
Appeal Decision

Site visit made on 15 August 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/M1710/W/25/3365439

Autobahn, Headley Mill Farm, Standford Lane, Bordon, Hampshire GU35 8RH

- 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 Steven Theobald against the decision of East Hampshire District Council.
 - The application Ref is 55171/004.
 - The development proposed is the change of use and conversion of existing building from a B2/B8 Use Class to provide a two-bedroom residential dwelling and associated storage space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is adjacent to three Listed Buildings and is situated immediately adjacent to the Headley Mill Conservation Area (CA), which surrounds it on three sides. I am mindful of the statutory duties placed on decision-makers by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) to have special regard to the desirability of preserving listed buildings or their settings, and to preserve or enhance the character or appearance of conservation areas respectively.
3. The address of the property on the application form is The Barn. However, following comment from an adjoining owner, whose property is also called 'The Barn', the name of the application property was changed to Autobahn. For the purposes of the header, I have used the revised name.
4. The third and fourth reasons for refusal of the Council's decision notice, related to a lack of information submitted in relation to ecology, effects of the proposal on biodiversity and protected species, and whether the proposal would cause harm or loss to an Oak Tree with consequent effects on character and appearance of the area. Additional information has been submitted by the appellant with the appeal documentation, containing such information. Accordingly, the Council, having reviewed the submitted information, have confirmed that reason for refusal three and four are no longer matters in dispute and effectively fall away.
5. The appeal seeks the change of use of an existing building from mixed Use Class B2 (General Industrial) and Use Class B8 (Storage or Distribution) to a residential dwelling and associated storage space. There is disagreement between the parties as to whether the existing building does indeed fall under a mixed B2/B8 Use Class definition.

6. There is insufficient evidence submitted with the appeal to allow detailed examination of the existing use classification of the existing building. It is evident that it is not currently in a residential use classification. I have therefore confined my examination of the appeal to a change of use of the existing building to a two-bedroom residential dwelling and associated storage space. As the existing building is a single unit, and the application drawings do not seek to define the associated storage areas as a separate use class, I have proceeded on the basis that the appeal seeks residential use for the whole of the appeal site.

Main Issues

7. The main issues are, i) whether the proposal represents a sole residential use and an appropriate form of residential development, and ii) whether the proposal would provide acceptable living conditions for future occupants, with particular regard to the internal layout and the provision of private external amenity space.

Reasons

Form of Development

8. The existing building consists of a single element of built form. There are conflicting views of its legal use classification. However, it has variously been identified as being constructed for agricultural use, and with previously being used for the crushing of oats and barley, and distribution of this. It is a predominantly single-storey steel framed, rectangular building, with a part two-storey gabled section which projects in front of the line of the principal elevation.
9. The building originally consisted of asbestos cement sheet cladding to the upper walls and roof of the rectangular section of the building, and horizontal timber cladding at upper floor level over concrete blockwork walls to the ground floor level in the projecting gable section of the building. At the time of my visit, the asbestos cement sheet cladding and roof had been replaced with coloured profiled metal sheet insulated cladding, the lower section of walls being re-clad in stained timber. New motorised sectional doors had been fitted to the principal elevation. The projecting gable section of the building remained in its original condition pending the decision on this appeal.
10. Other than the projecting gable section, the existing building has been renovated. The proposal would complete the external renovation, the existing works to which have been accepted as constituting 'repairs' by the Councils enforcement officer. The proposal would replace the timber cladding to the projecting gable and would replace the blockwork wall at ground level for brickwork with quoin details. However, the completed building would still have the overall appearance of an agricultural/light industrial building. This is primarily because the majority of the building utilises materials which are normally associated with types of industrial and agricultural buildings, but also because the scale and visual form of the building is industrial/agricultural in nature.
11. The appeal proposal seeks to convert the whole of the building to residential use. However, only a portion of the building would be converted to form the actual living accommodation of the dwelling. This would be two-storey in nature, occupying part of the rectangular section of building, but mostly occupying the projecting gabled element of the building.

12. In terms of floor area, the residential dwelling element is identified by the Council as being around 138Sq.m. in area, whilst the storage area is around 245Sq.m. in area. The storage element of the proposal is therefore close to being twice the size of the residential dwelling element. The Council consider that the scale and function of the storage area raises concerns as to whether it can reasonably be considered as being ancillary to the proposed residential use. The appellant contends that the size of the storage area does not determine whether it is ancillary to the dwelling.
13. The application form describes the proposal as 'change of use to provide a two-bedroom residential dwelling and associated storage space'. The supporting statement submitted with the application further refers to this as 'change of use of The Barn to provide a two-bedroom dwelling with ancillary storage (garaging)', and the submitted plans label the storage area as ancillary space. The appellants final comments response to the Councils appeal statement, refers to the storage area as 'a good space for the owner to have their workshop so that they can work on and store their classic cars'. The description of the ancillary space appears to be fluid.
14. At my visit, I viewed the internal space of the existing building, together with the external spaces around the building and the surrounding area. It was evident that internally the ancillary space has been fitted out, not as a simple storage garage, where a number of vehicles may be parked, either for short or long-term, but as a full workshop. The extent of equipment included a rise and fall hydraulic lift bay, a further full car lift jack system, tyre fitting and wheel balancing machines, all of which appeared to be of commercial grade. The space had the appearance of a commercial vehicle repair garage, albeit a very clean one.
15. I also observed that a further two-storey section of building had been erected internally in the corner of the space, occupying around one-and-a-quarter structural bays on plan, providing some form of accommodation. This area, at ground floor, would have access to external windows for natural light and ventilation, also benefitting from external access via a door in the east elevation. This does not appear on any plans, and the use of it is indeterminate.
16. The argument between the parties is whether the storage/garaging area of the building is ancillary to the dwelling, and therefore within a residential use classification. The Council have cited Caselaw¹ stating that uses defined as ancillary must be 'ordinarily incidental' to the use, and not just personally convenient or desirable to the occupier. They cite further Caselaw² where the court made clear that an outbuilding of disproportionate scale and function can trigger a material change of use. They finally cite Caselaw³ where the judgement drew a critical distinction between parking (a short-term, functional act linked to daily occupation) and storage (a more static, long-term activity).
17. The appellant has countered citing Caselaw⁴ regarding 'whether the uses of the proposed buildings, when considered in the context of the planning unit, are intended and will remain ancillary or subordinate to the main use of the property as a dwelling house'. They further cite that in applying the test, regard should be had to 'the use to which it is proposed to put a building and to considering the nature and scale of that use'.

¹ Rambridge v SSE and East Hertfordshire DC

² Wallington v SSW

³ Crawley Borough Council v Hickmet Ltd

⁴ Emin v SSE & Mid Sussex DC (1989)

18. The judgement held that the physical size of the building in comparison to the dwellinghouse might be an important consideration but was not conclusive. It was necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwelling and answer the question as to whether the proposed building was genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose.
19. The appellant cites further Caselaw⁵ that 'in each case it has to remain a matter of fact and degree as to whether facilities were, or were not, an integral part of the ordinary residential use of the primary unit'. The appellant avers that the workshop and garaging would cease to function without the dwellinghouse, and the enjoyment of the dwellinghouse would be reduced by the removal of the ancillary space, and that they rely on one another to function.
20. Having examined the evidence before me, I find that the size of the storage/garage accommodation, at nearly twice the size of that of the residential dwelling accommodation, would be disproportionately larger than the residential dwelling. Accordingly, I find that the proposed storage/garage would not be ancillary to the main dwelling, but would represent the main use within the building, the residential dwelling being the subordinate use. Further, whilst a garage or area of storage may well be regarded as being ordinarily incidental to the use of a dwelling, as a matter of fact and degree, I do not consider the proposal would represent an integral part of the ordinary residential use of the residential dwelling.
21. The storage/garage element of the proposal, as fitted out on site, would seem to significantly exceed what which would be required as garaging or storage incidental to residential use. The area, both in terms of size and extent of fitting out, would be more reflective of a use as a commercial vehicle garage, falling under a B2 industrial use class, than the proposed residential use.
22. Further, I find that the appellants assertion that the workshop and garaging would cease to function without the dwellinghouse, and the enjoyment of the dwellinghouse would be reduced by the removal of the ancillary space, that they rely on one another to function, to be invalid. The existing building has been substantially refurbished under works confirmed as being 'repairs' by the Councils enforcement officer. Internally the space has been fitted out and is functioning as a workshop for vehicle maintenance and restoration of the applicant's collection of vehicles. There is no residential use on the site, and the workshop is functioning perfectly well. This would evidence that there is no interdependent link between the two uses.
23. The existing building is located outside of a settlement boundary and is therefore regarded as being in the countryside. Whilst saved policy C14 of the East Hampshire District Local Plan: Second Review (2006) (the Local Plan), provides support for the conversion of buildings in the countryside, this policy relates primarily for conversion for employment or community uses, with some additional requirements for conversion to residential dwellings. The Council consider that the policy may offer some support for the principle of conversion of the existing building to residential use, but this would be considered on its individual merits.
24. Policy CP10 of the East Hampshire District Local Plan - Joint Core Strategy (2014) (the JCS) identifies that housing outside the settlement policy boundaries will only

⁵ Peche D'or Investments v SSE (1996)

be permitted subject to compliance with four criteria. The proposal does not meet any of the criterion, and therefore, would be contrary to policy CP10 of the JCS.

25. The residential dwelling element of the proposal would appear as an appendage to the much larger storage element of the building, which has an industrial/agricultural appearance. The resulting building would appear at odds with the forms of the surrounding development. It would have extremely limited external amenity space, and as a residential use, would appear cramped on the site. Accordingly, it would fail to accord with the requirements of policy CP29 of the JCS.
26. For the above reasons, it has not been demonstrated that the proposal represents a sole residential use. The proposed residential dwelling would appear subservient to the attached building which would maintain an industrial/agricultural aesthetic, and which would not represent a use ancillary to the residential dwelling.
27. I therefore conclude that the proposal would cause notable harm to the development strategy of the development plan and the high standard of design sought, contrary to policies CP10 and CP29 of the JCS, and policy C14 of the Local Plan. These policies require, among other things, housing development to be concentrated within settlement policy boundaries, and to be of an exemplary standard of design which respects the character, identity and context of the surrounding area and be sympathetic to its setting.

Living Conditions

28. The proposal would provide residential accommodation that, of itself, would be both spacious and of a good standard. All habitable rooms would be provided with natural light and ventilation from windows in the external elevations, providing views out to the surrounding area for future occupiers. The Council have stated that the layout is poorly conceived with windows opening to the storage area. However, these are not principal windows, they are secondary windows within the space they serve. The application is a self-build/custom-build type, the appellant having input into the design and making the choice to view the car collection in the storage space. I therefore find that in this regard; whilst the internal layout of the appeal proposal would be non-traditional, it would ultimately be acceptable.
29. However, the proposal seeks to create a residential dwelling from the conversion of a non-traditional building. The existing building is a of an agricultural/industrial building form, which is located on a tight site outside the defined settlement boundary. The building to be converted occupies the majority of the site on which it sits, leaving strips of land of little more than 3m in width to its north and east. These have high fences which separate the appeal site from adjacent properties, together with significant hedges and trees in the neighbouring garden areas, resulting in dark and overshadowed external space.
30. To the south of the appeal proposal would be the access point and parking area in front of the two large sectional garage doors, which would be required to be kept clear for vehicular movement and parking. There would be a small area of space in front of the gabled section of the building, and on the western side of the building, though these would be small and would be in clear view of the main road. Erection of suitably opaque fencing would likely have a detrimental effect on the adjacent CA and listed buildings, and the planting of a dense hedge to provide privacy, would take time to establish, and would result in the loss of an amount of the free external amenity space available for occupants.

31. The internal layout of the proposed dwelling makes no direct connection between the internal living spaces and these areas of external space, such that occupiers of the new dwelling would have poor access to the small amount of useable external amenity space available to them. The application also fails to identify the provision of storage for waste and recycling storage and collection within the site.
32. For the above reasons, I conclude that the proposal would provide unacceptable living conditions for future occupiers of the proposed development in conflict with policy CP29 of the East Hampshire District Local Plan - Joint Core Strategy (2014), and with paragraph 135 of the National Planning Policy Framework (the Framework). This policy and the Framework require, among other things, that development is of an exemplary standard which creates places where people want to live, which make provision for waste and recycling storage and collection, and which provide a high standard of amenity for existing and future users.

Other Matters and Planning Balance

33. The application site is located within 5Km of the Wealden Heaths II SPA but is outside of the 400m buffer zone. Whilst the proposal would increase the number of people permanently on the site, due to the availability of alternative recreational opportunities within the area, which could divert residents from use of the SPA. The proposal, either in isolation, or in combination with other development, is therefore not considered to have a likely significant effect upon the integrity of the SPA. An appropriate assessment is therefore not required.
34. The Council published a five-year housing land supply position statement in February 2025, having regard to the December 2024 updates to the National Planning Policy Framework (the Framework). The Council confirmed that they are currently able to demonstrate a housing land supply figure of 2.7 years, which is significantly below the 5-years supply required by the Framework. Accordingly, paragraph 11(d) of the Framework is engaged for decision making purposes.
35. However, the application site is immediately adjacent to the Grade II listed buildings of 'Wey House' and 'Oast Barn 15m west of Wey House' to the west, and 'Barn at Headley Mill Farm' to the east. The site is also bounded on three sides by the Headley Mill CA. All of these are designated heritage assets as referenced in paragraph 11(d) (i) and footnote 7 of the Framework. Therefore, the policies within section 16 of the Framework need to be considered, specifically paragraph 212, that requires decision makers when considering the impact of a proposed development on the significance of a designated heritage asset to give great weight to its conservation.
36. The CA at this location is the historic area of Headley Mill, deriving its significance, insofar as it relates to this appeal, from the concentration of listed buildings, the Mill and its setting by the Mill Pond, Wey House, its position and historic and architectural interest. The use of local stone in simply designed buildings and boundary walls, and the presence of mature trees and landscape features which form the setting of the CA.
37. The appeal property is an existing building. There is disagreement between the parties as to its lawful use, but it is generally considered to have been used for industrial or agricultural purposes. Its visual character and appearance are consistent with that of an industrial/agricultural building. The building has been subject to recent repairs to most of the building envelope, with only a small area

