



Appeal Decision

Inquiry held on 22 - 25 October 2024, closings on 18 November 2024

Site visit made on 25 October 2024

by Phillip J G Ware BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2024

Appeal Ref: APP/Y9507/W/21/3289423

The Queens Hotel, High Street, Selborne, Hampshire GU34 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Derek Warwick Developments against the decision of the South Downs National Park Authority (SDNPA).
 - The application Ref SDNP/20/04118/FUL, dated 18 September 2020, was refused by notice dated 1 October 2021.
 - The development proposed is the conversion and extension of the existing Queens building and barn to form 5no. Aparthotel suites (C1), a Field Study Centre and Tap Room (Mixed Class F.1 and Sui Generis) and 1no. Detached dwelling (C3) within the grounds, with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A decision on this appeal was issued on 6 December 2022 following a site visit. On 22 February 2024 this decision was quashed in the High Court, and the appeal was remitted to the Secretary of State. This decision deals with the same appeal.
3. A local group known as Save The Queens (STQ) was granted Rule 6 status and took a full part in the appeal and the inquiry.
4. In December 2024 a revised National Planning Policy Framework (the Framework) was published. References in this decision are to the revised version. No party has made any submissions on the new document, and I do not consider that the changes have any significant bearing on the main issues in this case.

Main issues

5. There are two main issues in this case:
 - The effect on the character and appearance of the area, with particular regard to the Selborne Conservation Area and the National Park.
 - The effect of the development on the provision of local community facilities

Reasons

The site and surrounding area

6. The appeal site is centrally located in Selborne village and fronts onto the High Street. It is within the Selborne Conservation Area, the South Downs National Park and the Settlement Policy Boundary (aside from a very small area on the northern site boundary).
7. The site is at the junction with Huckers Lane and the High Street. Huckers Lane is a small side road, off which there are a number of residential properties. It terminates not far beyond the rear of the appeal site.
8. The site includes a three storey main building facing the road, along with a single storey building (which also faces the road) alongside the main building. There is a barn set to the side and behind the main building. Behind the buildings is a green area, with access and car parking off Huckers Lane. None of the buildings are listed, although the main building is a non-designated heritage asset, and there are listed buildings in the vicinity.
9. The premises are a long-established public house with rooms above, which last operated in that form in around 2016. The upper floors of the main building have since been converted from traditional pub bedrooms to self-contained units (one of which I saw on my visit). Part of the ground floor of the public house has been converted to a Tap Room, offering Gilbert White's beer and other drink, and a fluctuating but limited food offer during restricted opening hours. The single storey building facing the road, formerly the restaurant, is vacant and the kitchen which was to the rear has been demolished. The barn is vacant.
10. The village is predominantly residential and includes various other facilities. Of particular note are the village hall, another public house (the Selborne Arms) and the Gilbert White Museum (GWH) and Field Studies Centre (FSC) and brewhouse.

Planning history and the current proposal

11. There is a comparatively extensive planning history prior to the lodging of the application which is now the subject of this appeal. The history is set out in the Statement of Common Ground (SOCG), which is agreed by all three parties.¹ Aside from the previous (quashed) decision related to the current appeal, there was also a previous appeal decision in 2019 related to a proposal for residential conversion and the erection of a new dwelling (5 units in total). That appeal was dismissed.²
12. The proposal, as described in the bullet points above, comprises a number of discrete elements:
 - The upper floors of the main building would be converted into self-catering aparthotel units (apparently largely done, aside from lift access).
 - There would be two further aparthotel units in a new building fronting Huckers Lane.

¹ Section 3

² APP/Y9507/W/19/3229374

- The ground floor of the main building would be used as a Tap Room.
 - The single storey part of the frontage building would be used as an FSC by GWH and community uses.
 - The barn would be converted and extended to form a dwelling.
 - The rear area would be used for parking, with access from Huckers Lane.
13. Since the Council's refusal of planning permission, a number of works have been undertaken. These are listed in the SOCG.³ It is noted that there is no suggestion from the SDNPA that any of the works are in breach of planning control. Some trees have been removed, with consent, from the rear of the site.

