elite Ecology Shadow Habitat Regulations Assessment May 2020 and East Hampshire District Council, on behalf of the Authority, has undertaken two Habitats Regulation Assessment Screenings. These both indicate that the proposed development would not result in significant adverse effects, either alone or in combination with other plans and projects, on the integrity of the SPAs and that no further Appropriate Assessments are required. As competent authority I see no reason to come to a different view.

32. The Authority confirms that the site is not within 4km of Portsmouth Harbour and that this may have been erroneously identified in the submitted Elite Ecology Shadow Habitat Regulations Assessment May 2020. I need take no further action in this matter.
33. The Grade II Listed Heather Cottage (the LB) is a 17C thatched building. Its special character arises from the original historical architecture and construction facing towards Worldham Hill. Although there is some intervisibility between the LB and the appeal site, because of the more modern extensions to the rear of the LB, which project towards Building 1, the proposed development would not harm its significance or the setting in which it is appreciated.
34. The Authority granted planning permission for the conversion of a barn at Manor Farm, Worldham Hill planning Ref SDNP/21/03474/FUL. However, this is close to the Settlement Boundary and the Officer Report indicates that more evidence was put forward by that appellant in relation to consideration of alternative more appropriate uses: for example estimates of the costs of conversion. As such I do not consider it to be a precedent for this appeal.

Conditions

35. I have considered the conditions proposed in the light of the Framework and the Planning Policy Guidance (the PPG). Where appropriate I have made amendments to ensure the conditions more closely follow the guidance.
36. As well as the standard condition specifying the time limits for the commencement of development, compliance with the approved plans is necessary to provide certainty. Materials for external surfaces should be controlled and details of landscaping approved and implemented in the interests of the appearance of the area. Conditions requiring full details of vehicle and cycle parking and of climate change mitigation and adaption, together with their implementation, are necessary to ensure adequate provision is made.
37. A condition ensuring the annex, garage, store and oak drying room are used only for purposes incidental and/or ancillary to the enjoyment of the dwelling house, Smiths Farm, is necessary for the avoidance of doubt and to ensure no adverse effects on the living conditions of occupiers of Smiths Farm.
38. The PPG advises that conditions restricting permitted development rights should not normally be imposed. However, in this case because of the unusual nature of Building One and the countryside location, control over potential

² Woolmer Forest SSSI (and SAC); Broxhead and Kingsley Commons SSSI; Bramshott and Ludshott Commons SSSI; and Devil's Punch Bowl SSSI.

future uses in place of the yoga studio and over the construction of extensions, curtilage buildings and roof alterations is necessary.

39. Limitations on the hours of operation and number of attendees at the yoga studio together with the implementation of appropriate noise insulation are necessary to mitigate noise and disturbance for neighbouring residents. Obscure glazing of specified windows is necessary in the interests of privacy.
40. Control over external lighting and light spillage from any rooflights is necessary in the interests of Dark Skies policy. The implementation of the recommendations in the Elite Ecology Reports is necessary in the interests of protected species, increasing biodiversity and to protect public health.

Final Conclusion

41. For the reasons given I conclude that the appeal should succeed.

S Harley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2719-01 Rev J; 2719-02; 2719-03 and L1438 – Truss Calculations; Floor Structure; Roof Structure and Structural Inspection of Existing Buildings Report; Asbestos PR06056 Assessment Report; Bat Activity Report October 2020; Elite Ecology Ecosystems Services Statement July 2020 and Elite Ecology Shadow Habitat Regulations Assessment May 2020.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the annex, garage, store and oak drying room hereby permitted shall be used only for purposes incidental and/or ancillary to the enjoyment of the dwelling house (Smiths Farm) and for no other purpose and from which it shall not be let, sold separately, or severed thereafter.
- 4) That part of the first floor of the building to be converted to a yoga studio shall be used as yoga/fitness studio/meditation room and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).
- 5) The yoga/fitness studio/meditation room use hereby permitted shall not take place other than between the hours of 10:00 - 18:00 Monday to Saturday, with the exception of 2 working days a week which are able to finish at 20:00, and there shall be no use on Sundays or Public Holidays. There shall be maximum of 3 yoga studio classes per day, with the maximum number of 15 attendees per class.
- 6) The yoga/fitness studio/meditation room use hereby permitted shall not be brought into use until details of noise mitigation between the new dwelling, granny annex and the yoga/fitness studio/meditation room (the use of sound proofing/noise insulating material is expected) have been submitted to and approved in writing by the Local Planning Authority. The details shall be prepared by a competent person for the purpose of assessing potential noise nuisance. The approved details shall be fully implemented before the yoga/fitness studio/meditation room use hereby approved is commenced and shall be installed and maintained in accordance with the approved details and retained thereafter.
- 7) Before the first occupation of the building hereby permitted the new window/windows on the first floor eastern elevation serving a WC for the new dwelling and first floor southern elevation serving the yoga/fitness studio/meditation room shall be fitted with obscure glazing. The windows shall be non-opening below 1.7 metres from the finished floor level of the room in which the window is installed. The windows shall be permanently retained as such.
- 8) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A, B, or E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.
- 9) No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.
 - 10) The development hereby approved shall not be first brought into use until a fully detailed hard and soft landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless suitable alternative species are otherwise agreed in writing by the Local Planning Authority.
 - 11) No external lighting shall be installed on the buildings or within the site unless details have first been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and thereafter retained in accordance with the approved details. This exclusion shall not prohibit the installation of internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.
 - 12) The development hereby approved shall not be first brought into use until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority, demonstrating how internal light spillage from any/all rooflights will be mitigated. The development shall be carried out in accordance with the approved scheme and retained thereafter.
 - 13) The development hereby permitted shall be carried out in accordance with the details set out within the Elite Ecology Ecosystem Services Statement July 2020 and retained thereafter.
 - 14) Development shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the Bat Activity Survey Report - Elite Ecology (September 2019, amended and received 19.10.2020). The ecological mitigation, compensation and enhancement measures shall be installed as per the ecologists' instructions and retained in perpetuity in a condition suited to their intended function.
 - 15) The yoga/fitness studio/meditation room hereby permitted shall not be brought into use until finalised details for the on-site provision of parking and cycle storage facilities have been submitted to and approved in

writing by the Local Planning Authority. The development shall not be occupied until the approved parking and cycle storage facilities have been constructed in accordance with the approved details which shall thereafter be retained and kept available for use in connection with the yoga/fitness studio/meditation room use hereby approved.

- 16) No development above slab level shall commence on site until a scheme has been submitted to, and agreed in writing by, the Local Planning Authority to demonstrate, proportionately, how the development addresses climate change mitigation and adaptation through the on-site use of zero and/or low carbon technologies, sustainable design and construction, and low carbon materials. Before any part of the development is first occupied/in use a verification report and completion certificate shall be submitted in writing to the Local Planning Authority confirming that the built development hereby permitted has been constructed in accordance with the approved scheme. The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide these requirements. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.
- 17) As specified in the Elite Ecology Shadow Habitat Regulations Assessment May 2020 immediately prior to removal the asbestos roof should be doused with water containing a suitable reagent in order to minimise the amount of dust that would be created. Where possible, the roof pieces should be removed as a whole and not broken to reduce the amount of asbestos dust that would be created. Any residual dust and water/reagent mix should be cleaned up with damp rags and clearly marked. These should then be double wrapped in plastic sheeting, securely sealed and then correctly disposed of.

End of Schedule