that requires completing. The appeal proposal would make very minor changes to the external appearance from those that have already occurred, replacing existing timber cladding, replacing windows and changing an area of concrete blockwork walls to brickwork, essentially completing the refurbishment. However, the proposal would change the use of the whole of the building to residential. The properties which surround the existing building are all in residential use, a substantial number being Listed Buildings within the CA.

38. For the above reasons, having regard to my duty under section 72(1) of the Act, I conclude that the appeal proposal would not cause harm to the character or appearance of the setting of the adjacent CA, nor would it affect the way in which the CA, as a designated heritage asset, would be experienced.
39. The proposal is also situated within proximity to three Grade II listed buildings, which derive their significance, insofar as it relates to this appeal, from the combination of their age, architectural detail and their historical and social contribution to the surrounding area. These are:

‘Wey House’, a mid-C16 part timber framed building, with C17 exterior, early C19 re-cladding and C20 north-side extensions in vernacular style, including half hipped roofs, ironstone walls with brick quoins, cambered arches and plinth details. ‘Oast Barn 15m west of Wey House’ is a GVII Barn and Oast, dating from the C17 and early C19. Constructed from stone and brick with a tile roof, and with a square oast, of stone with brick detail at the north end. ‘Barn at Headley Mill Farm’ is a former barn now converted to accommodation, dating from the late C17/early C18 with C19 and C20 alterations and additions. Timber framed with weatherboard cladding.
40. The appeal proposal is an existing building which, as described above, has substantially been refurbished externally. The proposal would carry out little further works, other than to complete the refurbishment, but would mainly change the use to a residential use class. As a result, whilst the proposal would be seen within views of the surrounding listed buildings, the visual appearance of the existing building would be improved, but would be changed little from the existing building, though the change of use to residential would be more compatible with the residential use of the surrounding listed buildings.
41. Having regard to my duty under section 66(1) of the Act, and the relevant heritage asset policies in the Framework, based on the evidence before me, my observations on site, and for the reasons highlighted above, I find that the proposal would not harm either the significance of, or the setting of, the Grade II ‘Wey House’, ‘Oast Barn 15m west of Wey House’ and ‘Barn at Headley Mill Farm’ listed buildings, as heritage assets.
42. For the above reasons, I conclude the proposal would preserve the settings of the nearby Grade II listed buildings and would preserve or enhance the character or appearance of the setting of the adjacent Headley Mill CA. Therefore, I conclude that the proposal would not conflict with Chapter 16 of the National Planning Policy Framework (the Framework), which requires, among other things, that development conserves and enhances the character and appearance of designated heritage assets.
43. Whilst the proposal would therefore comply with development plan policies relating to heritage assets and with policies relating to pollution and transport, as the proposal would conflict with policies relating to the location of development and

future living conditions it would be contrary to the development plan considered as a whole.

44. Turning to the planning balance, in terms of the benefits of the scheme, the proposal would re-use an existing building to provide a single self-build/custom-build dwelling to the housing supply, on a windfall site. However, in the absence of submitted evidence on whether this particular Council is complying with its statutory duty to meet the demand for self-build/custom-build plots, I only attach limited weight to this benefit of the scheme. The contribution and benefit that a single dwelling would make to addressing the undersupply of housing, as a whole, in the context of a District with a significant undersupply of housing would be small. Furthermore, the appeal building is not within the built-up area, and it is not in a location where local facilities, services and employment can readily be accessed by means other than by a private car.
45. Whilst the additional housing unit would be energy efficient, and there would be short term economic benefits during the construction process and more long-term economic benefits resulting from future residents spending within the locality, cumulatively, these matters attract moderate weight in favour of the development.
46. The Local Plan is more than five years old. However, the policies within the Local Plan, with which the development conflicts, generally accord with those of the Framework. Therefore, the policy conflicts I have found attract full weight against the scheme in this case.
47. As set out above, collectively, the benefits attract moderate positive weight in the planning balance. However, I have found that the proposal would cause significant harm and would conflict with policies in the Local Plan which accord with the Framework, and which carry full weight in the planning balance. Taking all these matters into account, I consider that the adverse impacts of approval of the change of use of the property into a two-bedroom residential dwelling with associated storage space at this location, would significantly and demonstrably outweigh the benefits of doing so. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

48. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal is dismissed.

D R Kay

INSPECTOR