



Appeal Decision

Site visit made on 1 October 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/N1730/W/25/3365288

The Tileries, Heath Lane, Ewshot GU10 5AW

- 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 C Vasey against the decision of Hart District Council.
- The application Ref is 24/02391/FUL.
- The development proposed is conversion of outbuilding to a one bedroom dwelling to include creation of a first floor within roofspace, alterations to fenestration and erection of a porch.

Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to a one bedroom dwelling to include creation of a first floor within roofspace, alterations to fenestration and erection of a porch at The Tileries, Heath Lane, Ewshot, GU10 5AW, in accordance with the terms of the application, Ref 24/02391/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A unilateral undertaking (UU) made under S106 of the Town and Country Planning Act 1990 (as amended), dated 11 June 2025, was submitted to secure measures to offset the impacts of the proposal on the Thames Basin Heaths Special Protection Area (TBH SPA). I return to this further below.
3. At the time that the appeal application was decided, the Council could demonstrate a five year supply of housing land as required by the National Planning Policy Framework (the Framework). However, the Council acknowledged that this position would change with effect from 1 May 2025. The Council's Statement confirms that it can no longer demonstrate a five year supply of housing land with relevant buffer although limited detail has been provided about the extent of the shortfall. The appellant does not dispute the key point about the existence of the undersupply and I do not find reason to reach an alternative conclusion.

Main Issues

4. The main issues in the appeal are:
 - whether the nature and location of the development accords with relevant policies of the development plan; and
 - the effects of the proposal on the TBH SPA.

Reasons

Location and nature of development

5. The appeal site is located on the edge of the cluster of dwellings at Heath Lane between the villages of Crondall (some approximate 800 metres away) and Ewshot (some 500 metres away). The Tileries is the host dwelling on site and the appeal building is a remnant building from the tile making industry. Whilst it has been used in the intervening period as a domestic ancillary building, it is now no longer needed for such purposes.
6. The existing building is substantially built from red brick and stands in a detached position within the established and spacious gardens of the host dwelling. The proposal seeks to convert the building with changes to include the provision of first floor accommodation, albeit without raising its overall height.
7. The development plan policies cited in the Council's refusal include policies SD1, SS1, NBE1 and INF3 of the *Hart Local Plan (Strategy and Sites) 2032* (adopted 2020) (Local Plan). Policy SD1 of the Local Plan echoes the presumption in favour of sustainable development and I return to this in the overall planning balance. Policy SS1 sets out the spatial strategy and distribution of growth and indicates that new homes beyond those already committed will come from development and redevelopment within the defined settlement policy boundaries, the Hartland Village scheme and through Neighbourhood Plan sites. The other sources of new homes supportable under Policy SS1 are rural exception sites located outside of defined settlement policy boundaries and other housing where it is essential for the proposal to be located in the countryside in accordance with Policy NBE1.
8. Both Crondall and Ewshot have settlement policy boundaries but the appeal site is not within either. As such, the appeal site is in the countryside in policy terms.
9. Policy NBE1 relates to development in the countryside and in respect of new dwellings, supports housing for rural workers, affordable housing on rural exceptions sites, replacement dwellings or the subdivision of an existing dwelling. It also permits the conversion of previously used permanent buildings or redundant agricultural buildings for appropriate uses. Footnote 17 further explains that an appropriate use in this context is one that is consistent with other development plan policies but offers no further clarity in the policy wording or preamble. Also of relevance is the support under Policy NBE1 for proposals which are located on suitable previously developed land (PDL) appropriate for the proposed use. The Council accept that the site falls within the classification of PDL under the terms of the Framework given that it is a residential garden located outside of a built up area. I find no reason to disagree with the classification of the site as PDL.
10. Local Plan Policy INF3 seeks to ensure development promotes the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
11. The site is within around 800 metres of two village settlements in opposite directions from the site, each of which host a modest range of facilities and services. Given the intervening distances and the rural nature of the roads between these settlements and the appeal site, future occupiers would be largely

reliant on vehicles for access to these facilities. Other facilities in Fleet would be some 6km away from the site. I have considered the availability of bus services at the closest available stops and the local network of public rights of way (PROWs) which may offer some connectivity to minimise dependency on private vehicle.

12. However, given the distance and nature of these services and routes, they offer a relatively limited potential for offsetting vehicle trips. The PROW network would realistically be used more for recreational walking than for any purposeful trips to facilities. Trips by vehicle to either nearby settlement would be short and trips to the higher order settlement of Fleet would not be particularly lengthy, but the need to make such journeys would not be minimised by the location of the appeal site. The provision of cycle storage at the site and charging for electric vehicles would be positive but would not materially alter my findings in relation to the likely travel patterns of future residents.
13. Given the thrust of the aforementioned policies to support most new dwellings within the settlement boundaries where future residents can access facilities and services without undue dependence on private vehicles, the conversion of a building in the countryside to a dwelling is not consistent with the relevant development plan policies. For the foregoing reasons, the nature and location of the development does not accord with local policies concerning the location of new housing, in particular policies SS1, INF3 and NBE1 of the Local Plan.

TBH SPA

14. The TBH SPA is designated under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) for its network of heathland sites which support internationally important numbers of bird species: Dartford Warblers. Woodlarks and Nightjars. These birds' nest on or near the ground and as a result they are very susceptible to predation, particularly by cats, rats and crows, and to disturbance from informal recreational use, especially walking and dog walking. Any proposal which by reason of its proximity of the SPA, within a 'Zone of Influence', that may result in additional recreational disturbance is likely to have an adverse effect on the integrity of the TBH SPA.
15. The conservation objectives for the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the extent and distribution of the habitats of the qualifying features; the structure and function of the habitats of the qualifying features; the supporting processes on which the habitats of the qualifying features rely; the population of each of the qualifying features, and, the distribution of the qualifying features within the site. I have had regard to these objectives in undertaking my duties in accordance with the Habitats Regulations.
16. The appeal site is located within the 400m-5KM zone of influence for the TBH SPA and the proposal is not directly connected with or necessary for the management of the protected site. However, the proposal, given its scale, nature and distance within the Zol of the protected site, would be likely to have significant effects either alone, or in combination with other projects. The effects of the proposal cannot, therefore, be screened out and in adopting a precautionary approach, the development would give rise to likely significant effects on the Protected Sites, such as to require an Appropriate Assessment under the Habitats Regulations.

17. The submitted UU secures an apportionment of 0.0104 hectares of a Strategic Alternative Natural Greenspace (SANG) at Naishes Wood and a separate contribution of £1039.68 towards Hampshire County Council towards Strategic Access Management and Monitoring (SAMM) under the tariff payment arrangement in place. The SANG will be made available for use prior to occupation of the dwelling and the SAMM contribution will be paid prior to commencement of the development under the terms of the UU.
18. Overall, I find the form and wording of the undertaking is suitable to sufficiently secure the provision of SANG and payment of the agreed SAMM contribution. The SANG area would be in proportion to the scale of the development at one dwelling and the SAMM contribution is necessary, directly related to the development and fair and reasonable in scale and kind to the development proposed. I am therefore satisfied that these measures meet the appropriate tests and are therefore obligations I can take into account to mitigate the impacts on the TBH SPA.
19. As competent authority, I am satisfied that the SANG and SAMM mitigation measures secured through the UU will ensure that the development would not result in an adverse effect on the integrity of the TBH SPA such as to align with its conservation objectives and comply with the Habitats Regulations, policy NBE3 of the Local Plan and saved policy NRM6 of the South East Plan (saved 2009). These policies seek to secure adequate measures to avoid or mitigate any potential adverse effects on the TBH SPA.

Planning balance

20. The Framework sets out a number of circumstances where dwellings may be permissible in isolated locations in the countryside and this includes where the development would re-use a redundant or disused building and enhance its immediate setting.
21. Though it is in the countryside and at a reasonable distance from facilities, the location of the site is not strictly isolated through its relationship with dwellings in Heath Lane and the host dwelling. The appeal building is set apart from the host dwelling by around 70 metres and is redundant for general domestic storage purposes. Furthermore, the building originated for reasons other than its more recent domestic function and is scaled and substantially built such that it could be converted without extending its built footprint and with only limited works. The works detailed in the plans would result in an enhancement to the building's character and appearance, and thus, the immediate setting. The related works to create a domestic curtilage separate of the host dwelling would be limited and would not undermine the positive enhancement of the conversion works even if they would not be widely visible from public views. Taken as a whole, these factors result in the scheme complying with the Framework insofar as it allows for the reuse of rural buildings in the countryside.
22. In this case, as the Council are incapable of demonstrating an adequate five year supply of housing land with appropriate buffer, the provisions of Framework paragraph 11 d) are engaged. As a consequence of the engagement of Framework paragraph 11 d), I attribute reduced weight to at least Local Plan policies SS1 and NBE3 which have a constraining effect on the delivery of housing.

23. Whilst Local Plan policy INF3 still attracts weight, the Framework considerations surrounding rural building reuse and the acknowledgement between the differences in available sustainable transport solutions between urban and rural areas also weigh into the overall balance.
24. Given that I have found no strong reasons for refusal specifically in relation to the TBH SPA, Framework paragraph 11 d) requires that permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
25. The public benefits of the scheme include the delivery of a single dwelling in the context of a housing shortfall and from the reuse of an existing building with an enhancement to its immediate setting. These are modest benefits that attract weight in favour of the scheme. Having had regard to the Framework policies taken as a whole, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the scheme.
26. As such, the presumption in favour of sustainable development applies in this case and it forms a consideration of such materiality that it outweighs the conflict with the development plan when taken as a whole.

Conditions

27. Conditions are needed to require the commencement of development within the statutory three year period and to clarify the approved plans in the interests of certainty.
28. In the interests of the character and appearance of the area, conditions are needed in respect of the materials of construction and the protection of existing trees during construction works.
29. In order to ensure the safety and free flow of traffic on the highway, a condition is needed to secure and ensure the ongoing provision of parking for future occupiers.
30. To ensure the environmental quality of the area, a condition is needed in respect of the implementation of an approved surface water drainage scheme.

Conclusion

31. For the reasons outlined above and taking all other matters raised into account, the appeal is allowed.

H Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, Ref PP-13571468v2 dated 06-Dec-2024
 - Proposed Site Plan (1823-P-01)
 - Proposed Plans and Elevations (1823-P-02A)
 - Cycle Store (1823-CS-01)
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified in the application form.
4. Prior to the occupation of the dwelling hereby permitted the vehicle parking spaces and cycle storage shall be provided in accordance with the approved plans. A minimum of two parking spaces shall be permanently maintained and remain available for the parking of vehicles at all times.
5. No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

 - 1) Where infiltration is proposed, full infiltration tests in accordance with BRE 365 including groundwater strikes.
 - 2) Detailed drawings of the proposed drainage system including details as to where surface water is being discharged to.
 - 3) Calculations confirming that the proposed drainage system has been sized to contain the 1 in 30 storm event without flooding and any flooding in the 1 in 100 plus climate change storm event will be safely contained on site.
 - 4) Calculations showing the existing runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 storm events and calculations for the proposed runoff rates and discharged volumes for the 1 in 1, 1 in 30 and 1 in 100 plus climate change storm events. To be acceptable proposed runoff rates and discharge volumes must be no higher than existing.
 - 5) Provision of a Maintenance plan setting out what maintenance will be needed on the drainage system and who will maintain this system going forward.
6. The development hereby permitted shall be carried out in accordance with the Arboricultural Report, including the Method Statement and Tree Protection Plan (Mark Welby) (Ref MW.2406.TTC.AIA, date 15 November 2024). The protective measures shall be erected prior to any site activity starting and maintained throughout the construction of development. The development shall be carried out in complete accordance with the approved document.