



Appeal Decision

Site visit made on 6 March 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2024

Appeal Ref: APP/H1705/W/23/3328799

The Gamekeepers, Tunworth Road, Mapledurwell RG25 2LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Phil Costello against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 21/01777/RET.
 - The development proposed is laying of gravel hardstanding to provide access to the cesspit for the pump-out lorry and to enable the dray lorry to make deliveries clear of the highway; the hardstanding also to serve as additional parking to serve The Gamekeepers; provision of 7 No. low-level, bat-friendly downlighters within the landscaped margin.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Notice of Decision contains two reasons for refusal, but the Council's evidence references a third reason. As this forms part of the Council's case, and the appellant and third parties have had an opportunity to comment in relation to this matter, and given my findings below, I am satisfied that no party would be prejudiced by my consideration of this evidence. Therefore, having regard to the principles of Holborn¹, my consideration in relation to this matter would not be procedurally unfair and as a result I have considered it as a main issue in determining this appeal.
3. The final comments from the appellant include a copy of a lighting report. Given that the report did not form part of the original application, the Council have not had an opportunity to comment on it and it has not been subject to public consultation, to accept this evidence at this stage would be unfair and deprive those who should have been consulted the opportunity of such consultation. Therefore, having regard to the principles of Holborn, I have not therefore taken the lighting report into account.
4. Although I recognise the disagreement between the parties regarding whether the proposal also includes a change of use of the land, this does not form a reason for refusal. In light of this, and as it is not the role of this appeal to determine the lawful use of the land, the description of development in the banner heading above has been taken from the planning application form and the appeal will address the three reasons for refusal.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

5. At the time of my site visit the development had been carried out and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans.
6. As the development is within a Conservation Area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

7. The main issues are:

- The effect of the development on the character and appearance of the local area, including whether it preserves or enhances the character or appearance of the Mapledurwell Conservation Area (CA),
- whether the development represents an efficient use of land, and
- the effect of the development on the living conditions of the outdoor space associated with Glebe Cottage with particular regard to noise and activity.

Reasons

Character and appearance

8. The appeal site is located adjacent to The Gamekeepers Public House/restaurant (The Gamekeepers) with both falling within the CA. The appeal site is surfaced in gravel with fencing to its northern boundary and some landscaping to its eastern boundary. The appeal site, The Gamekeepers and adjoining dwellings form a small grouping of buildings off Tunworth Road.
9. The CA is characterised by its grouping of rural and historic buildings in a green setting off narrow lanes demonstrating the local history and evolution of this rural area. The Gamekeepers is identified within the Mapledurwell Conservation Area Appraisal (the Appraisal) as a notable building. The Appraisal also identifies the view from Frog Lane towards The Gamekeepers and associated group of buildings as a key viewpoint. The Appraisal states that The Gamekeeper's together with Manor Farm Cottage to the south, and Glebe Cottage to the north, form a group that is visible across the field to the east from Frog Lane, and punctuates the long view up from the village pond. These elements help to comprise the significance of the CA.
10. The development extends the previous car park further to the east, replacing a grassed open area with a built form that due to its considerable footprint, materials, and position within the open countryside to the immediate rear of The Gamekeepers, introduces a harsh form into the landscape. The built form extends a wide area of hard surfaced development further towards Frog Lane.
11. The development can be viewed and experienced from within the site, by users of The Gamekeepers and from nearby properties. Although the hard surfacing and small number of low-level lights on timers are not highly visible from the key viewpoint on Frog Lane, the combination of parked cars, associated vehicle movements and lighting from the vehicles make the development prominent, bringing built form closer to Frog Lane and therefore significantly imposing into the open nature of the key viewpoint. While such activity is viewed against the backdrop of existing buildings from Frog Lane, it nonetheless extends the built form and activity into the countryside becoming more prominent in the

foreground of the key viewpoint. As a result of this, the development undermines the historic relationship and significance between the existing group of buildings and the adjoining countryside and open fields which make a positive contribution to the area and CA. The planting to the eastern boundary is in a relatively poor condition in places and itself introduces an alien unnatural planted feature within the area. As a result, this or any additional planting would not adequately address the harm caused.

12. There are no harmful views of the development from more distant roads or public viewpoints with the main views from Tunworth Road screened by The Gamekeepers, two new cottages and boundary planting. Nonetheless, by reason of its size and hard appearance, the car park provides a harsh visual contrast to the surrounding landscape that is characterised by fields enclosed with hedge banks.
13. I acknowledge that the use of gravel for driveways and the provision of parking spaces in the area and for car parks to businesses are not uncommon and that nearby properties benefit from outbuildings and other ancillary structures. Nevertheless, by reason of the size of the hardstanding, its position and associated activity, it is an incongruous addition to the area.
14. I have taken into account that customers visit the site for a considerable length of time, would park in the closest available space to The Gamekeepers and that staff cars would be unlikely to move most of the day or evening with staff leaving shortly after the closure of the business. I have also taken into account the increase in staff numbers and desire to reduce vehicle numbers passing neighbouring properties. Nonetheless, any vehicles parked on the appeal site would be visible and there would be activity from associated comings and goings. Furthermore, I have not been provided with detailed evidence clearly demonstrating that the previous number of car parking spaces were inadequate or that there is need for the additional spaces due to historic parking pressures on the nearby roads causing harm to highway safety.
15. I acknowledge that the appellant advises that the extended car park is required to aid deliveries to The Gamekeepers and to provide access to an existing cesspit. I further acknowledge that when these vehicles are present and The Gamekeepers is open and busy, parking spaces are blocked and/or turning for these vehicles restricted. However, there remains adequate space within the site to cater for deliveries and emptying of the cesspit when the parking spaces are not in use. Furthermore, while there would be some conflict at times between parked cars and deliveries/access to the cesspit, such conflict would be very restricted in number and length of time, and they could be actively managed to reduce any inconvenience.
16. For these reasons, the development harms the character and appearance of the local area and fails to preserve or enhance the character or appearance of the Mapledurwell Conservation Area. As such, the development conflicts with Policies EM1 and EM11 of the LP. Amongst other things, these state that development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected, paying particular regard to the visual amenity and scenic quality, the setting of a settlement including important views to, across, within and out of settlements and conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance. These policies are consistent with the

Framework insofar as it seeks to secure well-designed and beautiful places and the conservation and enhancement of the historic environment.

17. I will address any public benefits from the development as required by paragraph 208 of the Framework below.

Whether efficient use of land

18. At the time of my site visit, the car park was informally laid out with no individual parking bays identified. On occasions, this may lead to a less efficient use of the car park than if it were formally laid out.
19. However, if I were minded to allow the appeal, a suitably worded condition could be imposed to ensure that the car park was formally laid out with individual parking bays delineated. This could be achieved through the provision of material/markers inset into the ground and signage.
20. In light of this, the development would not represent an inefficient use of land. As such the development would not conflict with Policies CN9 or EM10 of the LP which, amongst other things seek to promote a safe, efficient and convenient transport system and development proposals of a high quality and that function well in practical terms.

Living conditions

21. Glebe Cottage is located broadly to the west of the appeal site beyond Glebe House and its associated garden that sit alongside The Gamekeepers. Glebe Cottage is a property with a long garden extending alongside the appeal site to the rear of Glebe House. As a result of this arrangement Glebe Cottage itself is located a considerable distance from the appeal site.
22. Nonetheless, outdoor space associated with Glebe Cottage adjoins the appeal site. It is however separated by high fencing with some planting within the garden close to its boundary with the appeal site. In light of the presence of the fencing and planting, given the size of the garden and existing relationship with the public house, and subject to conditions to control the hours of use of the car park and associated lighting should I be minded to allow the appeal, the development would not have a harmful impact upon the living conditions of the occupiers of Glebe Cottage.
23. In conclusion in relation to this main issue, the development would not harm the living conditions of the outdoor space associated with Glebe Cottage with particular regard to noise and activity. As such the development would not conflict with Policy EM10 of the LP, which, amongst other things seek to ensure that all development proposals respect the amenities of neighbouring properties.

Other Considerations

24. I have been advised that the development prevents the overflowing of the cesspit and associated pollution and effects. However, I have been presented with very limited evidence demonstrating that the cesspit is not fit for purpose or likely to overflow if the appeal were to be dismissed.
25. The appellant states that the additional car park aids the viability of The Gamekeepers and continues to support staff employment, but I have been provided with very limited detailed evidence in this regard. While I

acknowledge that a larger car park may be more convenient for staff and visitors, I have not been provided with evidence that clearly demonstrates that the viability of the business or staff employment would be significantly impacted without the extended car park or due to dray deliveries and need to occasionally access the cesspit.

26. The Framework advises at Paragraph 205 that, when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation.
27. Given that the harmful effects on the CA are localised, the development results in 'less than substantial harm' to the CA, and therefore its significance as a designated heritage asset. Paragraph 208 of the Framework establishes that, where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
28. The larger car park aids the business by allowing for a greater choice of parking for customers and allows for slightly easier deliveries and collections to the business. However, taking such matters into account, individually or together, the public benefits are not sufficient to outweigh the less than substantial harm to the significance of the CA that I have identified, and the great weight afforded to the asset's conservation.

Conclusion

29. Although I have found no harm in terms of the development representing an efficient use of land or on living conditions of neighbouring occupiers, the development harms the character and appearance of the area and fails to preserve or enhance the character or appearance of the CA. In my view, that is the prevailing consideration, and the development should be regarded as being in conflict with the development plan when read as a whole.
30. Material considerations, including the Framework do not indicate that the development should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR