



Appeal Decision

Site visit made on 20 February 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal Ref: APP/N1730/W/23/3321999

Heckfield Barn, Basingstoke Road, Heckfield, Hook RG27 0LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Layview Trade Ltd against the decision of Hart District Council.
 - The application Ref 22/02756/AMCON, dated 9 November 2022, was refused by notice dated 6 January 2023.
 - The application sought planning permission for a car showroom and associated offices, parking, fencing and landscaping without complying with conditions attached to planning permission Ref APP/N1730/A/08/2076453, dated 2 December 2008.
 - The conditions in dispute are Nos 2, 4, 8, 11 and 13 which are listed, along with their reasons, in the attached Schedule 1: Disputed Conditions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal alleges harm to heritage assets including 'The Cottage' and 'Wun Malthouse' Grade II listed buildings.
3. The map attached to the National Heritage List for England ('NHLE') entry for 'The Cottage' shows the location of the listed building to be on the site of a property which is known as Keepers Cottage. However, based on my observations at my visit, I agree with the Council that the NHLE description of the building corresponds instead to the property known as Baytree Cottage which sits between Keepers Cottage and the appeal site. In describing the appeal site, the Council's officer report referred to two dwellings to the west of the site and stated that 'the nearest of these two dwellings, Bay Tree Cottage, is a Grade II listed building. The appellant also highlights that the Council's online constraints map shows Baytree Cottage to be the listed building and has not disputed that this is the correct location of the listed building. I have therefore considered the appeal on the basis that Baytree Cottage is the listed building 'The Cottage'.
4. As part of the appeal, the appellant submitted two additional plans which were not before the Council at the time of its decision (plan nos. 116/P2.3 Rev C and 116/P2.4 Rev C). These provide a comparison of the elevations of the development now proposed with those approved when planning permission was granted on appeal for a 'car showroom and associated offices, parking, fencing

and landscaping'¹ ('the Permission'). They do not change the proposal from that considered by the Council and interested parties in any way, and I am satisfied that my consideration of them would not result in unfairness to any party. I have therefore taken these plans into account in my determination of the appeal.

5. In December 2023, the Government published a revised version of the National Planning Policy Framework ('the Framework'). The main parties were invited to comment on any implications for the appeal of the revised Framework and I have taken the comments made into account.

Background and Main Issues

6. The Permission was granted subject to 12 conditions. A 'Non Material Amendment'² to the Permission was subsequently approved attaching an additional condition, Condition 13, listing the approved drawings.
7. In essence, the proposal seeks to 'vary' Condition 13 of the Permission in order to substitute amended plans showing changes to the design of the car showroom building and to the layout of parking and hard and soft landscape works which are also the subject of Conditions 4 and 8. The amended plans additionally specify the external materials which were the subject of Condition 2 and the appellant seeks to 'vary' Condition 11 to reflect provision of photovoltaic panels as part of the wider package of measures that have been previously agreed through the discharge of conditions on the Permission.
8. Having regard to the above and the evidence before me, the main issues are:
 - i) the effect of the proposal on the landscape, character and appearance of the area; and
 - ii) the effect of the proposal on the significance of Stratfield Saye Park Grade II Registered Park and Garden and The Cottage and Wun Malthouse Grade II listed buildings as designated heritage assets.

Reasons

Landscape, Character and Appearance

9. The appeal site is located within the countryside on the edge of a small cluster of buildings (which also includes Baytree Cottage and Keepers Cottage), set within surrounding dense woodland on the A33 Basingstoke Road. This part of Basingstoke Road is generally lined by open fields and areas of woodland. There are a few other buildings, some of which form small loose groups, but these are generally scattered and the buildings typically comprise relatively modest dwellings of traditional appearance which are set well back from the road. While Basingstoke Road is a busy main road, these factors nevertheless provide for a verdant and distinctly rural quality to this part of the landscape.
10. The information before me indicates that the site previously accommodated a roadside restaurant, but that this was removed some years ago following fire damage. At my visit, I saw a part-built structure with a broadly curved footprint towards the north east corner of the site which ostensibly corresponds with the Permission development.

¹ Appeal ref APP/N1730/A/08/2076453 Application ref 08/00084/FUL

² Application ref 22/02406/NMMA

11. The proposal before me would increase the footprint of the building from that approved under the Permission, but this increase would be fairly small and would be located to the rear where it would not be readily appreciable.
12. However, the proposal would also add a first-floor to the building with associated increases in height of around 1.5m at both ridge and eaves level. The appellant highlights that the former roadside restaurant was a full two-storey property, but the photograph provided suggests only part of the building was two-storey with a fairly modest upper level of just three bays at the front. In contrast, the first-floor now proposed would effectively span the width and depth of the extended ground-floor footprint, including the undercroft to the front of the building. In my view, the increases in the building's maximum and eaves height relative to the Permission scheme would be significant. The cumulative effect of these increases extending across the whole footprint of the building together with the addition of dormers, and most particularly a dormer that would stretch nearly the full width of the front roofslope, would lead to a considerable increase in the bulk and mass of the upper part of the building.
13. The scale of the building would be appreciable despite the sloping roof form and in combination with the greater height would lead to a significant increase in the physical presence of development on the site as well as its visibility including in views from Basingstoke Road. In these views, I consider that the resulting overall scale and bulk of the development would appear markedly larger than the typically modest buildings nearby.
14. Alterations are also proposed to the forecourt to provide two additional parking spaces close to the access from Basingstoke Road. The visual impact of this change would be modest in isolation but would nevertheless increase the extent of hardstanding adding to the overall intensity of built form on the site.
15. In my assessment, the resulting scale and intensity of development would stand out conspicuously in the area and would lead to a notable reduction in the open and rural quality of the site.
16. Furthermore, the appeal decision on the Permission scheme described glazing to the building as relatively modest. As now proposed, there would be wide expanses of glazing to the front roofslope dormer as well as fairly large first-floor windows to the building's gable ends. Alterations are also shown to the design of glazing at ground-floor level from that indicated under the Permission including a lowering of the cill height to accommodate full-height glazing panels and the omission of glazing bars. These changes would significantly increase the extent and prominence of glazing to the building in comparison to the Permission. The large, unbroken panes of glass would additionally stand out conspicuously against the woodland backdrop and the typically modest windows of traditional design, often with glazing bars, that I saw to other buildings nearby and that are indicated in the photograph of the former roadside restaurant. In my view, the glazing design would be far more typical of an urban area. Irrespective of the similarity of other external materials to those of the Permission scheme, I find that the glazing would cause the building to appear awkward and incongruous within its rural setting.
17. As a commercial building, the development approved under the Permission would already be somewhat unusual in this area. In combination, I find that the changes now proposed would exacerbate the uncharacteristic nature of the

development on the site and would result in the unwelcome incursion of unsympathetic and urbanising development into this part of the countryside. As a consequence, the contribution that the site makes to the distinctive character and appearance of the area would be diminished.

18. I accept that the visual impact of the development would be localised and effects on the wider landscape would be limited, but I conclude for these reasons that the proposal would detract from the rural landscape and the character and appearance of this part of the countryside. As a consequence, there would be conflict with Policy NBE2 of the Hart Local Plan Strategy and Sites 2032 ('the LPSS') and saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 ('the LPR') insofar as they together broadly seek development which is in keeping with local character and which respects or enhances the District's landscapes. The proposal would also fail to recognise the intrinsic character and beauty of the countryside and would not be sympathetic to local character as sought by the Framework.

Heritage Assets

19. The appeal site is located within, albeit on the boundary of, the Stratfield Saye Park Registered Park and Garden ('the RPG') which was laid out from 1745 by George Pitt, Lord Rivers. The RPG includes formal gardens and informal tree-planted pleasure grounds around Stratfield Saye House which are set within a landscaped park comprising parkland and farmland as well as woodlands. The listing description notes that most of the woods were established in the mid to late 18th Century by Lord Rivers. They comprise mixed plantations and copses which link to an almost continuous woodland belt around the perimeter of the park, including the dense woodland around much of the appeal site.
20. From the information before me, the significance of the RPG insofar as it relates to this appeal is primarily associated with its underlying layout and the aesthetic and illustrative value of the extensive landscaped parkland beyond the formal gardens which encompasses various estate buildings. The parkland reflects the landscaping fashions of the day and has an informal and strongly rural character as it extends out towards the wider countryside. The appeal site has been previously developed, but is nevertheless appreciated as part of the wide expanse of parkland providing the rural setting around the estate. In this context, I find that the appeal site contributes to the significance of the RPG.
21. To the immediate west of the appeal site is the Grade II listed building 'The Cottage' (now known as Baytree Cottage), a modest two-storey red brick dwelling with a catslide roof to the rear which dates to the late 18th Century. The Cottage is also within the RPG, and the listing for the RPG indicates that it is one of a number of estate cottages. Its position within rural parkland contributes to an understanding of its historic context and relationship with the RPG. As part of the rural parkland setting around the dwelling, the appeal site makes some contribution to the significance of the listed building.
22. Wun Malthouse is a symmetrical pair of Tudor style estate cottages located to the east of the appeal site on the opposite side of Basingstoke Road. The building sits amongst open fields facing towards woodland on the boundary of the RPG and in my view, derives some significance from its historic residential use within a generally rural landscape. The appeal site does not adjoin Wun Malthouse and vegetation provides some screening, but there is some, albeit

limited intervisibility between the sites. There are also points including on Basingstoke Road where the appeal site and listed building are both visible. In this context, I find that the appeal site makes some contribution to the significance of Wun Malthouse as part of its wider rural setting.

23. Views of the development from within the RPG would be very limited given screening provided by woodland around the site. Even so, it would be appreciable as a feature on the perimeter of the RPG in views including from Basingstoke Road. Despite some boundary vegetation, it would also be apparent in views from The Cottage, and would be seen sitting alongside this building from Basingstoke Road. Intervisibility with Wun Cottage would be more limited given the greater separation and screening by vegetation, but the development would be visible on the close approach to this listed building along Basingstoke Road from the west.
24. I have already found in relation to the first main issue that the proposal would harmfully erode the rural character and appearance of the site and local landscape. In my assessment, it would result in an incongruous and urbanising incursion into the open parkland around the perimeter of the RPG to the detriment of its character and appearance. The effect would be limited given the size of the site relative to the park as a whole, but the ability to appreciate and understand the RPG would be harmed, adversely affecting the significance of the heritage asset. Similarly, the development within the setting of The Cottage and Wun Malthouse would cause detriment to the appreciation of the longstanding rural surroundings to both of the listed buildings with consequent harm to their significance. This harm would occur despite the building being further from the boundary with The Cottage than the former roadside restaurant.
25. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also outlines a duty to have special regard to the desirability of preserving listed buildings or their setting, or any features of architectural or historic interest which they possess.
26. I have already noted the small size of the site relative to the RPG. In addition, the proposal would not affect the form or fabric of the listed buildings from which they derive the majority of their significance, and the site is only part of their setting. As a result, I find that the harm to the significance of the RPG and the listed buildings would in each case be less than substantial in the terms of the Framework. The Framework does not require a further assessment of the degree of harm within the 'less than substantial' category, although the above factors would moderate the harm to the significance of each of the heritage assets overall. The greater separation to Wun Malthouse would further reduce the magnitude of harm to that listed building. Nevertheless, while the harm to heritage assets would in each case be less than substantial, this harm attracts considerable importance and weight.
27. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

28. From the evidence before me, the appeal site has not been in active use for a significant period and the Permission development has remained incomplete for some years. The proposal would make effective use of a previously developed site and improvements to the currently poor condition of the inactive site and unattractive hoardings to the frontage could offer enhancement to the setting of nearby listed buildings and the appearance of the RPG. There would also be employment opportunities and contributions to the local economy, both during construction of the development and once operational. These would be public benefits of the proposal.
29. However, the visual impact of the existing site condition and hoardings is moderated by their fairly low level. In my judgement, the increased bulk and height of the building now proposed in combination with the design would result in a much more prominent and unsympathetic feature on the site which would more than offset the potential visual enhancement arising from improvement to the condition of the site.
30. Furthermore, it seems to me that the Permission development could also enable active use and enhancement of the site condition as well as supporting some employment and economic benefits, albeit that I accept these may be at a slightly reduced level given its smaller scale relative to the appeal scheme. The appellant's Design and Access Statement indicated that the Permission development has not been completed due to a dispute between a former owner and contractor. However, it sets out that the site is now under new ownership and I have not been provided with substantive evidence demonstrating that the Permission development could not come forward.
31. Although the description of development on the decision notice gives a different figure, the Council has not disputed the appellant's assessment in their statement of the amount of additional floorspace that would be provided over and above the Permission development. Nevertheless, while the appellant has provided a letter outlining the reasons for their seeking additional space for a meeting room, ancillary office space and marketing space to be used for exhibition, there is little firm detail to explain how the quantity of space proposed would be required to support a successful business. The marketing space in particular appears to me to be generous relative to the showroom and while the appellant refers to displays of various types of power and technology, there is little detail of the nature of the displays or to show how this space would be used to provide a compelling basis for it.
32. Accordingly, I am not persuaded that bringing the site into active use would be dependent on a building of the scale proposed. It is also unclear from the information before me that a building of this design, and in particular incorporating extensive glazing that I have found to be unsympathetic, would be necessary to enable effective use of the site. Even if I were satisfied that the Permission development would be unlikely to materialise, it is not therefore apparent that the public benefits of the proposal could not be delivered by an alternative, less harmful, scheme.
33. The Framework sets out that significant weight should be given to the need to support energy efficiency improvements to existing buildings. The proposal includes solar panels and the appellant indicates that the development would

incorporate sustainable construction standards which were not part of the Permission scheme. However, the degree of any improvements to energy efficiency or carbon emissions are not clearly quantified in the information provided, and I consider they would be likely to be modest given the small scale of the proposal.

34. Even taken together, I find in this context that the public benefits of the proposal would be insufficient to outweigh the considerable importance and weight to be given to the harm that I have identified would be caused to the RPG or to The Cottage and Wun Malthouse listed buildings, either individually or collectively.
35. I therefore conclude that the proposal would harm the significance of 'The Cottage' and 'Wun Malthouse' listed buildings and the Stratfield Saye Park RPG, thus failing to satisfy the requirements of the Framework. The proposal would be contrary to Policy NBE8 of the LPSS and saved Policy GEN1 of the LPR which include requirements broadly for the conservation or enhancement of heritage assets and their settings.

Other Matters

36. The Council's officer report raised concerns about the principle of the development in this location with reference to Policies ED3 and NBE1 of the LPSS. However, while its second reason for refusal asserted a lack of a clear/convincing justification, the principle of the development in this location or conflict with Policies ED3 and NBE1 of the LPSS did not form a reason for refusal. Nevertheless, the compliance or otherwise of the proposal with Policies ED3 and NBE1 would not alter my findings on the main issues or my overall conclusion in this case. Because it would not therefore be determinative, I have not found it necessary to consider this matter further as part of my decision.

Conclusion

37. I have no firm reason to find that the details now proposed in respect of Conditions 2 or 11 of the Permission would in themselves be unacceptable. However, the details are predicated on the proposals shown on the submitted plans indicating amendments to the proposal as a whole. For the reasons given above, I find that these proposed amendments to the Permission scheme would result in conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

Schedule 1: Disputed Conditions

Condition 2

No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted including the rainwater goods have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, including the setting of the Listed Building.

Condition 4

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in accordance with the agreed programme. These details shall include; means of enclosure and gates; hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme of hard and soft landscape works.

Reason: In the interests of the character and appearance of the area, including the setting of the Listed Building.

Condition 8

The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing No.511/002/A for 13 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety.

Condition 11

Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

Reason: To limit the development's effect on climate change.

Condition 13

The development hereby permitted shall be fully completed in accordance with the following documents:

511/002 Rev. A (Proposed - floorplan, roof plan and elevations)

511/003 Rev. A (Location plan and proposed block plan)

511/004 Rev. A (Site survey)

511/008 Rev. A (Proposed fencing)

Reason: In the interests of proper planning.

END