



Appeal Decision

Site visit made on 31 May 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/N1730/W/22/3308655

Swaines Hill Manor, Swaines Hill, South Warnborough, Alton, Hampshire 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 Earls Gate Hampshire Ltd against the decision of Hart District Council.
 - The application Ref. 22/01125/FUL, dated 23 May 2022, was refused by notice dated 29 July 2022.
 - The development proposed is demolition of four agricultural buildings and erection of two 4 bedroom dwellings with associated access, parking, landscaping and private amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of four agricultural buildings and erection of two 4 bedroom dwellings with associated access, parking, landscaping and private amenity space at Swaines Hill Manor, Swaines Hill, South Warnborough, Alton, Hampshire GU34 4DP, in accordance with the terms of the application, Ref. 22/01125/FUL, dated 23 May 2022, and subject to the conditions listed in the Annex to this decision.

Preliminary Matters & Main Issue

2. On 19 November 2021 an appeal to demolish the 4 no. agricultural buildings and construct 2 no. dwellings with access, parking and landscaping on the appeal site was allowed (Ref. APP/N1730/W/21/3280002) (2021 Appeal). In reaching that decision the Inspector found that the appeal scheme was contrary to policy SS1 of the Hart Local Plan (Strategy & Sites) 2032 (April 2020) (Local Plan), which set out the Council's spatial strategy seeking to focus development within defined settlements or on allocated sites or on previously development land, none of which applied to the appeal site. The Inspector also found that the appeal scheme conflicted with policy NBE1 of the Local Plan, which set out the criteria for development on land located outside a defined settlement, none of which applied to the development.
3. Even so, the Inspector attached significant weight to extant planning permissions to convert two of the existing buildings into new dwellings and agreed that this was a realistic fallback option should the appeal be dismissed. The Inspector went on to consider, therefore, the relative effects of the appeal scheme compared to the extant fallback scheme, and concluded that the effects of the former, on the character and appearance of the rural area, would

be far more positive than those of the development which was the subject of the extant permissions.

4. The parties to this appeal agree that the 2021 Appeal scheme represents a realistic fallback option to which weight should be attached and that the principal consideration that arises from the current appeal proposal is whether the revised scheme for two dwellings, in terms of its scale, bulk, design and architecture, would be appropriate for this rural location.
5. There is no new evidence before me that would lead me to reach a different finding to that of the previous Inspector in relation to the principle and acceptability of redeveloping the site to provide two new dwellings. There has been no change in planning circumstances that requires me to review the principles that have already been established through the 2021 Appeal decision. Similarly, I agree with the parties that the 2021 Appeal is a realistic fallback and I attach significant weight to this based on the likelihood that this extant permission could be implemented in the event that the current appeal was not successful.
6. Accordingly, I have determined the appeal on the basis that the main issue relates to the effect of the proposed development on the character and appearance of the rural area and its landscape setting.

Reasons

7. The Council contend that the appeal proposal by virtue of its scale, bulk, design and architecture, would represent an incongruous and suburban form of development that would not complement or be sympathetic to the rural character of the area or other residential development nearby. In support of this objection the Council allege that the proposal would be contrary to the National Planning Policy Framework (July 2021) (Framework), policy NBE9 of the Local Plan and saved policy GEN1 of the Hart District Council Plan 1996-2006 (December 2002) (District Plan). Policies NBE9 and GEN1 seek, amongst other requirements, to ensure that new development: is in keeping with local character in terms of its scale, design, massing, materials and layout; positively contributes to the overall character of the area; incorporates the architectural qualities of its surroundings; and supports innovative designs where they are sensitive to their surrounds and improve the quality of the landscape.
8. A broadly similar approach is set out in paragraph 130 of the Framework, which also reemphasises that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Similarly, paragraph 134 b) of the Framework states that significant weight should be given to innovative designs that help raise the standard of design more generally in an area provided the proposal fits in with the overall form and layout of their surroundings. The National Design Guide (NDG) (January 2021) reinforces the latter, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
9. The Council's submissions indicate that, in comparison to the approved layout within the 2021 Appeal, Plot 1 in the current appeal scheme has been slightly repositioned, but that Plot 2 remains in a similar position to that approved. Whilst the Council do not object to these changes, they do object to the more

- contemporary appearance of the new dwellings which they contend would not be acceptable in this rural location. The Council allege that the revised dwellings contrast markedly with those approved in the 2021 Appeal, with the latter showing a more traditional barn style development that they consider would integrate more successfully with the rural character of the area.
10. Based on the evidence before me and my observations on site, I do not share the Council's concerns in this respect. There is no doubt that the removal of the existing four buildings would represent a significant benefit. These buildings, which are in a poor condition as are the open areas that surround them, detract from the appearance of the rural area and do not contribute positively to its landscaped setting.
 11. Whilst I accept that the 2021 Appeal scheme included a more traditional design approach, there is no reason why other design approaches, whether they are options based on the same theme or include a contemporary or more modern innovative approach would not be acceptable and work successfully on the appeal site. As I observed on my site visit, the intervisibility between the site and its surroundings is limited, as are public views of the site. The western boundary to Pickaxe Lane comprises a strong boundary of mature trees and hedging, which only allows glimpsed views from the Lane, principally at the two access points into the site. Moreover, the Lane is not busy and it leads to a dead end just further south.
 12. Mature screening is repeated on the northern boundary of the site, with open fields on most of its southern boundary (other than the adjoining two storey cottages to the south fronting onto the Lane) and on its eastern boundary with the land then rising to a band of mature trees/hedging on the southern side of Sowcroft Lane. Whilst I walked along Sowcroft Lane and a Byway that enters the band of trees, there were no clear views of the appeal site and although there would be less greenery in the Winter, that is unlikely, in my view, to increase to any great extent the views of the site from this location. Moreover, whatever scheme comes forward would lead to the domestication of the site, but the benefit of the proposal is that it would offer the opportunity to provide large areas of greenery in the form of lawns, landscaping and new planting that would enhance and strengthen the mature vegetation that is already to be found on the site.
 13. As I also observed on my site visit the surrounding area is characterised by individual properties and small pockets of residential development, some with generous plots that include formal and informal gardens and large outbuildings. A number of these properties comprise large two storey houses, as is shown in Appendix E of the Appellants Statement of Case. These properties vary in terms of their scale, layout, style, form, design and materials. There is no uniform style or prevailing form. Even so, these properties are part of the established character of the area and they do not, in my view, detract from its rural character or wider landscape setting, and in a number of cases contribute positively to both. Within this context, the style, form and design of the appeal proposal would not appear inappropriate and would still secure a high quality scheme that would add to the variety of architectural styles that exist in the area.
 14. I am also satisfied that the design of both new dwellings take note of the style, form and architectural features of other properties in the area and seek to

incorporate them. These details include the use of different ridge heights, projecting gables, dormers and single storey additions, all of which assist in breaking up the main elevations, reducing their bulk and appearing subservient and proportional. In relation to Plot 2 this would have a similar footprint to that of the new dwelling within the 2021 Appeal scheme and the barn that it would replace. Whilst the footprint of Plot 1 would be larger than that approved in 2021, that increase would not, in my view, be significant. A certain amount of this increase would result from the single storey additions.

15. As I confirmed earlier, the appeal proposal would replace the dilapidated modern agricultural buildings, which are of no merit or value, with a spacious development of two new dwellings set within large plots, with an acceptable pallet of materials and the potential for enhanced tree planting/landscaping. The latter would offer the opportunity to supplement the existing landscaping and mature trees on the western and northern boundaries, and secure new hard and soft landscaping on the southern and eastern boundaries. This would enable the development to integrate further with its landscape setting and add to the overall high quality of the proposed layout.
16. Overall, I am satisfied, therefore, that the appeal proposal would not represent an incongruous or suburban form of development and that, on the contrary, the proposal would complement and be sympathetic to the rural character of the area and its landscape setting. In reaching this finding I have had regard to the fact that the appeal site is located within Hart Down Character Area 15 of the Hart District Landscape Assessment. However, this consideration does not affect my overall findings on the acceptability of the proposal. Moreover, there is no substantive evidence before me to demonstrate why the proposed designs would not be appropriate in this rural location or any detailed assessment or justification that would lead me to reach a different finding on this issue.
17. Accordingly, I find that the appeal proposal would be acceptable and would not result in any harm to the character and appearance of the appeal site and its rural location, and would thus comply, in these respects, with policy NBE9 of the Local Plan, saved policy GEN1 of the District Plan and the corresponding policies of the Framework.

Other Matters

18. Concerns have been raised by interested parties regarding increased traffic, road safety, noise, substandard local infrastructure, ecology and impact on trees. However, there is no detailed evidence before me to suggest that any of these concerns would result in any harm or any conflict with the relevant policies of the development plan or Framework. I note that they are not issues that the Council have raised and that these matters were properly assessed in the Council's Delegated Report in response to the Appellants submissions and consultee responses, and that the Council concluded that none of the issues raised any harm or any objections or were matters that could be adequately controlled by conditions. I am satisfied, therefore, that none of these issues would result in any material harm.

Conditions

19. The Council has suggested a number of conditions which I have considered against the advice in the Framework and the Planning Practice Guidance (PPG)

chapter on the use of planning conditions. I have also had regard to the Appellant's Final Comments, dated 13 April 2023, which raised no objections to the suggested schedule of conditions set out in Appendix 1 of the Council's Appeal Statement.

20. Conditions relating to compliance with the approved plans and documents, and requiring the submission and approval of details of materials, a soft and hard landscaping strategy and Surface Water Drainage Scheme, are reasonable and necessary in the interests of securing a high quality sustainable development, ensuring that the external finishes and detailing of the permitted dwellings are acceptable and to minimise the risks to the public from increased onsite and offsite flooding. I have, however, amended some of the plan numbering as those suggested by the Council were not consistent with the application plans before me.
21. I also consider that a condition requiring the provision of the approved car parking, cycle parking and areas for manoeuvring, turning and loading, prior to the occupation of the permitted dwellings, is necessary and reasonable in the interests of highway safety, to ensure adequate on-site parking and to promote sustainable modes of transport.

Conclusion

22. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex – Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan (220309-01) Block Plan (190713-105); Plot 1 Design Scheme (220309-102A); Plot 2 Design Scheme (220309-103); Site Plan (190713-104B); Ecological Assessment Report (ABR Ecology, June 2022).
- 3) No works relating to the construction of the permitted dwellings, driveway or parking areas shall begin until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved Scheme.
- 4) No work or development above ground level shall take place until a detailed external materials schedule (including manufacturer's product links, brochures or samples as relevant) has 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.

- 5) Notwithstanding the submitted information, prior to the completion of the building envelope of the dwellings hereby permitted, a hard and soft landscaping strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include for species the location, supplied sizes, planting pit details, supplementary support details and a timetable for planting. Once approved, the submitted details shall be provided on site within one year following such approval in respect of the hard landscaping works or in the first planting season following approval in respect of the soft landscaping works.

Any trees or plants which, within a period of five years after approved completion, are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved.

- 6) Prior to the occupation of the dwellings hereby permitted, the areas for the turning, manoeuvring, loading and unloading of vehicles, the parking of vehicles and secure cycle parking shall be laid out as identified on the approved plans and shall thereafter be retained free of any obstruction to their intended use for the lifetime of the development. Secure cycle storage for 6 no. cycles shall be provided within the application site and the spaces so provided shall be thereafter retained for that purpose.

End of Annex.