



Appeal Decision

Site visit made on 27 July 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/N1730/W/22/3311362

Burlington, Bramshill Road, Heckfield, Hook 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 Mrs Barney against the decision of Hart District Council.
 - The application Ref 21/02818/FUL, dated 29 October 2021, was refused by notice dated 3 August 2022.
 - The development proposed is the erection of a replacement dwelling, replacement stable and detached triple garage, following the demolition of six buildings, including the existing dwelling, two barns and three stables.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site forms a parcel of land to the south of Bramshill Road. It currently comprises a series of buildings, including an established residential use to one building, and undeveloped grassed areas. The site is accessed via a driveway from Bramshill Road. Although a residential use exists within part of the site, this is modest with no traditional garden curtilage.
4. The surrounding area has a rural character and countryside setting, largely comprising open fields and mature landscaping. Within the locality are occasional farms and dwellings, including along Bramshill Road. Established building materials are varied.
5. Policy NBE1 of the Hart Local Plan (Strategy and Sites) 2032 (LP, adopted 2020) supports some development in the countryside. However, this is heavily restricted. The types of development supported include those where a replacement dwelling is proposed or where a site forms previously developed land appropriate for the proposed use. The policy's supporting text, in respect of replacement dwellings, sets out that these should be positioned within the site where it would result in no material harm, including to the local landscape or amenity.
6. I turn first to whether the proposed development would provide a replacement dwelling. The proposed dwelling would be positioned in part of the site that is not currently in residential use. Rather, it would be positioned in a similar location to the site's existing non-residential outbuildings. From that

- perspective the proposed development would not reasonably constitute a replacement dwelling. I return to design considerations subsequently.
7. Turning to the matter of previously developed land, I note the dispute between the appellant and Council in this respect. The National Planning Policy Framework (the Framework) sets out, in its glossary, a definition of previously developed land. This specifically excludes land that is or was last occupied by agricultural buildings.
 8. Although it is evident that horses have been kept on this site, I have no conclusive evidence before me to demonstrate that the entire area forming the appeal site is in a lawful non-agricultural use. Such a use is typically demonstrated through a certificate of lawful development. However, I acknowledge the statutory declarations that have been submitted in support of the appeal.
 9. Nevertheless, even were I to accept that the proposed development would meet the definition of previously developed land, or a replacement dwelling, LP Policy NBE2 remains pertinent. This policy specifically relates to landscape and sets out that development proposals must respect and wherever possible enhance the special characteristics, value or visual amenity of the district's landscapes.
 10. Although views into the appeal site are relatively limited by reason of the position of public vantage points and intervening landscaping and levels, parts of the site can be glimpsed from Bramshill Road, near to the site entrance. Clearer views are obtained from nearby public footpaths and within adjoining privately owned land. From those vantage points, the site, although partly developed, retains a rural character. This is consistent with the wider landscape.
 11. The proposed development, irrespective of its detailed design or precise footprint, would introduce a harmful domestic character to the site, and the buildings would have a more prominent presence than the existing, particularly as the proposed dwelling would reach 2.5 storeys high. Moreover, garden space is indicated on the proposed plans. This, in all likelihood, would contain paraphernalia connected with the residential use, contributing to the urbanisation of the site and a domestic, rather than rural, character here.
 12. Although the site is partially screened by mature vegetation at present, this cannot be relied on in perpetuity to give the same level of screening as at present, and any additional landscaping, as described in the submitted Landscape Statement¹, would take a significant period of time to mature.
 13. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the countryside, contrary to the relevant provisions of LP Policies NBE1, NBE2 and SS1 and Saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 & First Alterations (2009). These policies, when taken as a whole, seek to ensure that development in the countryside is appropriate for its location and does not harm the special characteristics of landscape character. This is in a similar vein to the objectives of the Framework insofar as good design and the protection of landscape character is concerned.

¹ Produced by Draffin Associates

Other Matters

14. That there are no designated heritage assets, ecological designations or tree preservation orders on or near the site does not alter my conclusion on the main issues.
15. My attention has been drawn to several planning permissions on other sites, including at Rycroft Stables, Willow Meadow and Darwins Farm. Those proposals each sought the construction of a dwelling. Whilst there is only limited information before me for each of those schemes, it is apparent that Rycroft Stables was located, at least partly, within a settlement boundary. Willow Meadow and Darwins Farm consisted solely of the replacement of established residential dwellings. From that perspective, the context of those cases is not directly comparable to that before me. Ultimately, there is nothing before me that would lead me to an alternative conclusion on the main issues.
16. I note the letters of support received in respect of the proposed development. However, these do not lead me to an alternative conclusion on the main issues.

Conclusion

17. For the reasons above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR