

Appeal Decision

Site visit made on 14 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2024

Appeal Ref: APP/N1730/W/24/3340480

Lees Farm House, Green Lane, Rotherwick, Hook, Hampshire RG27 9BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Beauchamp against Hart District Council.
 - The application Ref is 23/02172/HOU.
 - The development proposed is the replacement of existing outbuilding with new outbuilding.
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Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. An application for costs was made by Dr Beauchamp against Hart District Council. This application is the subject of a separate decision.

Preliminary Matters

3. As there is no decision notice associated with this appeal, I have taken into account what I consider to be the main issues based on the evidence before me.
4. The appeal site is located within Rotherwick Conservation Area. In line with the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issue

5. The main issue is whether the proposed development would preserve the Grade II* Registered Park and Garden, Tylney Hall, and the extent to which the development would preserve or enhance the character or appearance of the Rotherwick Conservation Area.

Reasons

6. The appeal site comprises a parcel of land to the north of Green Lane. Green Lane is a narrow access road (and a right of way) leading to several

residential properties. The appeal site accommodates a dwelling known as Lees Farm House, an unlisted building, which is positioned to the rear of this relatively large garden plot. A small shed exists to the front of the property, near to the boundary with Green Lane.

Heritage assets – special interest and significance

Tylney Hall

7. Tylney Hall is a Grade II* Registered Park and Garden¹. It comprises late Victorian and Edwardian gardens, pleasure grounds and parkland associated with a large country house (now hotel). The gardens were designed by Selden Wornum, with additions by Robert Weir Schultz and advice by Gertrude Jekyll. The Hall was used during the First World War as a hospital, and later as the headquarters of the Clan Line shipping company.
8. Based on the evidence before me, the special interest and significance of the asset is largely derived from its historic and architectural interests. Important contributors in these regards are the survival of historic fabric, the asset's chequered history and the impressive scale and picturesque appearance of the gardens.
9. Insofar as the appeal is concerned, the boundary of the Registered Park and Garden extends along Green Lane by means of a finger-like spur. This includes part of the garden of Lees Farm House, and therefore the appeal site. The submitted Heritage Impact Assessment (HIA) sets out that the spur formed part of an historic 'allée', or formal avenue, associated with Tylney Hall. This is likely to have been laid out in the early 18th century. It is evident that the boundary of the appeal site has changed over time with consequential alterations to the historic route of the allée.
10. Amendments to site boundaries, the laying out of a golf course and the removal of trees has, to some extent, degraded the integrity and heritage merit of this designated heritage asset. Nevertheless, the largely undeveloped, open and verdant character of the appeal site and its immediately surrounding area continues to contribute to the special interest and significance of the asset.

Conservation Area

11. The appeal property is located within the Rotherwick Conservation Area (the CA).
12. The special interest and significance of the CA is largely derived from the preservation of a collection of dispersed, architecturally rich buildings around a long historic country lane (The Street), all set within rural surroundings. The appeal site contributes to the verdant and rural character of the CA and thereby to its significance as a designated heritage asset.

Heritage assets – appeal proposal and effects

13. The proposed development would involve the removal of the existing contemporary shed and its replacement with a larger single-storey,

¹ List Entry Number: 1000176

rectangular structure. This would be finished in weatherboarding on a reclaimed brick plinth, with a gabled roof of reclaimed tiles over.

Tylney Hall

14. The submitted HIA concludes that there would be no harm to the special interest or significance of the Registered Park and Garden. The Council, on the other hand, argue that the designated landscape should remain clear of any built development to prevent the cumulative erosion of the significance of the landscape.
15. Although relatively limited in its overall scale, the proposed structure would clearly be more prominent in its context than the existing small shed, of both a greater scale and footprint. The introduction of further built form to a part of the Registered Park and Garden where this is currently limited would harmfully erode the historic, open and rural character of this part of the asset as a former allée. Although Lees Farm House has historically formed a residential property, and the garden area appears domestic, the addition of the proposed structure would have a harmful urbanising effect here.
16. I acknowledge that the structure would affect only a small part of the asset and would be largely out of view from the public realm, albeit visible from some public vantage points. I also acknowledge that the asset has changed over time, including the extent and visibility of the historic allée. Nevertheless, the asset is safeguarded for its inherent architectural and historic interest, irrespective of any public views of it. The proposed development would represent a significant change from the current, largely open, character of the site and would further diminish the ability to appreciate the historic route of the allée.
17. Overall, I conclude that the proposed development would fail to preserve the Grade II* Registered Park and Garden, Tylney Hall. Consequently, the development would harm the significance of the designated heritage asset. In doing so, it would be contrary to the requirements of Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032 (LP, adopted 2020).

Conservation Area

18. Notwithstanding the harm that has been identified above in respect of the Registered Park and Garden, the position, nature and extent of the proposals are such that they would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole. As such, the proposal would not harm the significance of this designated heritage asset.
19. Overall, I conclude that the proposal would preserve the character and appearance of the CA and would meet the requirements of Section 72(1) of the Act. As such, it would not harm the significance of this designated heritage asset. Nevertheless, the lack of harm in this respect does not weigh for or against the appeals and does not alter my conclusion in respect of the listed building.

Heritage – public benefits and balance

20. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
21. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the works relative to the heritage assets, I find the harm would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
22. Economic benefits would be brought about through the purchase and installation of the proposed structure. However, the scale of those benefits is short-term and very limited by the extent and nature of the proposal.
23. Conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. I am not persuaded that the scheme before me achieves this, or is fundamentally necessary to secure the optimum viable use of either the appeal building or the wider heritage asset. The primary outcomes of the proposed development would be private benefits to the appellant that do not provide clear and convincing justification for allowing the appeal.
24. Overall, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Based on the evidence before me, the proposed works would fail to preserve the Grade II* Registered Park and Garden, Tylney Hall.
25. Accordingly, the proposal would be contrary to the relevant provisions of the Framework, which seek to conserve and enhance the historic environment. The proposals would also conflict with the relevant provisions of LP Policy NBE8 which, in summary, seeks to conserve or enhance heritage assets. This is in a similar vein to the provisions of the Rotherwick Neighbourhood Plan 2016-2032 insofar as the protection of the historic environment is concerned.

Other Matters

26. The appeal site is located within the wider surroundings of three Grade II listed buildings. These are Coachman's Cottage, Runten's Farmhouse and Barn at Runten's Farm. The appellant also considers Lees Farm House to be a non-designated heritage asset. Mindful of the statutory duty set out in Section 66(1) of the Act, I have had special regard to the desirability of preserving the settings of the nearby listed buildings. The historic dispersed buildings in this location, set within landscaped garden plots, together with the adjoining countryside, positively contribute to their significance.

27. Given the position and extent of the proposal, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.
28. I accept that there were no objections from neighbours or the Parish Council to the proposed scheme (indeed, a letter of support was provided). However, the lack of objection is neutral in my consideration of the appeal. I also acknowledge that the appeal proposal would meet some other planning policy objectives, including in respect of parking, highway safety, biodiversity, renewable energy and living conditions, and note that it was reduced in scale from a previous iteration. However, there is no dispute between the appellant and Council on these matters and these have not led me to an alternative conclusion on the main issue.

Conclusion

29. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed and planning permission refused.

A Price

INSPECTOR