Development plan and other policies

14. The development plan includes the South Downs Local Plan 2014-2033 (LP) (adopted 2019). All parties accepted that the plan is up to date and consistent with national policy, and I have no reason to disagree.
15. The LP policies in the SDNPA's decision related to the first issue are policies SD4(1), SD5, and SD15(1), which deal with landscape character, design and Conservation Areas. In summary these seek to conserve and enhance landscape character in relation to layout and scale, and adopt a landscape led approach which should respect local character. In relation to Conservation Areas, local policy reflects the statutory approach to the preservation or enhancement of the character or appearance of the area.
16. The LP policy in the SDNPA's decision related to the second issue is policy SD43 which deals with new and existing community facilities. Section 2 of the policy is relevant in this case. One section - SD42 2a - states that evidence should be provided of a robust marketing campaign of at least 24 months to demonstrate that there is no market demand for the existing use. Another section - SD43 2c - states that alternative community facilities are provided that are accessible, inclusive and available, and are of an equivalent or better quality to those lost. It should be noted that these sections are separated by "or" - so for a proposal to be acceptable it is not necessary to comply with both parts. (There is another section in policy SD43 which is not relevant in this case.)
17. Appendix 3 to the LP clarifies the evidence which is expected related to policy SD43 and includes the statement that the presence of another facility within the same category in the vicinity will not in itself be enough to meet this requirement. It must be demonstrated that the alternative facility caters, or can be reasonably expected to cater, for the same community need as that served by the facility whose loss is proposed.
18. From the evidence presented these are the most important development plan policies in this appeal. The SOCG lists other relevant policies, to which I have also had regard.⁴
19. Additionally, the SOCG lists a number of other material planning considerations,⁵ One of the statutory purposes of National Park designation is

³ Paragraph 2.9

⁴ Paragraph 4.4

⁵ Paragraphs 4.6 – 41.3

particularly pertinent.⁶ This relates to the conservation and enhancement of the natural beauty of the area. The Framework is a material consideration and states that great weight should be given to conserving and enhancing landscapes and scenic beauty in National Parks.

The character and appearance of the area

20. The character of the Selborne Conservation Area, and in particular this part of the designated area, is concisely set out in the Village Design Statement (2024). I appreciate that this is a recent document, but it was discussed at the inquiry and is nevertheless a material consideration to be taken into account. It refers to the linear form of the village in its landscape setting, along with the side lanes which run away from the main road. These add to the rural feel of the settlement. Huckers Lane is noted as being of importance, especially given that it is part of an ancient roadway. The location and layout of the buildings is an important part of the significance of the Conservation Area.
21. This predominantly linear arrangement is characteristic of the Settlement Policy Boundary area around the appeal site. Whilst there is development which can be glimpsed to the rear along the lanes, this remains subservient to the development along the main road, and does not impinge on the view of the countryside beyond. The main building on the appeal site, its barn and the open area at the rear currently make a positive contribution to the area.
22. I turn first to the effect of the proposal in relation to the main building and the attached single storey restaurant. The maintenance and reuse of the main building would be of benefit to the area, although I have slight reservations concerning the design of the recently inserted windows at roof level. I give some limited weight to the maintenance and reuse.
23. The former single story restaurant section is of less visual interest. There is also a difference of view between the appellant and the SDNPA as to the merits of the former toilet block and kitchen, but these structures have been removed and I cannot assess the extent to which their removal was a benefit or harmful.
24. Turning to the proposed new building fronting Huckers Lane, concern has been raised in relation to its scale/footprint. The new building along Huckers Lane would not be excessive in terms of height but would extend a considerable depth to the rear of the retained frontage building. This would appear as a significant continuous line of development running down the lane. This would be in marked contrast to the development on the opposite side of the lane and would not appear subservient to the main frontage building. To this must be added the fact that the proposed building would virtually abut the roadway which, although this is a form of development found elsewhere, would add to the urbanising aspect of this part of the proposal.
25. Although longer views of the countryside would only be constrained to a limited extent by the proposed building, the sense of transition between the centre of the village and the countryside beyond would be diminished. I appreciate that the narrow routes off the main road vary in appearance, but the proximity to the highway, coupled with the engineering works at the site entrance and running into the site, would lead to a more urban appearance than is characteristic.

