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# Appeal Decision

Site visit made on 30 October 2024

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 November 2024**

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**Appeal Ref: APP/N1730/W/24/3347208**

**Burlington, Bramshill Road, Heckfield, HOOK, RG27 0LA**

- 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 Lucy Barney against the decision of Hart District Council.
  - The application Ref is 24/00210/FUL.
  - The development proposed is the erection of a replacement dwelling and triple bay garage, following the demolition of six buildings, including the existing dwelling, two barns and three stables.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement dwelling and triple bay garage, following the demolition of six buildings, including the existing dwelling, two barns and three stables, at Burlington, Bramshill Road, HOOK, RG27 0LA in accordance with the terms of the application, Ref 24/00210/FUL, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

## Main Issue

2. The main issue is the effect of the replacement dwelling on the character and appearance of the surrounding rural landscape.

## Reasons

### *Background*

3. The appeal site comprises a rectangular area of land served off a long access from Bramshill Road which lies in an area of countryside away from any settlement. The site lies in the Whitewater Valley Catchment Area which the Council says is recognised as a sheltered, pastoral rural landscape. The landscape capacity study indicates that the area has a high landscape value resulting in a low landscape capacity where new development is likely to have a significant and adverse impact on landscape character.
4. The main site contains a group of five buildings of an agricultural form but it appears that they were last used for the keeping of horses, and a small bungalow and twin unit mobile home. It is proposed to demolish all of these buildings and replace them with a five-bedroom house. This would be of two storey form with the upper floor set partly in the roofspace and lit by dormer windows and windows set in each gable in the double fronted elevations.

5. I note that a previous scheme for a similar replacement dwelling was refused by the Council and dismissed on appeal in 2023<sup>1</sup>. This scheme proposed a grandiose house of 2.5 storey height. The inspector concluded that the house proposed would have a harmful effect on the character and appearance of the countryside and be contrary to relevant Local Plan policies. I also note that since then the Council has issued a Certificate of Lawfulness for the existing use as equestrian. The appellant says this constitutes 'previously developed land' as set out in the Glossary to the National Planning Policy Framework (the Framework).

*Policy context*

6. The development plan includes the Hart Local Plan (Strategy and Sites) 2032 adopted in 2020 and Policies NBE1, NBE2 and NBE9 are relevant to the appeal case. These deal respectively with new development in the countryside; the need to respect the landscape character of the area; and secure high-quality design which contributes positively to the appearance of the area.

*Effect on countryside character and rural landscape*

7. I considered this issue from around the site itself, from the public right of way (PROW PF5) which runs to the west of the site and from Bramshill Road around Heckfield Bridge. The existing dwelling is single storey and small in scale having been converted from an agricultural building and the other agricultural/equine buildings are utilitarian in nature being constructed in blockwork with rendered elevations. Visually they are in a poor state of repair.
8. As an exception to the generally restrictive stance on new development in the countryside, part (g) of Policy NBE1 generally supports proposals for a replacement dwelling. Although there is no stated guidance on the form or size of a replacement dwelling, Policy NBE2 indicates that all development proposals shall have no adverse impact to the particular qualities of the local landscape in visual amenity and scenic quality terms.
9. In this case, although the replacement dwelling proposed would be materially larger than the existing one being replaced, it is also reasonable to take account of the other existing buildings being replaced. These do not contribute positively to the landscape, unlike many traditional farm buildings, and their removal would be a positive benefit in amenity terms. Further, the appellant's submitted drawings show the relative building masses of the existing and proposed development and I am satisfied that there would be a considerable reduction in the volume of building now proposed as well as a similar building height to the larger of the existing buildings.
10. In design terms the house proposed would have a reasonably traditional form with end gables and small dormer windows with elevations of redbrick work and clay roof tiles. The garage is proposed in clay tiles and oak timber work. These are vernacular designs and materials and I saw other examples of similar detached properties in rural settings in the general locality at my visit. Although the new house proposed would have a more extensive residential curtilage than the existing one this is not shown to exceed the recognised area of previously developed land.

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<sup>1</sup> Under APP/N1730/22/3311362

11. The appellant makes reference to other schemes said to be permitted by the Council about replacement or extended dwellings but the circumstances of these may not be wholly similar to those of the appeal site and the current proposal which I have considered on its individual merits.
12. Overall, I find that the replacement dwelling now proposed would not be imposing or prominent in the general countryside landscape of the area. It would be seen at a distance from the public realm of footpath PF5 and across a landscaped valley from Bramshill Road, and it is of a scale and design that is appropriate for its setting. The proposal would therefore enhance the quality of the countryside landscape rather than harm it. It would therefore not conflict with the relevant policies in the development plan as mentioned above when these are taken together.
13. This finding is not outweighed by any other factor and therefore the appeal should be allowed.

#### *Conditions*

14. The Council recommends that 8 conditions be imposed. These are all reasonable and necessary to: define the permission and its implementation; regulate the appearance of the new house and its landscaping within the site; ensure the proper disposal of surface water in order to avoid pollution and flooding; and for agreed ecological enhancements to be implemented. I will therefore impose them.

#### **Conclusion**

15. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR

## **Schedule of conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following plan Nos. and documents:
  - 02136 01 Existing Site Plan
  - 02136 02 Existing Barn 1 Plan
  - 02136 03 Existing Barn 1 Elevations
  - 02136 04 Existing Barn 2 Plan
  - 02136 05 Existing Barn 2 Elevations
  - 02136 06 Existing Barn 3 Plans and Elevations
  - 02136 07 Existing Barn 4 Plans and Elevations
  - 01236 08 Existing Barn 5 Plans and Elevations
  - 01236 09 Existing Bungalow Plans and Elevations
  - 808/01 Landscape Strategy
  - P02 Proposed Ground Floor Plan
  - P03 Proposed First Floor Plan
  - P04 Proposed Elevations
  - P05 Rev A Garage plans
3. Prior to the commencement of development, details of the existing and proposed ground levels around the development and finished floor levels of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details.
4. No development above ground floor slab level shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with approved details.
5. No development above ground floor slab level 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. Hard landscaping works shall take place prior to occupation of the property hereby approved and soft landscaping works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

6. The development shall be carried out in strict accordance with the submitted Preliminary Arboricultural Method Statement (Addendum) by Draffin Associates Ltd dated January 2023.
7. No development shall commence on site (except for demolition and site clearance) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include but not be limited to:
  1. Where infiltration is proposed, full infiltration tests in accordance with BRE 365 including groundwater strikes.
  2. Detailed drawings of the proposed drainage system including details as to where surface water is being discharged to.
  3. Calculations confirming that the proposed drainage system has been sized to contain the 1 in 30 storm event without flooding and any flooding in the 1 in 100 plus climate change storm event will be safely contained on site.
  4. Calculations showing the existing runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 storm events and calculations for the proposed runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 plus climate change storm events. To be acceptable proposed runoff rates and discharge volumes must be no higher than existing.
  5. Provision of a Maintenance plan setting out what maintenance will be needed on the drainage system and who will maintain this system going forward.
8. The development shall be carried out in strict accordance with Section 10 'Recommendations' of the submitted Updated Preliminary Ecological Assessment by John Wenman dated December 2023.