



Appeal Decision

Site visit made on 16 September 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/M1710/W/25/3363005

Tristan Farm, Churt Road, Headley, Bordon, Hampshire GU35 8SR

- 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 Damon Cooper against the decision of East Hampshire District Council.
 - The application Ref is 35965/023.
 - The development proposed is “application for a replacement dwelling”.
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Decision

1. The appeal is allowed and planning permission is granted for the “application for a replacement dwelling” at Tristan Farm, Churt Road, Bordon, Hampshire GU35 8SR in accordance with the terms of the application, Ref 35965/023, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council revised the description of development, however the evidence that I have before me does not provide details of the appellant’s formal agreement to change the wording. Therefore, I have used the description of development provided on the application form.
3. During the appeal process, the appellant has provided a planning obligation in the form of a signed Unilateral Undertaking (UU) dated 24 November 2025 in which the appellant covenants to occupy the dwelling as a custom and self-build unit. The UU was prepared in negotiation with the Council, and the Council has confirmed that it assessed the proposal based on the custom or self-build approach.
4. As the custom or self-build approach was clearly stated on the application, and the Council have been involved with the drafting of the UU, no party has been prejudiced by accepting it as an additional document.

Main Issues

5. The main issues are:
 - a) whether or not the site is a suitable location for residential land use, having regard to the spatial strategy of the development plan;
 - b) other considerations, in particular the ‘fallback’ position; and
 - c) the effect of the proposal on the character and appearance of the area.

Reasons

Spatial Strategy

6. The appeal property is a chicken shed which is located north of Headley. The parties agree that the site is located outside the defined settlement boundary. Therefore, for the purpose of planning and this appeal it is in the countryside.
7. Under the terms of Policies CP2 and CP10 of the East Hampshire District Local Plan: Joint Core Strategy (JCS), new development is directed to the most sustainable and accessible locations in the district. Development located outside a settlement boundary is only acceptable where it supports the provision of affordable housing or it is necessary for farming, forestry, or other rural enterprises (as defined under JCS policies CP14 and CP19).
8. There is no evidence to suggest that the dwelling is necessary for farming, forestry, or other rural enterprises therefore the development gains no support from Policy CP19.
9. Whilst the appellant suggests the dwelling represents 'affordable housing' because it is a self-build property, there is no compelling evidence to demonstrate that the development would meet the definition of affordable housing in the National Planning Policy Framework (the Framework). I therefore find that the proposal gains no support from Policies CP10 or CP14.
10. JCS Policy CP31 encourages the use of sustainable modes of transport and reduced dependence on the private car and indicates that new development should be located and designed to reduce the need to travel.
11. The closest facilities for everyday living are located in Headley Down, approximately 0.8 miles away, which would entail a journey of around 18 minutes by foot, along narrow, unlit roads lacking pedestrian footways. As such, it is unlikely that this would be a desirable route to take on foot or by bicycle, especially by more vulnerable members of the community such as the elderly and children or during hours of darkness. In view of this, and in the absence of any information with regards to the availability of public transport to services and facilities in other settlements, I find that the future residents of the dwelling would need to travel by private car to Headley Down or other settlements to meet their day-to-day needs.
12. Consequently, I conclude that the appeal site would not be a suitable location for residential land use, having regard to its conflict with the spatial strategy of the development plan, specifically JCS policies CP2, CP10, CP19, and CP31.

Other Considerations

13. The appellant considers that a prior approval granted on 21 April 2023 ('the prior approval') for the conversion of the chicken shed to a dwelling under permission reference 35965/020 under Class Q of the General Permitted Development Order represents a realistic fallback development in the event that this appeal was unsuccessful.
14. However, the Council considers that since the prior approval was granted, the building has dilapidated to the extent that the permission can no longer be implemented, a factor which contributed to its decision to refuse a revised prior approval in June 2024 (application reference 60418).

15. I saw on my site visit that the chicken shed was without a roof covering, but the roof framework was still in place and I could see that some new roof timbers had been installed. I also saw that the blockwork side walls had been re-built and repaired with new timber boarding above. Given the Inspection Report for 35965/020 indicated that the roof's profiled sheeting would likely be replaced during any renovation works, along with rebuilding and repairs to damaged roof timbers and its side walls, these works generally corresponded with the work I saw. As such I am satisfied that the building was in the process of conversion.
16. The prior approval is subject to a number of conditions which require further details to be approved by the Council. This includes 2 pre-commencement conditions (conditions 2 and 4) requiring a risk assessment and drainage scheme and material details (condition 5). Whilst the appellant has submitted a CIL commencement notice pursuant to the implementation for the prior approval, I have no details to confirm that these conditions have been discharged. I also note that approximately 3 months remain to complete the development granted under the prior approval. Although this is a short duration, if work was done at pace, it is possible that this deadline could be achieved.
17. Taking all of the above into account, including the economic benefit that would arise from the chicken shed's conversion to a dwelling, I find that there is a real prospect that the prior approval would be implemented in the event that this appeal was unsuccessful. Therefore, the prior approval represents a genuine fallback position.
18. The Council has confirmed that there are currently 25 people on the Council's Self Build Register. Consequently, it is failing to meet its statutory duty under The Self-Build and Custom Housebuilding 2015 Act (as amended) in relation to the provision of Self-Build and Custom Housing (SBCH).

Character and Appearance

19. Given my findings above with regards to the prior approval fall back, I have evaluated the appeal scheme as an alternative option to the prior approval scheme in terms of its effect on the character and appearance of the area.
20. The area is equestrian and rural in character with the appeal site set back significantly from the road. A number of dwellings share the same access to the site but they are visually disconnected, either screened by mature trees and / or divorced by their distance.
21. The development is composed of connected elements, with alternate blocks of materials, different sized fenestration and building heights. These features breakup the bulk of the building, and make it more visually interesting to the plain and utilitarian appearance of the prior approval. Whilst the Council considers that the contemporary design would be alien to the area, given the site's distance from the public highway and location relative to other dwellings it is not necessary for the building to reflect the style of other properties in the area. In this regard, the use of a sympathetic materials palette which matches or harmonises with building materials prevailing in the local area will suffice. This can be secured by way of a condition.
22. With regards to urbanisation, since the difference in height, scale and mass between the prior approval and the appeal are insignificant, I find that the appeal

scheme would have a similar effect and would not increase urban form any more than the prior approval scheme.

23. In respect of the concerns about the impact of associated domestic paraphernalia, this would arise from either scheme. In any case, screening by existing vegetation would ensure that the paraphernalia would not cause harm.
24. Taking the above into account, I find that the dwelling would be superior in design terms to the prior approval and would respect the character and appearance of the surrounding area. Accordingly, I find no conflict with Policy CP29 which requires development to be of an exemplary standard, that is appropriate and sympathetic to its setting.

Planning Balance

25. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites and that it has a shortfall amounting to 2.7 years' supply. In these circumstances paragraph 11 d) ii) of the Framework is engaged and indicates that, permission should be granted unless any 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, individually or in combination.
26. I have found above that future occupiers would be likely to use a private car to access services located in Headley Down or other settlements. Paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It is to be expected, therefore, that travel by private car is likely in rural areas such as this. Accordingly, and given the scale of the scheme and associated movements, and the fallback position of the prior approval which would attract similar movements, I afford only limited weight to the proposal's conflict with JCS policies CP1, CP2, CP10 and CP31.
27. I have also found that the proposed development would not harm the character and appearance of the area, therefore would uphold the Framework's imperative for high-quality design. The proposal would also make a small but important contribution toward addressing the district's existing housing shortfall. Taking into account the magnitude of this shortfall, the provision of 1 dwelling carries moderate weight in favour of the proposal.
28. Furthermore, in the light of unmet demand for self-build sites, the proposal would deliver 1 new house which would assist its delivery of SBCH. I am satisfied that the UU which has been submitted with the appeal provides a robust mechanism to secure the dwelling as a SBCH Unit. It also secures the Council's monitoring fees. I am also satisfied that the UU meets the relevant tests at paragraph 58 of the Framework.
29. Finally, the development would include energy efficiency measures and the installation of renewable technology which would be 115% compared to the regulated emissions from a building designed to meet Building Regulations. Compared to the approved scheme, the development's environmental impact would be significantly reduced. I have attributed this moderate weight in favour of the appeal proposal.

30. Consequently, the adverse impacts of the proposal associated with its location outside the settlement boundary would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Other Matters

31. The appeal site lies within the 5 km buffer zone of the Wealden Heaths II Special Protection Area (SPA), Thursley, Hankley and Frensham Commons SPA and Woolmer Forest Special Area of Conservation (designated sites). A Habitats Regulations Screening Report was submitted with the application¹ to help determine whether or not the proposed development would be likely to have any significant effects upon the nearby designated sites.
32. During consideration of the application, the Council noted that the proposal would result in an increase in 1 residential dwelling, which due to its minor nature, would not have a likely significant effect upon the integrity of the Wealden Heaths II SPA.
33. Natural England, in its capacity as Statutory Nature Conservation Body, also considered that the development would not have any significant adverse impacts on designated sites, because it comprised fewer than 20 dwellings within 400m to 5km of the nearest SPA boundary.
34. There is no evidence before me indicating any change in circumstances, therefore I have no reason to disagree with these conclusions. When undertaking an Appropriate Assessment in accordance with the Habitats Regulations 2017 (as amended), I am satisfied that the proposal would not significantly and adversely impact the integrity of the designated sites.

Conditions

35. The Council has suggested conditions in the event that the appeal is upheld. I have considered these against the Framework and the Planning Practice Guidance, revising where necessary to reflect its advice and for the purpose of clarity, including adding missing plans and correcting any incorrect plan numbers and titles.
36. Condition 1 is necessary as the standard time condition. Condition 2 on plans, is also necessary to provide certainty.
37. Conditions 3 and 6 are necessary to manage surface water drainage and prevent flooding. Condition 4, requiring approval of materials is necessary to safeguard the character and appearance of the area.
38. Condition 5 is necessary in the interests of energy efficiency to meet the expectations of JCS policy CP24. Condition 7 is necessary in the interests of protecting and enhancing biodiversity.
39. Given that the appellant has prepared a legal agreement which provides a mechanism to secure the development as self-build, the Council's suggested condition in this regard is not necessary.

¹ Habitats Regulations Screening Report - The Chicken House at Tristan Farm, Headley, Bordon (March 2024)

40. The Council also requested the imposition of conditions that would remove permitted development rights, however these conditions are unnecessary and do not pass the test of reasonableness.

Conclusion

41. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal is allowed.

SE Hughes

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
'Site Location & Block Plan' 198 STEP 2_01; 'Existing Elevations' 198 STEP 1_03; 'Existing Floor Plan' 198 STEP 1_01; 'Existing Roof Plan' 198 STEP 1_02; 'Proposed Elevations' 198 STEP 2_04; 'Proposed Floor Plan' 198 STEP 2_02; 'Proposed Roof Plan' 198 STEP 2_03.
- 3) No development shall take place until details of a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be permanently retained thereafter.
- 4) No development above slab level shall take place until samples / details including manufacturers details of all the materials to be used in the construction of external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples / details.
- 5) The development shall be carried out in accordance with the Energy Statement produced by Energytest and dated 30 August 2024. The development shall not be occupied until a verification report and completion certificate certifying that it has been constructed in accordance with the approved Energy Statement to meet energy savings of no less than 10% above Building Regulations has been submitted to and approved in writing by the Local Planning Authority. The developer shall nominate a competent person for the purpose of assessing and providing the above report and certificate. The measures shall thereafter be retained and maintained to the agreed specification for the lifetime of the development.
- 6) The proposed hard ground surface/s shall either be made of porous materials or provision shall be made to direct run-off water from the hard ground surface/s to a permeable or porous surface within the site.
- 7) Development shall be carried out in accordance with the Extended Phase 1 Ecological Assessment produced by Phillips Ecology and dated 1 October 2024. Thereafter, the completed development shall be managed and maintained in accordance with the Extended Phase 1 Ecological Assessment.

End of Schedule