

Appeal Decision

Site visit made on 24 November 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 December 2022

Appeal Ref: APP/N1710/W/22/3297568

Sunacres Cottage, Shalden Lane, Shalden, Alton, GU34 4DT

- 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 S Hirst against the decision of East Hampshire District Council.
 - The application Ref 28652/025, dated 20 December 2021, was refused by notice dated 11 March 2022.
 - The development proposed is the conversion of part of building to a one bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of part of building to a one bedroom dwelling at Sunacres Cottage, Shalden Lane, Shalden, Alton, GU34 4DT in accordance with the terms of the application Ref 28652/025, dated 20 December 2021, subject to the following condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no extensions or other alterations shall be made to the building and no outbuildings shall be erected within its curtilage.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding countryside.

Procedural matter

3. The development subject of the appeal has already taken place in that part of the building concerned has already been converted to a dwelling and is occupied. The appellant, in effect, wishes to retain the residential use made of part of the building and I shall proceed on this basis.

Reasons

4. The appeal property forms part of an enclave of buildings set in the heart of the Hampshire countryside. The site is set slightly apart from Shaldon's core, with access derived from a lane where sporadic development is evident. The nearby buildings include two relatively modern bungalows and outbuildings, and the appeal is concerned with one of them.

5. I note from the account of the planning history provided by the principal parties that the outbuilding was granted planning permission in 2019. Since then, approximately half of the building has received permission to be used as residential accommodation, albeit its use is restricted by condition to be ancillary to the use of Sunacres Cottage.
6. The appeal is concerned with the other half of the outbuilding. Its lawful use is domestic garaging, but as mentioned above, this part of the outbuilding has been converted to residential use; it has a small external amenity area and a parking space.
7. The Council rely principally on the provisions of the development plan to oppose the development. The two policies relied upon and cited in the decision notice are CP19 of the JCS¹ and saved policy H14 of the LP². Both policies are similar in their intent in that they are designed to restrain development in the countryside, defined as the areas beyond designated settlement boundaries. The Council acknowledges that exceptions to the general policies could be made, but only for development, including limited categories of housing, where there is a proven need for a countryside location.
8. In the case of JCS policy CP19, its stated objective is '*to protect the countryside for its own sake*'. In the Council's view the development is contrary to the provisions of both policies since it has not been demonstrated that there is a genuine and proven need for a countryside location.
9. The appellant accepts that the site lies in countryside outside any designated settlement boundary. However, he takes the view that the policies relied upon by the Council are '*superseded*' by the Framework³ in so far as it relates to the provision of dwellings in rural areas by way of subdivision or conversion.
10. As the Council correctly reminds me in its representations, I am required to determine this appeal in accordance with the development plan unless the material considerations indicate otherwise. The provisions of the Framework are important material considerations for decision making, and the appellant has drawn my attention, in particular, to the provisions of paragraph 80 which provides that the development of isolated⁴ homes in the countryside should be avoided unless certain specified circumstances apply.
11. The range of circumstances where isolated homes in the countryside may be considered favourably goes beyond the limitations specified in the local development plan policies cited by the Council. It includes circumstances where the development would re-use a redundant or disused building. The appellant refers to part of the building as being redundant, which is contested by the Council for the reasons set out in its submissions.
12. The Framework does not contain a definition of what is meant by a redundant building. To my mind, however, it means a building, or part of it, which is no longer needed for its original purpose and is superfluous. Its' modernity does

¹ East Hampshire District Local Plan: Joint Core Strategy 2014

² East Hampshire District Local Plan: Second Review 2006

³ National Planning Policy Framework 2021

⁴ I have noted the appellant's reference to the outcome of the *Braintree* High Court case, but the circumstances of that case are materially different to this not least because it involved the construction of two new dwellings, and the Council could not demonstrate a 5 year supply of housing land, which meant that policies relied upon by the council were considered out-of-date.

not prevent a building from becoming superfluous. The appellant has pointed to the provision of other, new garaging facilities within the group of buildings, which the Council has not disputed. To my mind, the development falls neatly within this category of development set out in the Framework, and the change of use has also resulted in an enhancement of the building's immediate setting in that the utilitarian appearance of a garage has been replaced with a building of a more domestic appearance.

13. I note from the officer report that an assessment was made of the impact of the development on the character of the building and local area, on the amenity of neighbouring properties and highway implications. For the reasons set out in the report no adverse impacts were found, and I have no reason to disagree with the assessments made, particularly since the development is effectively screened from public view by woodland. Since the development lies within an enclave of residential properties, the impact on local character would be minimal.
14. The aim of the development plan policies referred to by the Council is to prevent unnecessary development in the countryside, which is to be protected for its own sake. However, the policies precede the publication of the latest edition of the Framework which provides that there will sometimes be circumstances where the provision of a new home in the countryside outside settlement boundaries may not be unacceptable.
15. For the reasons set out above I find that this is such a case. The development involved the conversion of part of a redundant building, which has not harmed either the character or the appearance of the surrounding countryside. Accordingly, the material considerations in this case indicate to me that the provisions of the development plan need not be strictly adhered to.

Other matters

16. The Council has not suggested that any conditions are required in the event of the appeal being upheld. Since the development is complete, I do not consider any are necessary other than, in the interests of visual amenity, a condition removing permitted development rights is imposed.
17. I have taken account of all other matters raised in the representations including the objections made by the Parish Council.
18. No other matter raised outweighs those considerations which led me to my conclusions.

G Powys Jones

INSPECTOR