



Appeal Decisions

Site visit made on 9 March 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal A Ref: APP/Y9507/W/21/3286868

Soberton Mill, Mill 10m South West of Mill House, Wickham Road, Swanmore SO32 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs I Lyndon-Skeggs against South Downs National Park Authority.
 - The application Ref SDNP/20/04174/HOUS is dated 10 September 2020.
 - The development proposed is conservation, alterations and additions to Soberton Mill to provide ancillary accommodation for use in connection with The Manor (Soberton Mill House).
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Appeal B Ref: APP/Y9507/Y/21/3286869

Soberton Mill, Mill 10m South West of Mill House, Wickham Road, Swanmore SO32 2QF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr & Mrs I Lyndon-Skeggs against South Downs National Park Authority.
 - The application Ref SDNP/20/04175/LIS is dated 10 September 2020.
 - The works proposed are conservation, alterations and additions to Soberton Mill to provide ancillary accommodation for use in connection with The Manor (Soberton Mill House).
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Decisions

1. Appeal A is dismissed, and planning permission for “conservation, alterations and additions to Soberton Mill to provide ancillary accommodation for use in connection with The Manor (Soberton Mill House)” is refused.
2. Appeal B is dismissed, and listed building consent for “conservation, alterations and additions to Soberton Mill to provide ancillary accommodation for use in connection with The Manor (Soberton Mill House)” is refused.

Preliminary Matters

3. The proposed development and works affect a listed building, and I have therefore had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Both appeals relate to the same site and raise similar issues, and I shall therefore consider them in a single document, in the interests of brevity.

4. The appeals are against the Authority's failure to give notice, within the prescribed timescales, of decisions on applications for planning permission and listed building consent. However, the Authority has confirmed that, had it been in a position to determine the applications, planning permission and listed building consent would have been refused.

Main Issues

5. The main issues are:

- Whether the proposed development and works would preserve the special architectural and historic interest of the Grade II building known as Mill 10 metres south west of Soberton Mill House; and
- In respect of Appeal A, the effect of the proposal on protected species.

Reasons

Heritage assets

6. Set within picturesque, verdant grounds, the appeal building is a Grade II listed mill which, according to the listing details, dates from the early eighteenth century. It lies within proximity to the Grade II listed building known as Soberton Mill House, which would have been built at a similar time as a residential property in connection with the mill.
7. The significance of the appeal building derives primarily from its historic interest as a former water powered corn mill but also its architectural interest, with its simple appearance reflecting its use as a small-scale industrial building. The structure is currently in a very poor state of repair which renders it largely unusable, and neither the water wheel, nor the millstones or any milling machinery remain in situ. Nevertheless, and despite numerous alterations, the building retains several elements acting as a testimony of its previous use.
8. The building is split over four levels (two in the roof), which reflect the typical internal layout of a water mill, with a lower floor housing the machinery, a middle floor where the grain was milled and the upper floors for storage. The south-west gable is particularly interesting in that regard, as it shows openings at the four levels. Features of interest also include an internal curved recess at the lowest level of the southern eastern wall, and semi-circular structure, which would have been subsequently constructed when the wheel was relocated externally. This arrangement, which is uncommon in English mill design, adds to the special interest of the appeal building.
9. Whilst the façade (south-east) and gables (south-west and north-east) would undergo relatively limited changes, the proposed development and works would significantly alter the character and appearance of the north-west elevation. The contemporary design approach of the extension, which is largely glazed, is intended to provide a contrast with the historic mill. However, notwithstanding this, the new addition would, together with the proposed terrace across the full width of the building and associated railings, as well as the rooflights, give the appeal premises an overtly domestic appearance. As a result, the proposed alterations and additions would dilute its original character as a functional, industrial building, to the detriment of its significance as a designated heritage asset.

