



Appeal Decision

Site visit made on 6 June 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/N1730/W/22/3311454

Beeches, Bramshill Road, Heckfield, Hook, Hampshire RG27 0LA

- 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 J Vermeulen against the decision of Hart District Council.
 - The application Ref 22/01369/FUL, dated 24 June 2022, was refused by notice dated 14 September 2022.
 - The development proposed is construction of new barn on existing footprint and additional new hard surface for support of winery activities after demolition of existing stables and garage.
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Decision

1. The appeal is allowed and planning permission is granted for construction of new barn on existing footprint and additional new hard surface for support of winery activities after demolition of existing stables and garage at Beeches, Bramshill Road, Heckfield, Hook, Hampshire RG27 0LA in accordance with the terms of the application, Ref 22/01369/FUL, dated 24 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; PLA001 Rev D; PLA003 Rev D.

Main Issues

2. The main issues are:
 - Whether the site is a suitable location for the proposal having regard to the development strategy for the area; and
 - The effect on the proposal on biodiversity, with particular regard to bats.

Reasons

Suitability of location

3. The appeal site is located outside of defined settlement boundaries in the countryside. It comprises a detached house, separate recently constructed annex, and a number of outbuildings, including a stable block and garage that are to be demolished and replaced by the proposed barn. There is also a vineyard.

4. I saw on site that the stable block is currently being used to store equipment and materials, which appeared to be associated with the vineyard. Whereas the garage contained domestic items such as bicycles.
5. The proposed barn would be used for the storage of equipment and other items associated with the vineyard, as well as a range of other activities including bee keeping and farming. It would also store the appellant's personal tools and machinery, firewood, and vehicle. The upper floor would be used as an office and testing area for the wine.
6. Policy NBE1 of the Hart Local Plan (Strategy and Sites) 2032 (2020) (Local Plan) supports development in the countryside but only in specific circumstances. In terms of the proposal, criteria b), i) and j) are relevant. I assess the proposal against each in turn below.
7. Criteria b) of Policy NBE1 of the Local Plan supports development proposals where they are providing business floorspace to support rural enterprises.
8. There is conflicting evidence before me about whether the vineyard is intended to be a business or for personal use. There is also no substantive evidence, if intended to be a business, that the winery would be a viable business. To the contrary, the Agricultural Statement¹ submitted as part of the application states that the vineyard is not large enough to be a business and it is confirmed in the appellant's statement that the viability of the winery as an enterprise is uncertain. Given this, while the proposed barn would be used to support the vineyard, based on the evidence before me, I cannot be certain that the vineyard would ever develop into a viable winery business.
9. Although not referred to on the Council's Decision Notice, Policy ED3 is also relevant in this regard. It supports development proposals for economic uses in the countryside provided they meet certain criteria. In terms of the appeal proposal, a replacement building would be supported in line with Policy NBE1. This is assessed below. In addition, criteria d) of Policy ED3 supports development proposals where they provide business floorspace that would enable the establishment of rural enterprises. Nevertheless, as concluded above, from the evidence before me, I cannot be certain that the proposal would enable the establishment of a rural enterprise.
10. Consequently, there is not sufficient evidence to demonstrate that the proposed barn would meet either criteria b) of Policy NBE1 or criteria d) of Policy ED3 of the Local Plan.
11. Criteria i) of Policy NBE1 of the Local Plan supports development proposals where they are for a replacement building that is not temporary in nature, provided that the proposal does not require substantial rebuilding, extension or alteration.
12. The existing stables and garage are permanent buildings and are not in need of substantial rebuilding. Nonetheless, by virtue of its height and depth, the proposed barn would be significantly larger than the existing outbuildings, despite having a smaller footprint. While the stable block may have a deeper concrete footprint than the proposed barn, this does not make the stable block structure itself appear any deeper.

¹ Agricultural Statement, Proposed timber framed garage at Beeches, Bramshill Road, Heckfield, RG27 0LA, prepared by Jason Smith – My Oak Frame Ltd.

13. I recognise that the proposed barn has been designed to try and mitigate the increase in height. However, it would be more than double the height of the existing outbuildings. Therefore, notwithstanding the change in ground levels between the outbuildings in this location, it would appear much taller. Moreover, the dormer windows would add to the bulk of the roof profile, which would emphasise its height.
14. Overall, although the proposed barn would be located on the edge of the site against a backdrop of tall trees, it would appear as a larger building than the outbuildings that it would be replacing. Consequently, it would not meet criteria i) of Policy NBE1 of the Local Plan.
15. Criteria j) of Policy NBE1 of the Local Plan supports development proposals where they are located on suitable previously developed land appropriate for the proposed use.
16. The land where the proposed barn would be located is previously developed land. Given that the land currently contains outbuildings, it would appear to be a suitable location for the proposed barn.
17. The proposed barn would comprise a slightly different mix of uses to the existing stables and garage. Nevertheless, there is no substantive evidence before me that the previously developed land would not be appropriate for the proposed use. In fact, given that the paddock associated with the stables is now a vineyard, it may be considered that the proposed mix of uses is more appropriate than the existing.
18. Furthermore, the proposal, while larger than the stables and garage, is not excessively large and would be positioned in a similar location to the existing outbuildings. The Council consider the context of the site would mean that the proposed barn would not be prominent and would satisfactorily integrate with the character and appearance of the area. Based on the evidence before me and my observations on site, I am of the same view. Therefore, whether or not the scale of the proposed barn would be ancillary to the residential occupation of Beeches or more a commercial scale related to the production of wine at the site, it would be appropriate to the site's rural context.
19. Accordingly, for the reasons above, the proposal would meet criteria j) of Policy NBE1 of the Local Plan. It would therefore accord with Policy NBE1 as a whole, which seeks to protect the countryside from inappropriate types and scale of development.

Biodiversity

20. After the application was determined, the appellant submitted a bat survey² to the Council that concludes the outbuildings at the appeal property to have negligible potential for roosting bats. The Council's Biodiversity Officer has accepted the findings of the survey. Subsequently, they have no objection to the proposal in this regard and consider that no further survey work is required for bats. From the evidence before me, I am of the same view.
21. The proposal would therefore accord with Policy NBE4 of the Local Plan and the associated provisions of the National Planning Policy Framework (Framework),

² Preliminary Ecological Appraisal (Bats) at Beeches, Bramshill Road, Heckfield undertaken by Urban Tree Experts, dated 25 September 2022, Ref: SPH/ET/PEA-22/13.09.

which together seek to conserve and enhance biodiversity. For the same reasons, it would also accord with the Conservation of Habitats Regulations 2017 with regards to European protected species.

Conditions

22. The Council has suggested that 4 conditions be imposed. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
23. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. However, a condition requiring the external surfaces of the development to be as specified in the application form is not necessary, as the development must be carried out in accordance with the terms of the application.
24. A condition requiring the proposed barn to remain incidental to and for ancillary use to the residential occupation of the host property is also not necessary. If the structure is not used as proposed, it is likely that another grant of planning permission would be required otherwise it would be at risk of enforcement action.

Conclusion

25. For the reasons above, I find that the proposal would be in accordance with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore allowed subject to the conditions set out above.

Hannah Guest

INSPECTOR