



Appeal Decision

Site visit made on 21 January 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/N1730/W/24/3346172

Jane's Cottage, Church Lane, Dogmersfield, Hook, Hampshire RG27 8TA

- 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 Jeremy Cocks against the decision of Hart District Council.
 - The application Ref is 24/00726/FUL.
 - The development proposed is conversion of existing storage barn into two self-catering holiday lets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is supported with a Unilateral Undertaking (UU) to secure measures to mitigate the impact of development on the Thames Basin Heaths Special Protection Area (SPA). I shall return to this matter later.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are:
 - i) the effect of the proposal upon the character and appearance of the area;
 - ii) whether the site would be an appropriate location for the proposed use having regard to local and national planning policies; and
 - iii) the effect of the proposal on the integrity of habitats sites.

Reasons

Character and appearance

5. In the immediate vicinity of the appeal site Church Lane is characterised by sporadic development, predominantly comprising detached dwellings set back from the highway behind tree and hedgerow boundaries. The loose built form reinforces the largely open rural character of the area.

6. The appeal building is constructed of breeze block with an external finish of black stained timber weatherboarding under a corrugated sheeting roof, with existing door openings to its northern elevation. The appeal site comprises a largely rectangular parcel of land with hedges, interspersed with trees, forming the boundaries. It also includes a dwelling, known as Jane's Cottage. Views of the appeal building from the south are limited due to existing boundary hedges. However, the appeal site and building proposed for conversion are visible from Church Lane, particularly when approaching from the north.
7. Whilst the pathway to the proposed units would be limited in area, an extensive area of land is included within the red line boundary, identified by the appellant as paddock. The use of this area of land would likely result in some domestic paraphernalia, including planting and other domestication of the plot, which may not require the benefit of planning permission. This would give rise to a suburban appearance contrary to its agrestic character and appearance. In addition, the area of land would be disproportionate to the size of the proposed units. Accordingly, the proposed development, in particular the associated use of external space, would not be sympathetic to its rural setting.
8. No extensions are proposed to the building to be converted. Furthermore, the limited alterations proposed would be sympathetic. These, however, are neutral factors and do not outweigh the adverse impacts I have identified.
9. The proposal would utilise an existing vehicular access. An area of hardstanding, to provide parking for the proposed units, would be discreetly located between existing built form and boundary treatments. Consequently, the visual impact of the proposed parking area and bin store on the wider area would be negligible having regard to the current site layout and the provision of additional planting, which could be secured by condition. This is also a neutral matter.
10. For the reasons outlined above, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. This would conflict with Policies NBE2 and NBE9 of the Hart Local Plan (Strategy and Sites) 2032 (LP), and Policy GEN1 of the Hart Local Plan (Replacement) 1996-2006 Saved Policies (RP), which amongst other things support developments where they are in-keeping with local character and respect the local landscape. Conflict also arises with Policy DNP6 of the Dogmersfield Parish Neighbourhood Plan 2016-2032 (NP) which, amongst other things, requires proposals to respect the main distinguishing features and special characteristics of the landscape.

Location

11. The site is located outside of any defined settlement boundary and is therefore within the countryside for planning policy purposes. Whilst the appellant does not seek permanent residential occupation, the purpose of holiday accommodation is for residential use which can be limited by planning condition. The appellant is agreeable to the imposition of a condition to limit occupancy of the units.
12. Policies SS1 and NBE1 of the LP seek to manage the location of new development and restrict development in rural locations, with certain exceptions set out in Policy NBE1. New dwellings are not permitted in the countryside, except under certain circumstances. The exceptions do not include holiday accommodation.

13. Criterion h) of Policy NBE1 includes the conversion of previously used permanent buildings or redundant agricultural buildings for appropriate uses. Footnote 17 of this policy states an appropriate use in this context is one that is consistent with other development plan policies.
14. Policy DNP1 of the NP establishes the spatial policy for the parish. This seeks to direct new development to within the settlement boundary of Dogmersfield. It also explains that proposals in the countryside, and outside the boundaries of Conservation Areas, will only be supported if they are designed to provide appropriate facilities for rural enterprise, agriculture, forestry, or leisure, and to do so in a manner which demonstrably benefits the rural economy without harming countryside interests.
15. Policy ED3 of the LP supports a prosperous rural economy. Holiday accommodation could reasonably be argued to support rural tourism and the rural economy. Whilst the building is of substantial construction the appeal site does not lie within or on the edge of a settlement. Accordingly, the proposal fails to accord with criterion a) of this policy. Furthermore, amongst other things, Policy ED3 requires developments to be of a use and scale.
16. I have identified harm to the character and appearance of the rural landscape, which brings the proposal into conflict with Policies SS1, NBE1 and ED3 of the LP, Policy DNP1 of the NP and GEN1 of the RP insofar as they seek to protect landscape character. These policies are in general conformity with the Framework which seeks to manage growth.
17. Accordingly, for the reasons stated the proposed use would not be in an appropriate location having regard to local and national planning policies.

Habitats Sites

18. The information before me indicates that the appeal site is located within the Zone of Influence of the Thames Basin Heaths SPA. The SPA comprises a network of lowland heathland sites which provide a habitat for internationally important breeding bird species including woodlark, European nightjar and Dartford warbler. These are ground nesting species and particularly vulnerable to disturbance from increased recreation and predation by cats.
19. Due to its proximity to the appeal site, there is a reasonable likelihood that the SPA would be accessed for recreational purposes by future occupiers of the development. Although this may be minimal by itself, a significant effect on the integrity of the SPA would occur, when considered in combination with other residential development in the surrounding area. When considering the effect that a proposal may have on a European Site, it is necessary to consider mitigation within the framework of an Appropriate Assessment (AA).
20. The Council imposes a tariff on development proposals to provide contributions in relation to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) to mitigate the effects of recreational disturbance and protect the integrity of European sites.
21. The AA is required on a case-by-case basis to determine whether or not the project would adversely affect the integrity of the SPA. It would also have required a consideration of whether or not any proposed mitigation would be adequate,

effective and could be appropriately secured and delivered in a timely manner. The appellant has submitted a UU. Had I been minded to allow the appeal, it would have been necessary for me to undertake the AA. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Other Matters

22. Subject to the imposition of conditions, the proposal would satisfy elements of the development plan policies in respect of highways and parking. However, a lack of harm in this respect is a neutral factor in the determination of this appeal.
23. The proposed development would provide for a holiday-let, which would increase the availability, and choice, of holiday accommodation in the area. Furthermore, its construction and use would contribute to the local tourism industry and the local economy which is supported by the Framework. Nevertheless, given the limited size of the proposal, these benefits would be modest and not sufficient to outweigh the harm identified.
24. I note the evolution of the proposal from a previously refused scheme. However, I have considered the appeal proposal on its own merits based on the evidence before me.

Conclusion

25. The proposal would conflict with the development plan when read as a whole and there are no material considerations, including the Framework, which would indicate a decision other than in accordance with it.
26. The appeal is therefore dismissed.

R. Gee

INSPECTOR