10. The harm would be exacerbated by the proposed changes to the internal layout of the building, which would unacceptably erode the appreciation and understanding of this former industrial structure. Whilst the functioning mill may have been historically more open to accommodate the milling machinery, its subdivision over four levels is also an important component of the building's significance.
11. The proposed development and works would cause less than substantial harm to the special architectural and historic interest of the Grade II listed building, to which I ascribe considerable importance and weight. In accordance with paragraph 202 of the National Planning Policy Framework (the Framework), the harm identified should therefore be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The appellants' submissions confirm that the appeal building experiences significant decay and structural issues. Notwithstanding this, some repair works could be carried out to address the building's poor condition, irrespective of the appeal scheme. There is no doubt that the appeal scheme would enable the listed building to be brought back into use and secure its long term future as a designated heritage asset, which may be regarded as public benefits. The proposal would provide additional living accommodation for the occupiers of Soberton Mill House, but this would be a private benefit. Overall, I have been presented with no public benefits which would outweigh the harm to the appeal building.
13. For the foregoing reasons, the appeal scheme would fail to preserve the special architectural and historic interest of the Grade II listed mill, and would consequently be contrary to Policies SD5 and SD13 of the South Downs Local Plan¹ (SDLP). These seek to ensure that development proposals are of a sensitive and high quality design, whilst preserving and enhancing the significance of listed buildings and their setting, by demonstrating that loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided. I however find no conflict with Policy SD14 of the SDLP, which relates to works affecting heritage assets to adapt to or mitigate the effects of climate change, and is considered of limited relevance to the scheme before me.

Protected species

14. The appeal building lies within the River Meon Site of Importance for Nature Conservation (SINC). The site is also near a number of other SINCs and forms part of the South Downs National Park, which comprises a diverse mosaic of habitats that supports many rare and important wildlife species. Many of these habitats are recognised through various international, national and local nature conservation designations.
15. The planning application subject to Appeal A was supported by a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment Survey (PRAS) prepared by Arbtech. These have ascertained the presence of bat roosts within the appeal building, which may have been used by long-eared bats and crevice-dwelling bats. The proposed development and works would lead to the destruction of existing bat roosts, and thus result in a breach of the protection afforded to bats by the Habitats Regulations. In such circumstances, a

¹ Adopted 2 July 2019.

European Protected Species (EPS) licence would normally have to be obtained from Natural England prior to commencement of the works.

16. The PEA and PRAS recommend bat emergence and re-entry surveys to be undertaken during the active bat season (the optimal survey period being between mid-May and August), but these do not appear to have been carried out to date. The building, hedgerows and trees on site also provide suitable nesting habitat for birds. Furthermore, the wider site includes ruderals and grassland which could support reptiles, but these are unlikely to be affected by the appeal scheme.
17. Circular 06/2005 advises that it is 'essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'. As there is a reasonable likelihood of protected species being present, the relevant surveys should be carried out before planning permission is granted, in accordance with national planning policy and guidance.
18. Having regard to the recommendations set within the PEA and PRAS, and in light of the advice contained within the Circular, this matter cannot be satisfactorily addressed through the imposition of a planning condition. Whilst I note that the past months are not considered a suitable time of year to carry out the required surveys, these do not amount to the exceptional circumstances, which would provide justification to address the matter by way of condition.
19. Therefore, and in the absence of further substantive evidence to the contrary or details of the mitigation measures which may be required, there is no certainty that the proposal could proceed without causing unacceptable harm to protected species, with particular regard to bats. Accordingly, there would be conflict with the requirements of paragraph 180 of the Framework.

Other Matters

20. No concerns have been raised by the Authority in respect of the effect of the proposal on the South Downs National Park or the setting of the Grade II listed Soberton Mill House, and there are no reasons for me to reach a different view. I am therefore satisfied that the appeal scheme would preserve the special interest of the Grade II listed Mill House as derived from its setting, and conserve the landscape and scenic beauty of the South Downs National Park.

Conclusion

21. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR