



Appeal Decision

Site visit made on 13 August 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/N1730/W/25/3359381

Harewarren Farm, Chalky Lane, Dogmersfield, Hook, Hampshire RG27 8TG

- 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 and Mrs Wilkins against the decision of Hart District Council.
 - The application Ref is 24/00587/FUL.
 - The development proposed is demolition of existing buildings and construction of 7 dwellings (2 x four bed, 3 x 3 bed, 2 x 2 bed), garages, stores and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is an appropriate location for new housing having regard to local and national planning policies;
 - The effect of the proposed development upon the character and appearance of the area including the effect upon the setting of registered park and garden Dogmersfield Park;
 - The effect of the proposed development upon the provision of employment land; and
 - The effect upon protected species with regard to great crested newts.

Reasons

Appropriate location

3. Policy SS1 of the Hart Local Plan (Strategy and Sites) (2020) (HLP) sets out the spatial strategy and distribution of growth in the district. It seeks to direct new development to defined settlements, previously developed land in sustainable locations and on allocated sites. HLP Policy NBE1 relates to development in the countryside and restricts development to those specifically permitted by other HLP policies.
4. Policy DNP1 of the made Dogmersfield Neighbourhood Plan (DNP) sets out the spatial strategy for the Parish. It largely echoes HLP Policy SS1 by seeking to concentrate development within the settlement boundary of Dogmersfield, on brownfield sites in sustainable locations and by limiting development in the countryside to specific types, which does not include open market housing.

5. The appeal site is not located within a defined settlement but in open countryside. The nearest settlements are Church Crookham and Fleet which have a number of services and facilities to meet the day-to-day needs of future occupants, larger order goods, health services, education and employment opportunities.
6. Chalky Lane, on the whole, is devoid of a footpath and streetlighting making walking and cycling to and from the site impractical and undesirable. Therefore, occupiers would likely use a private vehicle for trips to nearby towns and villages.
7. Given the distance between the site and nearby settlements with services and facilities together with the infrequency of bus services future occupiers would be more reliant on private vehicles to access services and facilities to meet their day-to-day needs.
8. However, this would be the case for existing residents in the area, and it is acknowledged in the National Planning Policy Framework (the Framework) at paragraph 110 that transport solutions will vary between urban and rural areas. Notwithstanding the above, I find that the location of the development and accessibility to services and facilities in nearby towns and villages would not be unacceptable.
9. The site sits to the north of a dwelling known as Harewarren Farm on the western side of Chalky Lane. It is formed of two rows of former agricultural buildings separated by a courtyard served by a driveway positioned to the north.
10. The western block is formed of a workshop and former piggery in varying states of repair that sit within a manicured domestic setting. The eastern block comprises former agricultural buildings and an open sided barn that neighbour a small agrarian field that extends to the roadside. Despite their condition the agrarian and utilitarian appearance of the buildings are in keeping with the rural nature of the area.
11. Having regard to the definition of Previously Developed Land as set out in the glossary to the Framework and based on the evidence before me it is apparent that the built form and associated garden areas would extend into areas that cannot reasonably be considered to be previously developed. In particular plots 1-4 would extend into the agrarian field to the east and the vast majority of plot 7 would be located on what appears to be undeveloped garden land. Despite the field to the east of the buildings not functioning as agricultural land for a number of years there is nothing substantive before me to indicate that it is associated with the permitted commercial use of these buildings or that planning permission has been granted for an alternative non-agricultural use.
12. I have been made aware of the planning history for the site which includes planning permission, under the Prior Approval procedure, for the conversion of the piggery and workshop to 3 dwellinghouses. These permissions establish a fallback position and a consideration to which I have had regard to in coming to my decision.
13. Whilst I have not been provided with complete details of the above permissions having regard to the relevant parts and provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, it is not unreasonable to assume that the schemes relate to either the physical limits of the buildings or include an area of land that sit immediately beside or around them. In contrast the proposed development would result in more dwellings spread over a

greater area of the site compared to the Prior Approvals. In this respect, I do not consider these schemes to be directly comparable to the appeal scheme before me.

14. As such, whilst the site is in an accessible location as the proposal would involve land that cannot be deemed to be previously developed there would be conflict with HLP Policies SS1 and NBE1 and Policy DNP1.

Character and appearance including effects upon heritage assets

15. Despite the cluster of dwellings to the south of the site development along Chalky Lane is sporadic and the site acts as a transition between this residential development and expansive open countryside to the north.
16. The urbanisation of the site resulting from the substantial built form proposed, associated infrastructure and domestic paraphernalia spread over a significant area of the site would erode its rural character. It would result in an uncharacteristic concentration of built form in contrast to the more sporadic nature of housing and failing to integrate with the pattern of development in the area.
17. I acknowledge that the proposed development would reflect the existing layout broadly following a courtyard arrangement. However, the cumulative impact of the position, overall scale and bulk of the dwellings combined with their domestic appearance including prominent gable features, busy roofscapes, dormer windows and flat roof projections together with the detached garages sitting forward of the dwellings would give rise to the perception of an intensively developed and suburban form of development. This would be at odds with the prevailing rural character.
18. Despite the set back from the roadside given the overall height, scale and bulk of the dwellings the proposal would be visually intrusive and its suburban appearance would be apparent to users of Chalky Lane. Whilst landscaping may well act to screen views, there is no substantive evidence to indicate they would remain for the lifetime of the development such that they would continue to screen it. A condition requiring retention of the dual line of trees would be difficult to enforce and there is no certainty that it would mitigate the harm identified.
19. Whilst the Council may well have approved other development that does not display traditional rural characteristics in the area I have not been made aware of the individual circumstances that led to them being considered acceptable by the Council. In any case, every appeal must be considered on its own merits. The presence of these dwellings nor the appearance and condition of the buildings on site justify the harm that I have identified.
20. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
21. Dogmersfield Park is Grade II listed comprising a substantial building dating back to the seventeenth century with later additions that sits within extensive undulating gardens and pleasure ground and parkland. The historical and architectural significance of Dogmersfield Park is in part derived by its medieval origins, the

architecture of the original house and its rococo landscape and ornamental buildings.

22. The extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. Based on the evidence before me the site historically was part of Dogmersfield Park forming the Harewarren Plantation, but that the modern farmstead was omitted when the boundary of the park was designated in the 1980s. Whilst it no longer has a functional association with Dogmersfield Park the nature of the site provides an insight to the historical landscape setting. As Dogmersfield Park wraps around Harewarren Farm views are afforded from within the site across parts of the parkland. As such, in my judgment the site contributes to the setting of this heritage asset, making a positive contribution to its historical interest and significance.
23. The Framework advises, at paragraph 212, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
24. In light of my findings above I find that the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
25. The proposed development would deliver a number of public benefits in so far as it would contribute to the area's housing supply by providing seven dwellings. In addition, future occupiers of the dwellings would contribute to helping to support services and facilities in the district. The scheme would also deliver economic benefits in terms of the construction of the development, albeit this would be largely limited to the construction phase. Council tax payments would essentially mitigate the impact of the proposed development and are of neutral consequence. However, these social and economic benefits are not substantial and do not outweigh the harm caused to the heritage asset to which I give considerable weight.
26. Subsequently, the proposed development would adversely affect the character and appearance of the area and would cause harm to the setting of Dogmersfield Park neither preserving nor enhancing its character or appearance harming its significance as a designated heritage asset. As such, it would be contrary to HLP Policies NDE2, NDE8 and NDE9, LP Policy GEN1 and DNP Policies DNP1 and DNP6 which, amongst other things, require developments to achieve high quality design that positively contributes to the overall appearance of the local area and distinctiveness, respect and wherever possible enhance the special characteristics or visual amenity of the district's landscape including historic parks and gardens and conserve or enhance heritage assets and their settings

Provision of employment land

27. HDP Policy ED2 seeks to protect employment sites and part 3 states that development which would result in the loss of an existing employment use within the B use class, outside of the identified Strategic or Locally Important Employment areas, will only be permitted where the loss can be justified having regard to market signals indicating that the site is unlikely to be utilised for employment use or

continuation of the employment use is not appropriate due to significant detriment to the environment or amenity of the area.

28. I acknowledge that there are a number of units on site that have an established employment use. However, at the time of my site visit it was apparent that they were not being used as such but rather as a home office and for ad hoc storage.
29. The units are very modest in size and of low quality and it is evident that they would not be an attractive option for potential occupiers. Furthermore, it is likely that considerable investment would be required to bring them up to a marketable standard. The units do not generate jobs and given their limited size it is unlikely they would provide employment opportunities for the community in Hart.
30. In my view the loss of these units to an alternative use would not demonstrably undermine the quality or quantum of employment land in the district nor unduly affect employment opportunities, despite the absence of an assessment. As such, the proposed development would not unduly affect the provision of employment sites in the district and thus there would be no conflict with HLP Policy ED2.

Great crested newts

31. Great crested newts are a European protected species (EPS). Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) requires a competent authority to have regard to the requirements of the associated Directive¹ so far as it may be affected by the exercise of its functions. This includes any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of EPS under Article 12(1). This includes great crested newts and their breeding site or resting place habitats.
32. The Courts² have established that planning permission should ordinarily be granted save only in cases where a proposed development would either be likely to offend Article 12(1) or unlikely to be licensed pursuant to the derogation powers. The duty to have regard to the requirements of the Directive, as set out in Regulation 9(1), remains but the judgement establishes that there is no need to carry out a detailed assessment as to whether there would be a breach of Article 12(1) or whether derogation from that article would be permitted and a licence granted.
33. Nevertheless, I am still required to ensure that any potential harm to an EPS would be adequately mitigated and whether or not the proposed development is unlikely to be licensed.
34. The appellants Great Crested Newt Method Statement, undertaken in response to third party representations, confirms the presence of great crested newt DNA in the pond water following an environmental DNA survey. The statement recommends maintaining the current habitat and mitigation in the form of protection during the construction phase. In this regard and bearing in mind that the pond would not be lost to development I find that the proposal would not offend Article 12(1). I am satisfied that the mitigation hierarchy has been followed and that there would be no significant harm to the long-term conservation status of great crested newts that may be present.

¹ Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Directive)

² *Morge v Hampshire County Council* [2011] UKSC 2

35. The appellant is not obligated to use the district level licensing scheme and thus they would be able to apply for a mitigation license from Natural England. A license can only be granted by Natural England if the development meets 3 derogation tests. In summary these are, that the development is necessary for imperative reasons of overriding public interest; that there is no satisfactory alternative that will cause less harm to the species; and thirdly that it will not be detrimental to maintaining the population of the species at a favourable conservation status in their natural range. However, it is not for me to determine whether the legal tests for a license would be met as this would duplicate the function of another regulatory body and would be contrary to the well-established principle that non-planning regimes are assumed to operate effectively.
36. If I were minded to allow the appeal, I am satisfied that conditions would provide the necessary detail and certainty to safeguard the EPS. As the Planning Practice Guidance makes clear, conditions should be used to enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.
37. Based on the evidence before me I find that no significant harm to great crested newts or their habitat would be caused. Consequently, the proposal would not conflict with HLP Policy NBE4, saved LP Policy GEN1(v) and DNP Policy DNP7 which, amongst other things, seek to conserve and enhance biodiversity and include provision for conservation of the district's ecology and demonstrate that any potential impacts upon priority species and habitats have been fully assessed and mitigated.

Planning Balance

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
39. The appellant contends that the Council's five-year supply of deliverable housing sites is in the region of 2.72 years because of the standard methodology set out in the Framework and I have not been provided with any evidence from the Council to refute this.
40. In such circumstances paragraph 11 d) of the Framework states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless one of two scenarios apply.
41. Paragraph 11 d) i states that permission should not be granted when the application of policies in the Framework that protect areas or assets of particular importance, as set out in Footnote 7, provides a strong reason for refusing the development proposed.
42. Footnote 7 states that designated heritage assets are assets of particular importance and as set out above there is a clear reason for refusing the development in respect of the impact upon the setting of nearby heritage assets. Therefore paragraph 11 d) and the presumption in favour of sustainable development is not engaged.

Conclusion

43. Whilst the tilted balance does not apply for the reasons set out above, even if it did, the harm of granting planning permission in respect of its location, character and appearance and effects upon heritage assets would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
44. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR