
Appeal Decision

Site visit made on 2 December 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/Y9507/W/25/3364652

Units C and D, 39 Chapel Street, Petersfield, Hampshire GU32 3DY

- 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 Heinz Naef against the decision of the South Downs National Park Authority.
 - The application Ref is SDNP/24/03947/FUL.
 - The development proposed is described as: 'Creation of a single storey commercial unit in place of an existing structure which is no longer fit for purpose'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'creation of a single story commercial unit in place of an existing structure which is no longer fit for purpose' at Units C and D, 39 Chapel Street, Petersfield GU32 3DY in accordance with the terms of the application, Ref SDNP/24/03947/FUL, and subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 0202 Rev 5 (Proposed Ground Floor & Roof Plan, dated Aug 2024); and 0302 Rev 5 (Proposed Elevations, dated Aug 2024).
 - 3) No development shall be carried out above ground floor slab level until a schedule of external materials / finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.
 - 4) The development shall be carried out in accordance with the measures set out in Sections 5.2 and 5.3 of the Bat Roost Assessment report by Phillips Ecology (May 2023) unless otherwise agreed in writing by the Local Planning Authority.
 - 5) Prior to the installation of any proposed photovoltaic equipment, manufacturer's details and the method of attachment to the building shall be submitted to and approved in writing by the Local Planning Authority.
 - 6) The premises shall be used for Class E(a) (Display or retail sale of goods, other than hot food) and Class E(b) (Sale of food and drink for consumption (mostly) on the premises) only, and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class

in any statutory instrument revoking and re-enacting that Order with or without modification).

Preliminary Matters

Additional Drawing

2. The appellant has submitted a plan as an appendix to its Statement of Case which illustrates how the appeal scheme would appear with changes to the materials. As indicated by the appellant, I have treated this drawing as indicative, including because the Authority has proposed that details of materials are reserved by way of a planning condition.

Appeal Procedure

3. An interested party requested that this appeal be determined by way of a hearing or an inquiry and I have considered that request having regard to the criteria for determining the procedure for planning appeals¹. Whilst there has been a large amount of public interest, I am satisfied that the written submissions provide a sufficiently detailed record of the issues of concern to interested parties, including in respect of the value of the existing buildings to the Conservation Area (CA) and its significance, and thus enable the planning issues to be clearly understood from the appeal documents and a site inspection.
4. Furthermore, whilst the interested party has argued that there is a need to cross-examine the appellant in respect of information relating to insurance and a revised elevational drawing, as explained elsewhere in this decision my conclusions do not turn on these matters. I am also satisfied, based on the submissions before me, that I do not need to test any evidence by questioning or to clarify any other matters.
5. Finally, although it has also been argued by the interested party that they wish to present their case through counsel and call evidence as to how their businesses and the town centre would be affected and to make submissions relating to the materiality of those concerns, the written representations procedure affords all parties an opportunity to submit any evidence or arguments that they consider to be material to the case.
6. Having regard to the above and to the nature and the level of complexity of the issues which this appeal gives rise to, I find that the written representations procedure is an appropriate route for the determination of this appeal.

Main Issue

7. The main issue is the effect of the appeal scheme on the character and appearance of the Petersfield CA.

Reasons

8. Because the appeal site is in a CA, in making this decision I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act

¹ <https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals>

1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

9. In the Petersfield Conservation Area Character Appraisal and Management Plan (2017) (CACAMP) the appeal site is located in the Petersfield Station, Lavant Street, Chapel Street and Charles Street Character Area and both of the buildings on the site are identified as a 'positive unlisted building'. It is noted that this Character Area provides a lively and varied secondary shopping area to the adjoining town centre, assisted by the footfall created by the two carefully developed alleyways, Bakery Lane and Hobbs Lane, which lead from Chapel Street towards the Waitrose supermarket. The CACAMP also states that small locally owned businesses which provide usefully varied goods and facilities are one of the key positive features of this part of the CA. However, the CACAMP does not identify any particular physical characteristics of Units C and D that might be important components of the character or appearance of the area.
10. The Authority's first reason for refusing the appeal scheme relates only to the effect on the CA of the demolition of the existing buildings on the appeal site. However, the consideration of the appeal scheme on the CA must be based on the development proposal as a whole, including the replacement building. In that regard, the second reason for refusal takes issue with the siting, materials and elevational treatment of the proposal.
11. The appellant has provided evidence to demonstrate that the condition of Unit C is poor; it is displaying a number of structural defects, including roof spread, an outward-leaning front wall, vertical cracking to the east gable and cracks over the lintels to brick arches, albeit the submitted Structural Appraisal does not suggest that these issues could not be remedied or that remedial works would be prohibitively expensive. However, the appeal scheme would result in purpose-built retail accommodation including staff amenities and a building that is built to modern standards of thermal efficiency. It would also enable commercial uses – which are a positive feature of this part of the CA and important to the character of Bakery Lane – to continue into the future.
12. The appeal scheme would be comparable in terms of its siting, size and scale to the existing buildings. The staggered roofline and articulation of the façade would integrate well with the local townscape character, and the elevational treatment would reflect the subservient nature of backland buildings, including through the use of simple detailing. An active frontage would be retained on the eastern elevation which faces the car park, and there would also be access from Bakery Lane, the width of which would not be harmfully affected by the appeal scheme.
13. The use of timber and brick would be in keeping with the prevailing palette of materials and whilst issues have been raised in respect of the colour of roof tiles, there is a variety of differently-coloured materials within this part of the CA and the exact specification could be reasonably dealt with by way of a planning condition. Details relating to any photovoltaic panels on the roof of the appeal scheme – which I do not find to be objectionable in principle given the relatively discreet location – could similarly be dealt with by way of a condition.
14. The appeal scheme would result in the loss of buildings which make a positive contribution to the CA. Unit C, a former bakery, is of a form and built from materials that are consistent with the later 19th century development of this part of

the town albeit it has been the subject of a number of alterations over the years. Unit D is a later addition and comprises a simple timber building with a sheet metal roof which, although it is not of any notable age, historic importance, architectural merit or particular vernacular design, adds a degree of idiosyncratic appeal to Bakery Lane.

15. The loss of these buildings would result in a small degree of harm to the CA at the lower end of 'less than substantial'. Even so, when considering the impact of the proposed development on the significance of the CA as a designated heritage asset, I must attach great weight to the asset's conservation.
16. Paragraph 215 of the National Planning Policy Framework (the Framework) advises that such harm should be weighed against the public benefits of the proposal. Given that the appellant has suggested that the photovoltaic panels might be omitted, I have not taken account of these as a benefit. Nevertheless, the good design of the appeal scheme, which would preserve the quality and character of the CA, together with the benefits arising from the provision of a new, sound building in commercial use, outweigh the small degree of less than substantial harm that I have identified.
17. Therefore I conclude that the appeal scheme complies with Policies SD5, SD12 and SD15 of the South Downs Local Plan (2019), Policies BEP1 and BEP2 of the Petersfield Neighbourhood Development Plan (modified 2024) and with the policies in Section 16 of the Framework which together seek good design and development that preserves or enhances the special architectural or historic interest, character or appearance of CAs.
18. Furthermore, given that the appeal scheme involves the replacement of existing commercial premises in a town centre location, it would not conflict with the statutory purposes of the South Downs National Park, as set out at Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended), which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Other Matters

19. A large number of objections have been submitted in relation to this appeal. Some comments, such as those regarding the development of residential accommodation on the site, are not relevant to the appeal scheme which proposes a commercial unit.
20. Interested parties have said that the loss of valued local businesses would result in harm to the town centre. Notwithstanding that the Authority did not refuse the application on this basis, there is no evidence before me which demonstrates that there are no alternative premises which the current occupants could move to, that the businesses would not relocate and would inevitably close if the appeal is allowed or that, if the businesses did close, that this would have a harmful impact on the town centre overall. Although it has been noted that construction would disrupt other businesses nearby, most construction projects entail some degree of disruption and, therefore, this is not a matter that should weigh against this proposal.

21. An interested party has also said that the proposed space would be unlikely to provide more employment opportunities based on average employment density data, and that there would be a significant reduction in employment. However, given that existing businesses on the site exceed the average employment density, I do not see any reason why any future occupiers of the space could not.
22. Whilst it has been noted that there is no need for the development, the relevant policies do not require a need to be demonstrated. Similarly, whilst an interested party has referred to the absence of biodiversity net gain measures, the appellant has confirmed that the appeal scheme is subject to the *de minimis* exemption as provided for in The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and the Authority's officer report confirms that the appeal scheme satisfies the relevant development plan policies in respect of ecology. Having reviewed all of the appellant's submissions, I agree with that conclusion. I am also satisfied, based on my review of the appellant's submissions, that the appeal scheme would be of sustainable construction and would satisfy the relevant development plan policies in that regard. Whilst an interested party has said that there would be a significant carbon impact arising from the demolition of the existing buildings and the construction of a new building, no evidence has been provided to support that suggestion.
23. A number of the other issues raised, including in relation to the appellant's motives for pursuing redevelopment of the site, that the appellant has left another site undeveloped, prospective rental levels, and the cost of redevelopment, sit outside of the matters that I am able to take account of which are constrained by the relevant legislation. Similarly, the insurability of the existing premises is not a planning consideration. In addition, matters such as the accessibility of buildings and the energy performance of building materials are controlled by the Building Regulations regime.
24. Although interested parties have noted that the appeal scheme goes against the wishes of the community and whilst the submitted objections indicate a strength of feeling in opposition to the appeal scheme and support for the current occupiers, I must determine this appeal on the basis of the relevant policy and legislation.
25. Interested parties have also commented that the proposed building would be unsuitable for the existing tenants and an occupant has said that approval of the appeal scheme would result in them being forced to relocate, that their business would not be able to survive such a move, and that this would result in hardship, including for their staff.
26. Whilst personal circumstances of an occupier, personal hardship, and the difficulties of businesses which are of value to the character of a community can be taken into account as an exceptional or special circumstance, this is not as a general rule but as an exception to a general rule. In such situations, a specific case has to be made and the decision-maker must give reasons for accepting it. However, a specific case has not been made to me; whilst concerns relating to personal hardship and business difficulties have been expressed, they have not been supported by any evidence. Furthermore, no evidence has been submitted to demonstrate that there is an absence of suitable alternative accommodation in the local area, including amongst the vacant shop units elsewhere in the town centre that have been referred to by a number of interested parties. Consequently, I am not in a position to give reasons for accepting that there would be exceptional or

special difficulties caused to the existing businesses or that there are circumstances which would give rise to personal hardship such that those difficulties ought to be determinative.

Conditions

27. I have reviewed the conditions proposed by the Authority in light of the tests in the Framework and advice in the Planning Practice Guidance. I have also taken account of the appellant's comments relating to conditions.
28. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. Conditions relating to construction materials and photovoltaic panels are also necessary in the interests of the character and appearance of the area.
29. Furthermore, it is necessary to require that the development is carried out in accordance with the Bat Roost Survey given the potential presence of protected species.
30. Whilst the Authority has suggested a condition restricting the premises to Use Class E(a), the appellant has said that it would like the existing tenants, one of which falls within Use Class E(b), to return to the premises. Given the town centre location I do not find it necessary to restrict the use of the premises solely to Use Class E(a) and whilst the Authority has justified this on the basis of this being a sensitive location in relation to neighbouring residential dwellings, there is no evidence before me which shows that the existing Class E(b) use is incompatible with the location.

Conclusion

31. In determining this appeal, and in accordance with the Framework, I must give great weight to the conservation of heritage assets. Whilst I have identified that a small amount of less than substantial harm would occur to the CA as a result of the loss of the existing buildings, even when this is accorded great weight I find that this harm would be outweighed by the good design of the appeal scheme, which would preserve the quality and character of the CA, and the benefits arising from the provision of a new, purpose-built sound building for commercial use.
32. Therefore, the appeal scheme complies with the development plan taken as a whole and there are no other considerations which are material to this matter which indicate that a decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above the appeal should be allowed.

P Burley

INSPECTOR