



Appeal Decision

Site visit made on 16 December 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/N1730/D/24/3350791

Bagwell House, Bagwell Lane, Odiham, Hook, Hampshire RG29 1JG

- 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 Dermot Leeper against the decision of Hart District Council.
 - The application Ref. is 24/00523/HOU.
 - The development proposed is the erection of a replacement garage with annexe at first floor following demolition of the existing structure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement garage with annexe at first floor following demolition of the existing structure at Bagwell House, Bagwell Lane, Odiham, Hook, Hampshire RG29 1JG in accordance with the terms of the application, Ref. 24/00523/HOU, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is whether the proposed development would potentially be an independent residential use in the open countryside, as precluded by development plan policies and Government policy in the National Planning Policy Framework (revised December 2024) ('the Framework').

Reasons

3. In its refusal of permission the Council has identified several separate issues that in combination have led to the view that the proposal would be contrary to its policies. As such, it is considered that the proposal would be tantamount to a new residential planning unit in the open countryside (the area outside settlement policy boundaries).
4. The development plan policy basis put forward for this refusal is Policies NBE1, NBE 9, SD1 & SS1 of the Hart District Local Plan 2016-2032 and Saved Policy GEN 1 of the Hart District Local Plan (Replacement) 1996-2006. Policy NBE1 'Development in the Countryside' sets out a list of criteria, of which at least one needs to be met before development will be supported. In my view, the appeal proposal, given its close proximity to Bagwell House and having regard to established case law, has the potential to be considered under criterion g) as an 'extension' to an existing dwelling. I note that this is also referred to in the Design and Access Statement submitted as part of the application.
5. The Officers' Report states that in consideration of annexes it is a matter of fact and degree whether the facilities provided, the scale and form of the proposed

building and the degree of severance from the host dwelling can be considered as 'ancillary'. The grounds of appeal argue that a more appropriate test under the 1990 Planning Act would be whether the proposed building would be part of the existing planning unit and likely to remain as such. However, I note that the appellant's quotation from the Encyclopaedia of Planning Law refers to 'additional bedroom accommodation' rather than a self-contained facilities such as a bathroom and kitchen facilities within the living space. Be that as it may, there are ten considerations set out in the Officers' Report which need to be evaluated to assess the merits or otherwise of the proposed annexe, and the Council considers that the appeal scheme fails in respect of half of them.

6. The five considerations that the Council do consider to be acceptable are that the building shares the access to the house; it is within the same curtilage; it is in the same ownership; there is no boundary demarcation or subdivision of the garden between the curtilage of the house and the site for the annexe, and there would be adequate parking & amenity facilities for the needs of the occupiers of the proposed building and residents of the house.
7. As regards those considered by the Council to be unacceptable (Nos. 1, 2, 5, 7 & 10 in the Report, as regards 2) & 10) I have referenced the separation of the proposed building from the house in paragraph 4 above and in this position No. 7) the issue of internal linkage does not arise. In respect of 5) the residential element would initially be used for dependant relatives and in the longer term it is reasonable to assume that a country house of this substance might well have guest or employee accommodation within its grounds.
8. In terms of 1), subordination, I am minded to agree with the officer's report that the proposed four dormer windows are not representative of a design characteristic of a subservient building. Nonetheless, the facts are that that with the ground floor proposed for replacement parking and storage for Bagshot House, it is only the first floor that would have the residential element. And although the room sizes and amenities to be provided would be sufficient for an independent one or two person occupation, equally they are not obviously excessive for dependant relatives, guests or employees.
9. In visual terms, Bagshot House with its considerable bulk, second floor accommodation in the roof, spread of footprint (including the existing single storey attachment) and more central position (relative to the site, its access to Bagshot Lane and the formal entrance drive) would in my view unquestionably be the dominant building. And even allowing for the fact that it shows a flank elevation for the annexe and the front elevation for the House, 'Street Elevation' Drawing No. 2413/12 does lend support for the view that the appeal scheme is patently for a subordinate extension.
10. This Drawing is also useful in that it shows the close siting of the proposed annexe to Bagshot House. Given this relationship and that the annexe site already clearly lies within the domestic curtilage, I consider that any future severance of the planning unit to achieve independent use would be perceived as incongruous and indeed harmful to the status of the house, which is set in almost a hectare of grounds.
11. This should mitigate the Council's concerns as to the likelihood of future severance, albeit I do not share the Council's fear that the remote location and not being in sight of the public realm would facilitate its independent use as a dwelling. The latter has legal and financial obligations that if concealed would

be likely to warrant redress. I consider that these would carry significant weight against such a decision. And together with the particular circumstances of Bagwell House and its grounds and the application of appropriate conditions on a permission, I find on balance that the Council's concerns as to future severance and my own reservations as to the design are not such as to justify the withholding of permission.

12. Accordingly, there would be no harmful conflict with the policies referred to in paragraph 4 above and for the same reasons I do not consider that there would be a breach of Government policy in the Framework. I shall therefore allow the appeal. In so doing I have noted the appellant's enclosures of the Council's decision to grant permission for ostensibly a very similar development at Hatts Cottage in Hartley Wintney under Ref. 23/01108/FUL dated 20 September 2023. However, in fairness I acknowledge that there may have been different circumstances in that case and the HAS procedure for the appeal application does not permit the Council to comment.
13. The Council and the appellant have suggested conditions if the appeal is allowed. In addition to two conditions to restrict the use of the annexe as applied for, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. An external materials condition and a condition restricting the storage of building materials will safeguard amenity, whilst a condition is needed to protect the roots of nearby trees from damage.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: Drawing No. Series 2413/: Plan Nos.06; 07; 08; 09; 10; 11;
- 3) The external materials to be used in the construction of the external surfaces of the development hereby permitted shall be as proposed on the application form;
- 4) The building hereby permitted or any part thereof shall not be occupied at any time other than for purposes incidental or ancillary to the residential use of the dwelling presently known as Bagwell House;
- 5) The garage hereby permitted (as shown on ground floor drawing no. 2413/10) shall be retained and used solely as garaging, storage or for other purposes incidental to the enjoyment of the private dwelling house known as Bagwell House as shown on the approved plans;
- 6) The development hereby permitted shall be carried out in accordance with the Schedule of Works in paragraph 7.1.6 of the Arboricultural Method Statement, Impact Assessment and Tree Protection Plan prepared by SouthOaks Arboricultural Consultancy;

- 7) All materials, machinery and any resultant waste materials or spoil shall be stored within the red line application site and removed therefrom on or before completion of the development.