⁶ As amended by the Levelling Up and Regeneration Act.

26. Criticism has been made of some of the detailing of the proposed apartment building. I agree that some elements of the scheme, for example the roof design, do not fully reflect local character. However my primary concern is with the principle of the Huckers Lane building rather than the detailing.
27. I turn now to the proposed barn extension. The retention and reuse of this building is to be welcomed, although no argument has been made to suggest that the scale of the proposed extension is necessary to ensure its retention. It is the scale and mass of the extension which is problematic. The footprint would be approximately doubled and the rearward projection would diminish the current open area. In addition the height and mass of the extension would not appear in any way subordinate to the original building and would detract from its character.
28. The existing area to the rear of the Queens is characteristic of the general layout of the village behind the main frontage, and is of considerable landscape and conservation benefit.⁷ This would be significantly diminished as a result of the proposal – which would introduce a substantial barn extension and the Huckers Lane building into the area. In addition the area would be divided between the barn area, the car parking and the apartment building. The introduction of domestic paraphernalia would still further reduce the openness of the area.
29. The central carparking area would to a degree be screened, even allowing for the recent loss of vegetation. However it would nevertheless be visible from some directions and the proposal would diminish the transitional nature of the area. I am also concerned that there could be pressure for further land take for the car park, as the proposal is for each space to provide EV charging – but the spaces are too small for this to be realistic – and no parking for the disabled has been provided.
30. Overall the semi-rural character of the area at the rear of the main road frontage would be significantly and harmfully diminished. The proposal would appear cramped and out of keeping with the characteristics of the area.
31. In conclusion on this issue there was a debate at the inquiry as to whether the proposal was landscape-led or if the landscape material was prepared to justify the design which had already been finalised. There is no persuasive evidence produced by the appellant to demonstrate that the scheme was landscape led. Although this is not determinative, the absence of expert design or conservation evidence from the appellant to explain the evolution of a scheme in a conservation area and a nationally designated landscape does not assist the appellant's case. In addition, one of the lay witnesses called by the appellant agreed with those opposing the scheme that the proposal was an overdevelopment and stated that the current proposal is as good as it could be.
32. For all the above reasons, the limited benefit arising from the restoration and reuse of the existing buildings is considerably outweighed by the harm to the character and appearance of the area, with particular regard to the Selborne Conservation Area and the National Park. It is therefore contrary to LP policies SD4(1), SD5 and SD15(1) and the Framework. STQ contend that there is also conflict with LP policy SD1 parts 2 and 4, which is a core policy dealing with

⁷ I note that there was a suggestion that the rear area once included other structures, but to the limited extent that this was demonstrated, this was many years ago and adds very little to the current consideration.

sustainable development. In particular it refers to the purposes of the National Park and the landscape of the area. I agree that this policy is relevant to the issues in this case, although arguably adding little to other policies, and that the proposal is contrary to this policy.

The provision of local community facilities

33. The policy approach to community facilities is set out in LP policy 43, as further explained in the reasoned justification.⁸ Before turning to the detail of the policy, it is worth noting that the overall approach is that existing community facilities will be safeguarded and that where the loss of a community facility or a reduction in its scope is proposed, applicants will be required to present strong justification. This is in line with the approach of the Framework.
34. LP policy 43 provides that development proposals that would result in the loss of, or have an unacceptable adverse impact upon, an existing community facility, will not be permitted unless one of the criteria are met. Importantly, the criteria are presented as options, where one (or more) must be achieved to comply with the policy. I will deal with the two relevant criteria in turn.⁹
35. The first criterion which is potentially relevant relates to commercially run community facilities. In this case the policy requires that evidence is provided of a robust marketing campaign of at least 24 months that clearly demonstrates that there is no market demand for the existing use or an equivalent community use. It appears that the premises were marketed for about 24 months around 2016. This campaign was criticised by the Inspector dealing with the 2019 appeal, and has not been repeated or updated.
36. The appellant makes the point that it was unlikely that the last tenants would not have failed and the brewery would not have put the premises on the market if the previous business model had been viable. However the appellant did not call any viability or marketing evidence and the 2016 evidence is too dated to be relevant. Under these circumstances the proposal does not comply with first criterion of LP policy 43.
37. Potential compliance with LP policy 43 therefore relies on the third strand of the policy. This is that alternative community facilities are provided that are accessible, inclusive and available, and are of an equivalent or better quality to those lost, without causing unreasonable reduction or shortfall in the local service provision.
38. The current appeal would offer a Tap Room in part of the area formerly occupied by the bars, a FSC and the community use of the FSC area when it was not used for its primary purpose. The FSC and other community use would be in the former restaurant.
39. I deal first with the Tap Room element of the proposal. From the evidence of local people, the former public house appears to have been a valued community asset. It comprised a main bar, a smaller bar and a restaurant/function room, which was serviced by a commercial scale kitchen. It was stated to have served breakfast, lunch and dinner - all of which were available to the public and those occupying the bedrooms above. There was suggestion by the appellant that the restaurant was run down, but the balance

⁸ Paragraphs 7.230/7.231

⁹ A further criterion deals with community or publicly owned facilities and is not relevant in this case.

of the evidence suggests that this was not the case – although obviously it is now in a state of some disrepair.

40. It would be unreasonable to expect the current proposal to offer a replica of what existed some 8 years ago. This was not the position of STQ or local residents and is not based on policy support. It is not unreasonable for the appellant to propose a different mix of uses. What matters is whether what is being proposed would be accessible, inclusive and available, and of an equivalent or better quality to those lost.
41. The Tap Room has been operating since 2023 in broadly the manner envisaged in the proposal – although obviously the detail might change in the future. It is currently open 1930-2100 hours three evenings a week. The appellant was asked about future intentions and indicated the hope that this would be extended to full opening seven days a week. But this would be a commercial decision and is at this stage uncertain and not subject of control. No evidence was given as to any likely operator who has such an intention. These limited hours are clearly very different to those of the former public house. This matter limits the accessibility of the Tap Room, although I note that undisputed evidence was called by the appellant to the effect that the Tap Room has served a wide age range of customers since it opened last year.
42. To this must be added the fact that the Tap Room focusses on the sale of Gilbert White beer, and several residents gave evidence to the effect that this is not a particular attraction for them (although some other drinks are available). In a similar vein the loss of the rear garden area, leaving only the front tarmac area close to the main road, would reduce the attractiveness and accessibility of the Tap Room for some residents.
43. The previous public house was stated to have offered a range of food throughout the day, based on the restaurant (to become the FSC) and the recently demolished kitchen. The current Tap Room is experimenting with mobile vans parked outside the premises, but no in-house catering. Although the appellant stated that it is hoped that the food offer may increase, I note that the cold platter which was initially provided at the Tap Room has ceased (for reasons which were explained) which rather indicates the reverse. Overall, the appellant accepted that the Tap Room would serve a narrower market than the previous use.
44. Turning to the proposed FSC, this would be established in the former dining room. The FSC has the potential to provide a quality and valued facility, although much of the appellant's case in this respect rests on the position that it would be established and operated by GWH as a local occupier with good credentials.
45. A representative of GWH appeared at the inquiry, though not appearing as part of the appellant's case. There is no planning obligation or any other mechanism tying GWH to the FSC element (or any other part) of the proposal and the appellant accepted that there was nothing to prevent this part of the premises from being occupied by another party for a use within the same Use Class. I note that there was a reference in the appellant's closing to a 99 year peppercorn lease to GWH – but no evidence was given of this – it was not referenced in the appellant's evidence or the evidence given separately by GWH. I give this reference no weight.

46. Although there is nothing objectionable in another occupier using the space indicated as a FSC, the uncertainty must diminish the appellant's reliance on GWH as a local occupier. Similarly, less weight must be given to the evidence of the GWH.
47. Given the uncertainty regarding the links with GWH and the consequent lack of clarity as to the proposed use, only limited weight can be afforded to this element of the proposal.
48. I turn now to the appellant's intention that other community uses could use the space in the former restaurant area. It was made clear that the FSC was the principal user of the space and that the area could only be hired at other times. As with the FSC itself, no detail of how this might operate was provided, whether the main user of the area was GWH or another party. As with the FSC, if permission were granted based on the appellant's intention to allow the use of the community space, there is no mechanism to control the way in which that could be required.
49. Depending on how the proposed community space were used, and by whom and at what cost, it might be that the current proposal could go some way towards providing some facilities of an equivalent quality to those lost. The appellant made it clear that the letting of the space would be on a commercial basis – which is a reasonable approach – and I appreciate that the previous stated free use of the premises for events could well have been recouped by expenditure on food and drink. Especially as food would no longer be available, charging a rent is not unreasonable.
50. As with the FSC, there are many unknowns related to the use by other community activities, and the accessibility and availability of the facility for other community uses must be limited. I cannot give this possibility any great weight.
51. In relation to all the elements of the proposed community uses, I note that no parking spaces for the disabled are shown on the plan, and this (together with a gravel surface to the car park) reduces the inclusivity of the proposal.
52. I should also mention that there was a suggestion by the appellant that part of the Tap Room area could be used as a shop. However that is not part of the proposal before me and I do not attach any weight to that suggestion. In any event this was not pursued by the appellant in evidence.
53. In conclusion on this issue, whilst the village has a number of existing services and facilities which include the Selborne Arms public house and the village hall, no argument was put forward that there is no need for a replacement for the facilities offered by the former public house. Only limited evidence of alternative facilities was put forward, and the simple presence of other facilities is not in itself sufficient to meet the policy test.
54. For all the reasons set out above I consider that the proposal represents an unreasonable reduction in the local service provision. In coming to that view I am also aware that the appellant, in cross examination, accepted that the accessible, inclusive and available elements of policy were not wholly met.
55. Overall, it has not been demonstrated that the proposed alternative community facilities would be accessible, inclusive and available, and of an equivalent or

better quality to those lost. The scheme would harm the provision of local community facilities and would conflict with LP policy 43 and the Framework.

Other matters

56. STQ has objected to the proposal on the basis that the residential accommodation, as laid out and as proposed (aparthotel suites), does not fall within Use Class – C1. In the Use Classes Order, C1 is defined as “Hotels, boarding and guest houses”. STQ’s position is that, as the suites are fully self-contained, they would fall within Class C3 (“dwelling houses”).
57. While I can understand that suggestion, I do not consider that it invalidates the application/appeal. If planning permission were to be granted in line with the submitted description, and the SDNPA were to consider that the actual use fell outside the approved description, it would be open to the authority to consider enforcement action. In any event, as I am dismissing the appeal on other substantive grounds, this is not a matter which needs to be considered further here.
58. STQ also objects to the proposal on the basis that the accommodation formerly above the public house represented tourist accommodation, whereas the proposed accommodation could be occupied by long-stay residents, as has apparently already occurred, and not for tourist purposes. STQ’s position is that the proposal would therefore not be sustainable tourism and would conflict with LP policy SD23. Obviously the nature of the accommodation being proposed would be significantly different to that previously provided, and could attract those looking for longer stays. However that is not to say that it could not provide visitor accommodation and there is nothing to demonstrate that it would not support sustainable tourism in line with policy. In coming to that view I am conscious that the uncontested evidence is that there is very little serviced inn-type accommodation in the wider area - in contrast with a supply of accommodation similar to that proposed in the current appeal.
59. Given the location of the appeal site in the central area of a historic settlement it is unsurprising that it forms part of the setting of a number of Listed Buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This was not a matter raised by the main parties and, following my site visit, I consider that the setting of the heritage assets would be preserved.
60. The site is relatively close to the Wealden Heaths Phase II Special Protection Area (SPA), which is designated for bird breeding. The consideration must be whether the proposal would affect the integrity of the SPA in relation to recreational pressures. I consider that the proposal is not of a scale or location which would give rise to a likely significant effect on the SPA.
61. In considering this appeal I am conscious that I have reached a different conclusion in a number of respects to the Inspector who determined the appeal at an earlier stage (i.e. the decision quashed in the High Court). A number of the documents which have formed part of my consideration were also before her. However a considerable amount of additional evidence was put before me in writing and at the inquiry, and I have based my decision on the totality of the evidence, much of which would not have been before the previous Inspector.

62. The appellant understandably stressed the fact that there has been a history of negotiation with, and support from, Council officers – only to have permission refused by the SDNPA. This aspect formed a substantial part of the appellant's closing submissions. However, subject to the authority coming to that decision on planning grounds, the elected members were entitled to do that. The appellant's various references to the way in which the SDNPA conducted the matter are not matters which are of any assistance to me in considering the planning merits of the proposal.
63. The appellant, both in writing and at the Inquiry (including closing submissions) criticised the objectives of STQ. However, whatever the background, the evidence put forward by that group was clearly related to the planning merits of the proposal and this criticism does not assist consideration of the appeal.

Planning balance and conclusion

64. For the above reasons, the limited benefit arising from the restoration and reuse of the existing buildings is considerably outweighed by the harm to the character and appearance of the area, with particular regard to the Selborne Conservation Area and the National Park. In addition the proposal would harm the provision of local community facilities.
65. I appreciate that the provision of additional residential floorspace would be a minor benefit, although I have no evidence of any particular need for accommodation in general or this type of accommodation in particular. I also appreciate that the appellant stated that if this appeal is not approved only some limited elements of the proposal would be completed.
66. Overall the harm that the proposal would cause far outweighs the limited benefits, and the appeal scheme is in conflict with the development plan as a whole.
67. For the reasons given above the appeal should be dismissed.

Phillip J G Ware

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Guy Macklin, who also gave evidence

He also called

Wendy Megeney	Local resident
Grenville Earney	Founder of Gilbert White's brewery

FOR THE LOCAL PLANNING AUTHORITY (SDNPA):

Hashi Mohamed of Counsel, instructed by SDNPA

He called:

Lucie Tushingham	Conservation Officer
BA(Hons) MSC MRTPI IHBC RHS	
Ruth Childs	Landscape Specialist
BSc(Hons) MSc CMLI	
Richard Ferguson	Development Management Lead
BSc(Hons) MA MRTPI	

RULE 6 PARTY (STQ):

Piers Riley-Smith of Counsel, instructed by Michael De Courcy

Dr Carolyn Rye	Local resident
Minette Palmer	Local resident
Michael De Courcy	De Courcy Town Planning
BSc(Hons) BTP MRTPI	

INTERESTED PARTIES:

Professor Khalid Aziz	Chair of Trustees, Gilbert White's House
Susan Knight and Anthony Edye	Local residents
Stephen Scott	Local resident
John Walsha	Local resident
Dr Lynne Ravenscroft	Local resident and Chair of Selborne Association

Geraldine Dawson	Member of Selborne Stores Ltd
Tom Blackburn	Local resident
Roderick James	Local resident
Lara Roberts	Local resident
Georgie Sayle	Local resident
Andrew Martin	Selborne Stores Ltd
Joanna Clay	Local resident
Matthew Turner	Local resident
Guy Masson	Local resident
Sir Adrian Montague	Local resident
Charlie Bridger	Local resident
Judith Bowles and Steve Green	Local residents
David Ashcroft	Local resident

DOCUMENTS:

Doc 1	Opening submission by R6 party
Doc 2	Opening submission by SDNPA
Doc 3	Statement by Professor Aziz
Doc 4	Statement by Susan Knight and Anthony Edye
Doc 5	Statement by Stephen Scott
Doc 6	Statement by John Walsha
Doc 7	Statement by Dr Lynne Ravenscroft
Doc 8	Statement by Geraldine Dawson
Doc 9	Statement by Tom Blackburn
Doc 10	Statement by Roderick James
Doc 11	Statement by Lara Roberts
Doc 12	Statement by Georgie Sayle
Doc 13	Statements by Andrew Martin*
Doc 14	Statement by Joanna Clay
Doc 15	Statement by Matthew*
Doc 16	Statement by Guy Masson
Doc 17	Statement by Sir Adrian Montague*

Doc 18	Statement by Charlie Bridger*
Doc 19	Statement by Judith Bowles and Steve Green*
Doc 20	Statement by David Ashcroft*
Doc 21	Local Spaces in South Downs National Park (extract)(2017)
Doc 22	Closing submission by South Downs National Park
Doc 23	Closing submission by Save The Queens
D0c 23	Closing submission by the appellant

* Statements read by others