



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: 7th October 2024

Appeal Ref: APP/N1730/W/24/3338332

Hollybrook Cottage, Warbrook Lane, Eversley, Hampshire RG27 0QL

- 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 Mrs Nikki Perkins against the decision of Hart District Council.
 - The application Ref is 23-00908-FUL.
 - The development proposed is the erection of garden building for combined use as housing for show birds and racing pigeons and storage of gardening equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, some construction work had taken place. Regardless of what has been constructed to date, which in any case appears different to the appeal scheme, my assessment is based on the plans before me.
3. The proposed development relates to the settings of listed buildings and a conservation area. Accordingly, I have had special regard to the desirability of preserving the settings of the listed buildings, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under Section 72(1) of the Act.
4. The Council appear not to have notified Historic England, as should have been the case where it considers that the proposed development would affect the setting of a Grade I listed building. However, as I have concluded that the proposed development should be dismissed and planning permission refused, little would be gained by delaying the decision to undertake that notification. However, had my decision been otherwise, I would have provided an opportunity for the notification to take place.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area; and
- whether the proposed development would preserve the settings of the nearby Grade I listed building and Grade II* Registered Park and Garden, and the extent to which the development would preserve or enhance the setting of the Eversley Conservation Area.

Reasons

Character and appearance

6. The appeal site comprises a parcel of land which accommodates a semi-detached property and a series of outbuildings. A cluster of residential buildings surround the site to the north, northeast and west. However, open and verdant parkland and countryside exist beyond, meaning that the site and its immediately surrounding area retains a rural character.
7. The appeal site, and proposed development, lie partly within and partly outside the Eversley Street and Lower Common settlement boundary. From that perspective, part of the site falls within the open countryside and consequently Policy NBE1 of the Hart Local Plan (Strategy and Sites) 2032 (LP, adopted 2020) is relevant. This policy seeks to protect the countryside and sets out that development proposals within the countryside will only be supported where they meet one of a series of exceptions. One such exception relates to the extension of existing dwellings. The exceptions generally relate to development beneficial to the countryside and rural workers.
8. There is no substantive evidence before me to demonstrate that the proposal would fall within any of the exceptions under LP Policy NBE1. This includes the extension of the existing property, as suggested by the appellant. The development would form a physically separate structure from the main dwelling and could not reasonably be described as an extension to an existing property.
9. I acknowledge the appellant's argument that the building would have a more agricultural appearance than a typical domestic outbuilding and would be used, in part, for the accommodation of pigeons and show birds. However, the development does not relate to a clear agricultural use and does not fall within any of the exceptions referenced above. Moreover, the development, by reason of its scale and position away from the dwelling, would appear as an incongruous addition to the plot. It would have an urbanising effect on the site which would harm its rural character and that of this part of Eversley.
10. I accept the appellant's argument that the size of the undeveloped part of the appeal site is limited and could not conceivably be used for agricultural purposes. Nevertheless, the undeveloped nature of the land contributes to an agricultural character. Any development on open land, including its use for domestic purposes, could harmfully impact the character and appearance of the surrounding countryside, as I have identified in this instance.

11. Overall, I conclude that the proposal would harm the character and appearance of the area, contrary to the relevant provisions of LP Policies SS1, NBE1, NBE2 and NBE9 and Policy GEN1 of the Hart Local Plan (Replacement) 1996-2006 Saved Policies. These policies, in summary and when taken as a whole, seek to protect the countryside from inappropriate development and ensure that development proposals respond appropriately to their context. This is in a similar vein to the provisions of the National Planning Policy Framework (the Framework) insofar as good design is concerned.

Heritage – special interest and significance

Warbrook House and Warbrook House Park and Garden

12. Warbrook House lies to the south of the appeal site. It is a large Grade I listed building¹ set within a Grade II* Registered Park and Garden². The gardens and parkland are expansive but well-defined, enclosed by boundary treatments and landscaping. The grounds were designed by John James of Greenwich. The house dates from 1727, with later additions. Despite the expansion of the house and surrounding complex over time, the listed building maintains a strong architectural form and presence. The special interest and significance of the listed building and closely associated park and garden are largely derived from their historic and architectural interests. Important contributors in these regards are Warbrook House's powerful presence within its grounds and its surviving historic fabric.
13. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the Framework. The open and landscaped grounds of Warbrook House have an historic, visual and functional connection with the house. These grounds form the immediate setting of Warbrook House, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance. Beyond this, the surrounding area is made up of predominantly parkland and countryside, with some residential development to the north, including the appeal site. Limited views of Warbrook House and its grounds are possible between gaps in landscaping. This surrounding area forms the wider setting of the assets.
14. The later residential development which now exists to the north of the assets has compromised the wider setting to a degree. Whilst Warbrook House might once have formed a very prominent and imposing building when viewed from the north, viewed across largely undeveloped land, the residential development, and now significant mature landscaping, has altered how the assets are experienced and moderates the contribution this wider setting makes to their special interest and significance. Accordingly, the wider setting, which includes the appeal site, makes only a limited contribution to the special interest and significance of the assets.

¹ List Entry Number: 1260096

² List Entry Number: 1000249

Conservation Area

15. The site lies near to the Eversley Conservation Area (CA). The character and appearance and thus special interest and significance of the CA is largely derived from its historic townscape, all set within rural surroundings.
16. The area surrounding the CA is formed largely of open countryside with some residential built form (including the appeal site). This setting illustrates the evolution of the surrounding area over time and allows the ability to appreciate the positive qualities of the CA. However, the surrounding area provides only a limited contribution to the special interest and significance of the CA as a designated heritage asset.

Heritage – appeal proposal and effects

Warbrook House and Warbrook House Park and Garden

17. The physically and functionally separate relationship between the appeal site and listed building and Park and Garden would be maintained and the historic and architectural interests of the assets would remain unaffected by the proposed development. The retention of a considerable separation distance and intervening landscaping features would reinforce this. Furthermore, the immediate setting and most of the wider setting that contributes to the significance of the assets would remain undisturbed by the proposed scheme.
18. Taking these factors into account, the proposed development would not compromise the setting of the assets, rather it would have a neutral effect that would not detrimentally alter how the assets would be experienced and would not adversely affect the ability to appreciate their significance. Consequently, the settings of the assets and the contribution that they make to the significance of the assets would be preserved.
19. Overall, I conclude that the proposed development would preserve the settings of nearby Warbrook House and Warbrook House Park and Garden and cause no harm to the significance of these heritage assets. Consequently, the proposed development would accord with the requirements of Section 66(1) of the Act and the relevant provisions of LP Policy NBE8. This policy, in summary, seeks to protect heritage assets and their settings. In a similar vein, the proposed development would comply with the provisions of the Framework insofar as they seek to sustain and enhance the significance of heritage assets.

Conservation Area

20. The proposal would be glimpsed from the setting of the CA. However, views are very limited, relate to only the roof of the structure and would be fleeting. Viewed from these locations, the proposed development would be seen in the context of established and varied built form outside the boundary of the CA. Although the character of a CA is not defined solely by the visibility of a structure, I do not consider the proposal would diminish the contribution that the CA's setting makes to its significance as a designated heritage asset and thus would not harm the CA's significance.
21. Overall, I conclude that the proposed development would preserve the setting of the CA and the contribution it makes to the asset's significance.

Consequently, the proposed development would not harm the significance of this heritage asset. In doing so, it would satisfy the requirements of section 72(1) of the Act and would not conflict with the relevant provisions of LP Policy NBE8 which, in summary, seeks to protect heritage assets. This is in a similar vein to the relevant provisions of the Framework, insofar as they seek to protect the historic environment.

22. In finding no harmful effects to the special interest and significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Other Matters

23. I acknowledge the appellant's comment that no neighbour objections were received. However, a lack of objection is neutral in my determination of the appeal. The security and welfare arguments of the appellant are noted. However, this does not outweigh or overcome the harm identified.

24. I note the appellant's reference to the use of permitted development (PD) rights in either the grounds of the host property or adjoining agricultural field, and that a similar structure could be built there. Nevertheless, I have seen no substantive evidence, such as a successful certificate of lawful development, to convince me that the appellant could reasonably implement a similarly harmful scheme under their PD rights. I therefore afford this consideration only limited weight in favour of allowing the appeal.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR