

Planning and Heritage Statement

Converted stables to the north
west of Coldrey Farm House,
Froyle Road, Lower Froyle,
Alton

Prepared For
Mrs Gladstone

3645
November 2023



bell cornwell

CHARTERED TOWN PLANNERS

Bell Cornwell LLP, Unit 2, Meridian Office Park, Osborn Way,
Hook, Hampshire RG27 9HY





CONTENTS

1	INTRODUCTION	1
2	SITE DESCRIPTION AND PLANNING HISTORY	2
	The site	2
	Planning history	4
	Proposed development	5
3	PLANNING POLICY CONSIDERATIONS	12
	Principle of development	12
	Character and appearance	19
	Amenity	20
	Highways and parking	20
4	HERITAGE STATEMENT	22
	Legal Background	22
	Impact of the proposed development on the Listed Buildings	23
5	CONCLUSION	24
	APPENDIX	26
	Appeal decision: APP/M1710/W/21/3285785	26



1 INTRODUCTION

- 1.1 On behalf of our client, Mrs Gladstone, please find enclosed a section 73 application to remove condition 2 of planning permission LPA reference: 50354/017. This is to enable the five-bedroom dwelling (four plus study) created by that permission to be used as a dwellinghouse with no restrictions placed upon its occupation.
- 1.2 The original permission, reference: 50354/017, was for the “conversion of existing stables into living accommodation and office space, infill extension to provide additional living accommodation, and provision of 4 car parking spaces”. That consent was granted in February 2017 and implement with the creation of the living accommodation in the eastern half of the stables.
- 1.3 This application does not seek to change the internal or external fabric of the stables, neither is it seeking to change the use of this element of the building as a residential dwelling, but simply seeks relief from the restriction of the residential use placed on the dwelling by condition 2.
- 1.4 For clarity, in 2017 the applicant offered that dwellings use could be restricted by condition and as a result condition 2 of planning permission 50354/017 states:

“occupation of the dwelling hereby permitted shall be restricted to use as staff accommodation or as ancillary accommodation in connection with the existing dwelling at the site from which it shall not be let, sold separately or severed”.
- 1.5 The removal of condition 2 is required as the dwelling is no longer needed by the family or as staff accommodation. The dwelling has been vacant since the applicant’s sister-in-law and her family moved out of the property in September 2023. Removing the restriction on the use of the dwelling will enable the property to be let, generating an income that will help to support the upkeep of the Listed Buildings.



2 SITE DESCRIPTION AND PLANNING HISTORY

THE SITE

- 2.1 Coldrey Farm dates back to medieval times when it was a manor. It lies to the west of Bentley and directly north of the A31, which at this point provides a road connection between Alton and Farnham. The Coldrey Farm buildings are identified by the red marker in the site location plan below:

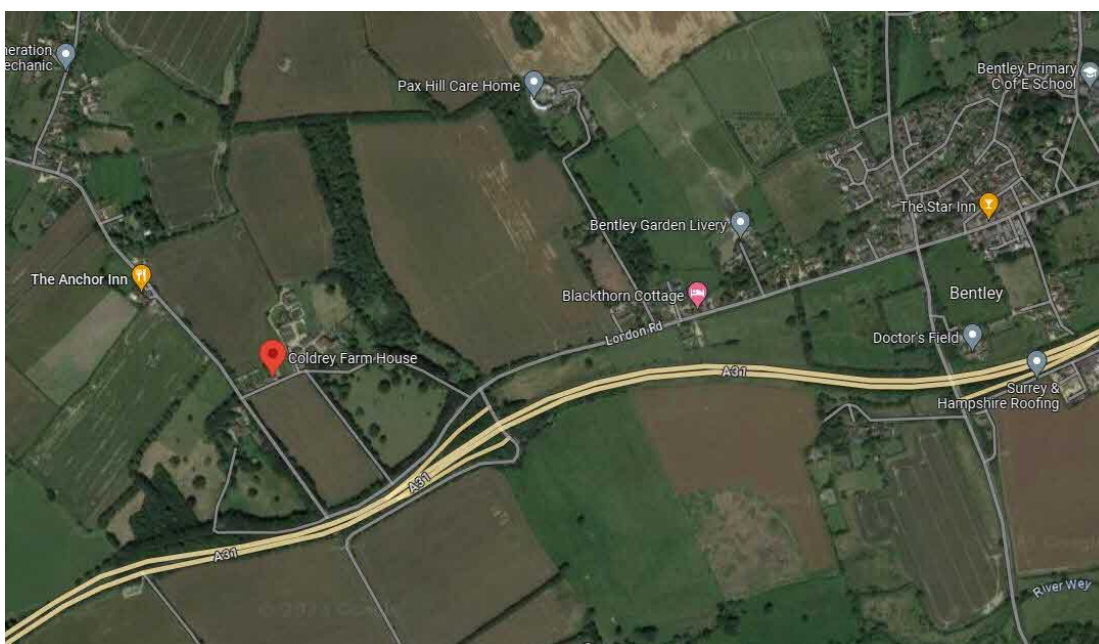


Image 1: Coldrey Farm location in relation to Bentley and the A31 (image from Google maps)

- 2.2 Coldrey Farm is located approximately 650m to the west of Bentley. Bentley is described in the local plan as a settlement with a limited range of local services. However, there are a range of services and facilities at Bentley including a primary school, nursery school, village store, hairdressers and takeaway, a playground with a community building, care home and a small employment estate.
- 2.3 Bentley station is approximately 3.4km to the south east of Coldrey Farm by road and provides services to Alton, Farnham and London Waterloo. Coldrey Farm is around 7.7km by road from the centre of Alton and 8.5km by road from the centre of Farnham. The nearest bus stop is at the bottom of the drive to the property by Coldrey Lodge on London Road, so is only a short walk from the stable dwelling.



2.4 There are a range of different buildings around the main farmhouse at Coldrey Farm, these include the stable building that is the subject of this application and sits of the north west of the main house. There are other barns and buildings used for stabling and garaging that create a courtyard, with a lawn at the centre, at the entrance to the main house, as shown in the image below:



Image 2: Coldrey Farm House, stables and barns

2.5 The house, stable and other farm buildings form part of a cluster of residential properties in this area. To the north of the main courtyard complex of buildings are two separate dwelling houses and to the west along the access from the main road are a series of semi-detached dwellings house, labelled cottages in the drawing below:

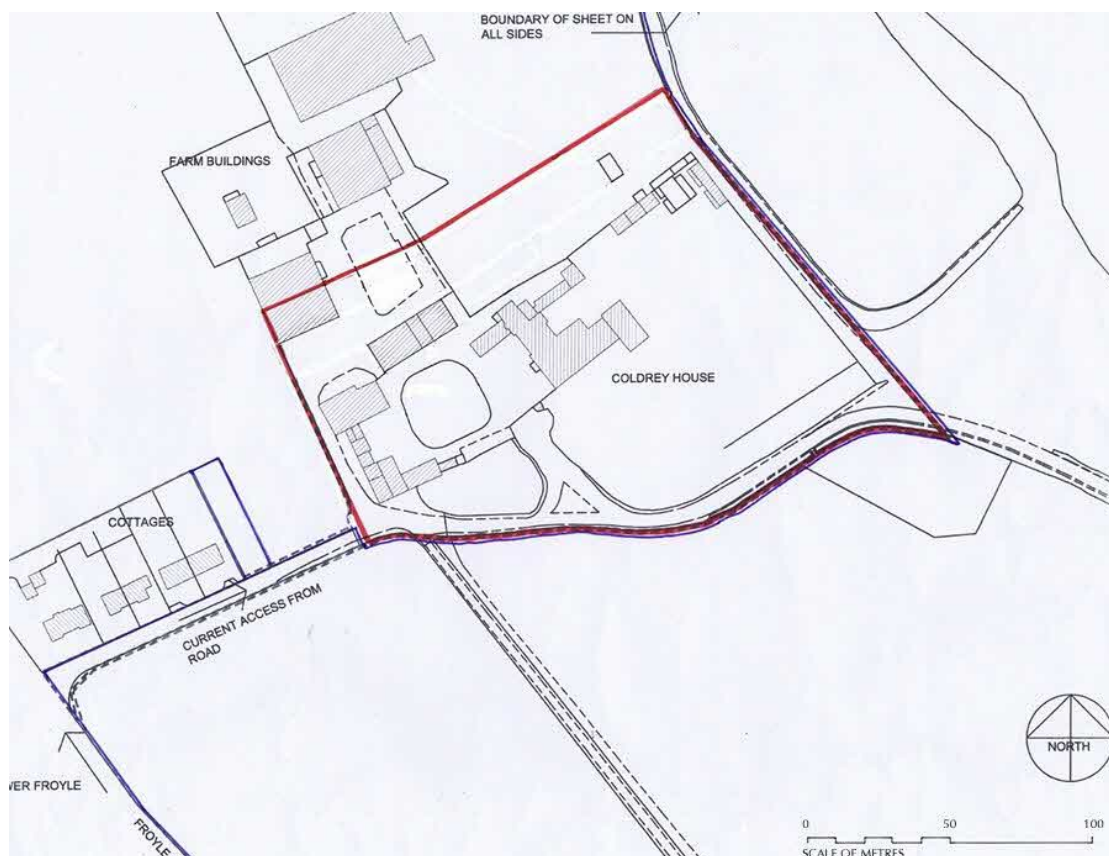


Image 3: wider site context

- 2.6 The stable dwelling, the subject of this application, forms part of the Grade II Listed stable building that lies to the north-west of Coldrey Farm House. The listing for the stable, notes that it dates from the 17th century, with some mid-19th century additions. The listing entry describes it as being brick built with a slate roof.
- 2.7 The host dwelling, Coldrey Farmhouse, is a substantial grade II* listed building, identified in the listing as dating back to the 16th century. The listing detail notes that it was built over several periods, containing a substantial timber framed Tudor structure and has been added to and adapted over time.

PLANNING HISTORY

- 2.8 There are a number of planning history records for Coldrey Farm that include listed building applications and planning applications for various changes to the main manor house and the surrounding buildings.



- 2.9 We will not repeat all the application here but focus on the most relevant applications for this proposal. As mentioned in the introduction, that is the planning permission and listed building consent that originally granted permission for the conversion of the stables, planning permission reference: 50354/017 and Listed Building consent reference: 50245/016.
- 2.10 Both of these permissions have been part implemented with the conversion of part of the stables to form the dwelling that was approved as part of that consent.
- 2.11 Subsequently, permission was granted, under section 73, to amend the conditions attached to planning permission 50354/017 to enable the formation of a granny annex. Separate Listed Building consent was also granted for the changes proposed to the building as a result of the formation of the granny annex. That permission has not been implemented to date (reference: 50354/024).
- 2.12 For the avoidance of doubt, the applicant would like to retain the ability to implement the granny annex for their elderly relative. However, at this stage, as the permission took some time to be issued, alternative arrangements have been made. The existing dwelling would not meet the needs to their elderly relative and could not be used as an alternative to the creation of the granny annex as it does not provide suitable accommodation to meet the elderly resident's needs, for instance, it would be too large a space to heat sufficiently, the elderly relative does not require five bedrooms and the staircase has been designed in the granny annex to enable a stair lift to be added when required.
- 2.13 It is also relevant that planning permission was granted on the neighbouring land (adjacent to the stables dwelling itself) for the conversion and restoration of the redundant Hopkin to form a two-storey dwelling in February 2019. That consent did not include any restrictive condition in relation to the dwelling (reference: 57559).

PROPOSED DEVELOPMENT

- 2.14 As noted above, the five-bedroomed dwelling was occupied by members of the family (the applicant's sister-in-law and her children) from October 2018 until September 2023.



However, that member of the family no longer requires the accommodation, and the dwelling is sat vacant. This planning application seeks the removal of condition 2 of planning permission LPA reference: 50354/017, to enable the dwelling to be occupied without any restrictions on its use.

- 2.15 Condition 2 requires the dwelling permitted to be occupied as either staff accommodation or as ancillary residential accommodation, in connection with the existing dwelling house, but the large family home is not needed to meet either of those requirements, now and for the foreseeable future.
- 2.16 The mechanism for amending planning conditions is provided by section 73 of the Town and Country Planning Act 1990. Section 73 enables an application to be made to seek a material amendment to a planning permission by requesting to vary or remove planning conditions associated with that consent. In this case, the application seeks to remove planning condition 2 to enable the dwelling created to be lived in with unrestricted use.
- 2.17 As identified in the original planning application drawings, the living accommodation provided by the stable dwelling comprises a large family kitchen / dining room, family room and separate lounge with utility room, cloak room and store at ground floor level. Upstairs there are four double bedrooms with a family bathroom. The accommodation is substantial and more than sufficient to function as an independent large family home as demonstrated in the images below:

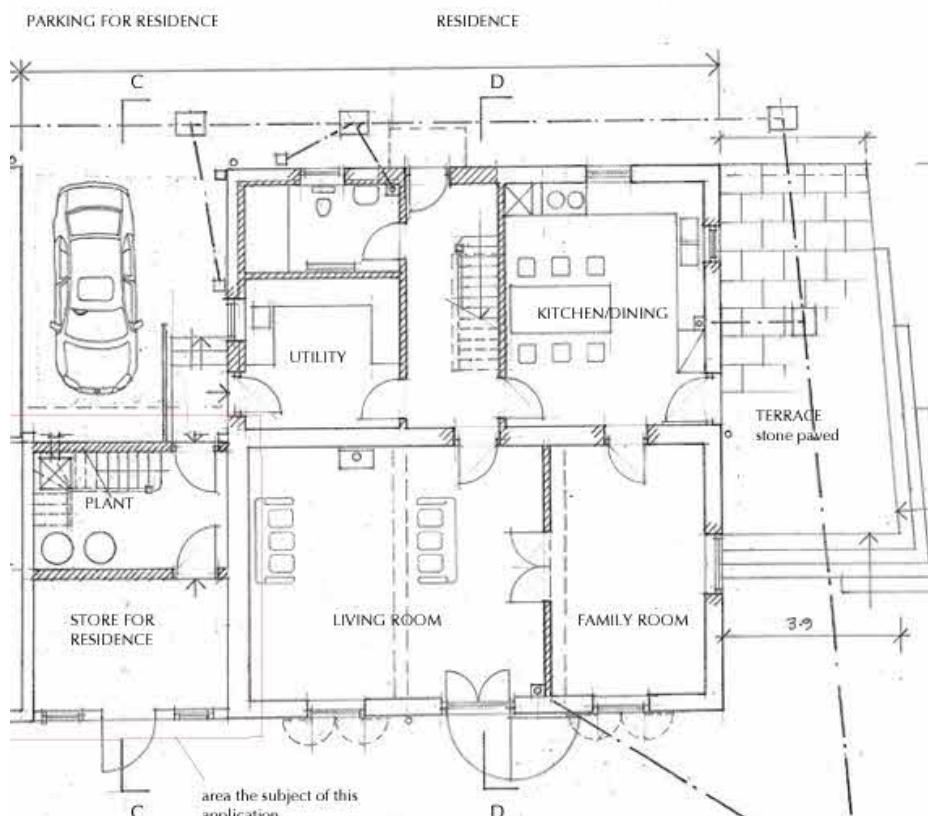


Image 4: Ground floor layout

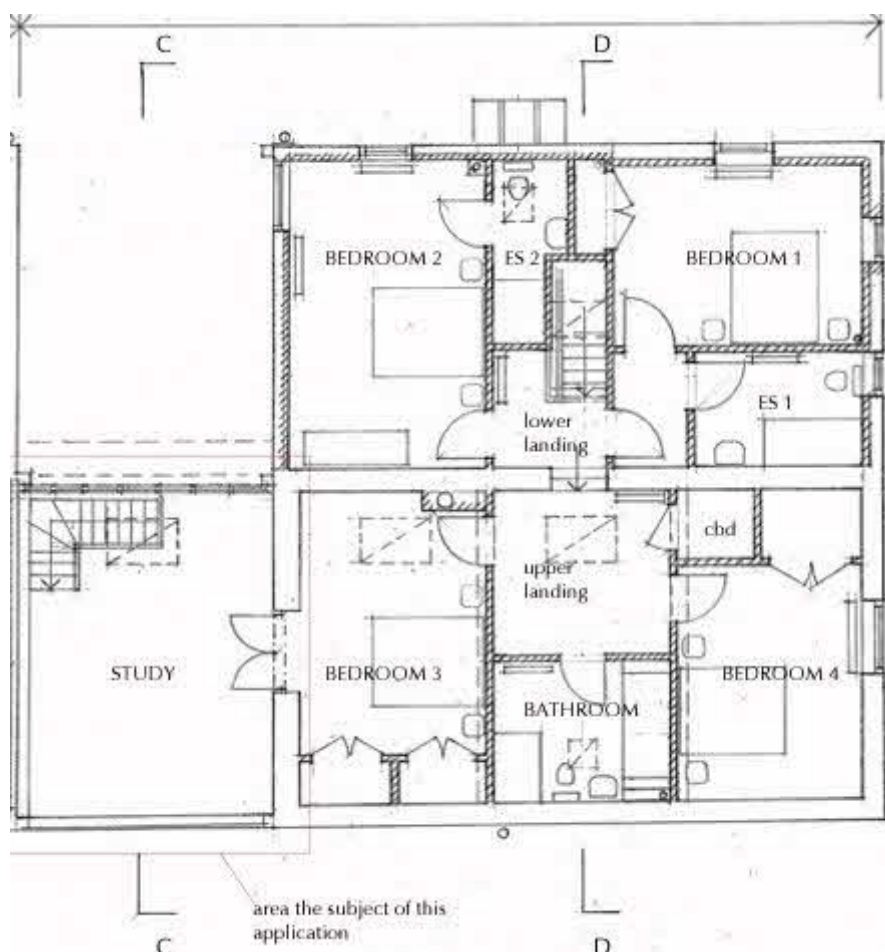


Image 5: First floor layout

2.18 The living accommodation has its own separate entrance. The front door is on the northern elevation of the building, is on the opposite side of the stable from the courtyard and main entrance to Coldrey Farmhouse and can function independently and without impact on the main dwelling.

2.19 From the front door of the stable dwelling there is direct access to ample car parking for the property and from the kitchen door there is direct access to the existing amenity space that surrounds the dwelling to the north and east. This amenity space relates well to the dwelling and is easily accessible from it. The amenity space is substantial and capable of supporting the independent occupation of the dwelling.

2.20 The amenity space and parking are shown in the images below:



Image 6: Amenity space as seen from kitchen door



Image 7: Car parking and amenity space as viewed from front door

2.21 Coldrey Farmhouse, benefits from extensive grounds and significant separate private amenity space to the south and east, including the walled garden and private patio, all of which is set apart from the stable and independent of it. It also benefits from its own significant area of parking at the front of the house within the courtyard.



2.22 We have set the detailed planning case for the removal of this condition in the following section of this statement.



3 PLANNING POLICY CONSIDERATIONS

3.1 Section 70 of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

3.2 In this case of this proposal, the relevant development plan comprises the:

- East Hampshire District Local Plan (Part 1): Joint Core Strategy (June 2014) (JCS),
- East Hampshire District Local Plan (Part 2): Housing and Employment Allocations (April 2016) (HEA), and
- Saved policies of the Local Plan Second review which was adopted in 2006.
- Bentley Neighbourhood Plan 2015 to 2028 adopted in February 2016

3.3 Material considerations should also be taken into account including the National Planning Policy Framework (2023) (NPPF).

PRINCIPLE OF DEVELOPMENT

3.4 Policy CP1 (Presumption in favour of Sustainable Development) of the JCS reflects the presumption in favour of sustainable development set out within the NPPF. It states that planning applications that are in accordance with the development plan should be approved without delay and where there are no policies relevant to the application the Council should grant planning permission unless material considerations indicate otherwise, so if any adverse impacts of granting permission would significantly or demonstrably outweigh the benefits or if specific policies in the NPPF indicate that development should be restricted.

3.5 In this case there are no specific development plan policies relating to the removal of an occupancy condition on a dwelling and therefore in accordance with CP1, consideration should be had as to whether any material considerations indicate



permission should be withheld. As discussed in section 2 of this statement, the dwelling already functions as an independent dwelling house with ample living accommodation, parking and amenity space and will not impact on its neighbour. We have considered below other broader policies in the plan that might be relevant to confirm that there are no other considerations which would indicate permission should be withheld.

- 3.6 Policy CP2 (Spatial Strategy) of the JCS sets out the amount of new development growth required to meet the needs of the District in the plan period, which includes the provision of 10,060 new homes between the period 2011 to 2028. The policy requires new development to “promote and secure sustainable development to maintain the vitality and viability of existing communities”.
- 3.7 The unrestricted use of the stable dwelling will enable it to meet wider housing needs as the dwelling will not be tied to Coldrey Farmhouse and therefore its contribution to the supply of housing will be more beneficial and unlimited.
- 3.8 The site lies outside of the Settlement Policy Boundary and is therefore considered to be in the countryside but is on the edge of Bentley, in accordance with policy 1 of the Neighbourhood Plan. Its use as an unrestricted dwelling will help to support and maintain the vitality and viability of Bentley with the additional residents living in the area and would therefore accord with CP2.
- 3.9 As noted, the site is outside of the Settlement Policy Boundary, and as such policies in relation to development in the countryside have been considered below.
- 3.10 Policy CP6 (Rural Economy and Enterprise) of the JCS identifies that development will be permitted for the conversion of rural building to appropriate uses. Whilst the application is for the removal of a restrictive condition and the conversion has already taken place to provide the accommodation, given there is no specific policy covering this proposal, we can consider the policy position if the proposal was considered a fresh from the outset today, which was not full considered at the time.



- 3.11 Policy CP6 identifies a series of uses considered appropriate, which includes what is described in the policy as “general residential use”. That use is subject to several caveats, considered below:
- 3.12 The first is that the residential use is appropriate to the site. This test is already passed, as planning permission was granted for the use of the stables barn as a dwelling as clearly described in the approved drawings. The dwelling has been lived in as a family house since 2018 without harm or detriment to neighbouring properties or the character and appearance of the area.
- 3.13 The second caveat is that assessment shows that the use of the building for the other purposes listed in the policy is not possible or is unsuited. The other uses considered appropriate in the policy cover affordable housing, commercial uses, tourism facilities and accommodation, and community use. As the use a dwelling is already established conversion to an alternative use would not be appropriate given the size and layout. The applicant’s intention is to rent the property and therefore use as affordable housing would not be appreciate, particularly given the size of the dwelling and associated running costs. It is relevant to note that the use of the stable for commercial purpose has not proved successful to date, despite there being an extant consent for the stable’s conversion to B1 use since 2017. It is also relevant that more recently, it has also been agreed that part of that B1 accommodation can be converted to a granny annex (LPA reference: 50354/023), accepting the loss of that floor space, the Council determining it is not a viable location for B1 use.
- 3.14 The final test of CP6, for all forms of development permitted by the policy, is that the development will not harm the character of the site or its surroundings and that proposals do not adversely affect the natural beauty, wildlife, cultural heritage and opportunities for recreation. As stated, the dwelling has been lived in by the applicant’s sister-in-law and her family since October 2018 until September 2023 and therefore the use has a family home has been firmly established without detriment to the character of the site or its surroundings. This application does not propose any changes to the internal or external fabric of the building or surrounding amenity space



and parking areas. Therefore, there are no changes proposed that would change the impact of the dwelling on the character of the area, its natural beauty, wildlife, cultural heritage or any opportunities for recreation.

- 3.15 As a result, the conversion of a rural building to create an unrestricted dwelling in the countryside, is in this case considered to accord with the policy tests set out in CP6 and should have been approved as such when originally granted planning permission. It would therefore follow that there is no need for the restrictive condition, and the condition's removal still results in a policy compliant condition.
- 3.16 Policy CP10 (Spatial Strategy for Housing) of the JCS reiterates the need for 10,060 new dwelling in the period 2011 to 2028. It states that outside settlement policies boundaries, small scale housing will only be permitted in limited circumstances, including where a proposal reinforces a settlement's role and function and cannot be accommodated in the built-up area. The use of the property as an unrestricted dwelling will ensure it can more fully contribute to helping to maintain and reinforce the settlements' role and function, complying with this element of the policy. Clearly, as a converted stable, the dwellings' location is fixed and is not something that could be delivered within the built-up area.
- 3.17 Policy CP19 (development in the Countryside) of the JCS restricts development in the countryside to protect it for its own sake, noting that the only development that will be allowed is that which is in accordance with policy CP6. As discussed above, the application simply seeks to remove the restriction to the existing dwelling house. There are no physical changes that could impact the countryside and if considered afresh, the proposal would be in conformity with CP6 and is therefore acceptable in this regard.
- 3.18 Local Plan saved policy H7 refers specifically to the sub-division of existing dwellings outside settlement boundaries. The proposal is not the subdivision of an existing dwelling to create two dwellings, as the two dwellings already exist. The effect of removing the occupancy condition will ultimately create an unrestricted dwelling in the countryside separating the dwelling from Coldrey Farmhouse.



- 3.19 Policy H7 requires the site to be located close to local services or public transport. The nearest bus stop is a short walk to the end of the drive, near Coldrey Lodge. The closest settlement to the site is Bentley, where residents can access local services, including the primary school, local employment opportunities and rail network. Bentley Station provides rail access to Alton, Farnham and London Waterloo. As such Coldrey Farm is considered well-located and in close range of local services and public transport opportunities and is therefore in conformity with this policy.
- 3.20 The interpretation of ‘close’ in H7 is clearly open to consideration, and whilst consideration above has shown the site as being close to the services and facilities of Bentley and Bentley Station, we provide further consideration of policy H7 below.
- 3.21 Save Local Plan policy H7 was adopted in 2006. It significantly pre-dates the publication of the first NPPF in 2012, therefore those policies were clearly considered and adopted under a different national policy regime and direction, where the priority and focus were different.
- 3.22 Whilst the proposal accords with other development plan policies, in considering the weight to be attributed to policies, it is relevant to consider that the JCS was adopted in 2014, which also pre-dates the current version of the NPPF. The overall approach to the general restraint on development in the Countryside is not in line with the current national planning policy position which seeks to recognise the intrinsic character and beauty of the countryside enables sustainable development in rural areas.
- 3.23 What is more, the Council is now only able to demonstrate a 4.5-year housing land supply (based on their own assessment of supply against requirements, dated October 2023) and therefore, relevant policies for the delivery of housing are considered out of date and permission should be granted unless:
- “i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessment against the policies in this Framework taken as a whole.”



3.24 Therefore, in the any event, the weight attribute to the policies in the plan can only be given limited weight, with the more recent NPPF having much greater weight in the determination of this application as considered below.

Material planning considerations

NPPF

3.25 The NPPF has been updated since its first publication in 2012, the latest version published in September 2023, which continues the emphasis of the earlier versions that established the Government objective to “significantly boost the supply of homes” (paragraph 60) and provide the Government’s policy position to ensure the delivery of sufficient housing to meet identified local needs and recognised the “important contribution” small sized housing sites can deliver in terms of meeting house need (paragraph 69). As such, by creating an unrestricted dwelling, this will more fully help meet the unmet housing need, than the current restricted dwelling, and can be given significant weight in the decision-making process.

3.26 In regard to rural housing, the NPPF recognises that “planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply” (paragraph 80). Part b) and c) are relevant to this application. It is clear from paragraph 80 that isolated new homes in the countryside do not need to be avoided where: “b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets”, or “c) the development would re-use redundant or disused buildings and enhance its immediate setting” (paragraph 80).

3.27 Whilst it is acknowledged that paragraph 80 refers to isolated homes in the countryside, we do not believe that this site is isolated, given its position in amongst a cluster of residential dwellings in close proximity to Bentley, Bentley Station, Alton and Farnham (as detailed in section 2). Nevertheless, it is clearly the case that if the NPPF allows for new residential dwellings in accordance with b) or c) in isolated locations, logic would follow that the same allowance extends to rural locations which are not isolated.



- 3.28 Cross-referencing back to H7 and the test of CP6, this would render these policies out of date and inconsistent with the NPPF, regardless of the housing land supply position.
- 3.29 As a heritage asset in its own right, the grade II listed stable barn not only attracts consideration under paragraph 80 b) of the NPPF but also through chapter 16 and specifically paragraph 197 that requires consideration of “a) the desirability of sustainable and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”, which is entirely the case here, where the applicant is seeking to achieve the long-term viable use of the building.
- 3.30 Whilst there are no physical changes or change of use to this element of the heritage asset, and so there can be no harm. Decision makers are guided at paragraph 202 to weigh against any harm the public benefits of the proposal, which includes securing its optimum viable use. As noted throughout this statement, the stable dwelling is no longer required by family members and there is no need for any staff accommodation. Removing the restriction on the use will enable the dwelling to be occupied without limitation placed on that occupier as to their relationship with Coldrey Farmhouse and in so doing, enables a wider group of people to occupy the dwelling, helping to keep it in use, and therefore maintain in its ‘optimum viable use’ and ensure the long-term maintenance of this part of the building.
- 3.31 Whilst the conversion of stables to a dwelling has been complete but would have original met the requirements of this policy in that case, it is relevant that paragraph 80 c) provides no restriction on a residential use and provides no reason why the removal of that restriction should be withheld.

[Relevant East Hampshire appeal decisions](#)

- 3.32 In the consideration of this application, it is relevant to note the conclusion drawn by the Inspector in the case of Overbury Farmhouse (Planning Inspectorate appeal reference: APP/M1710/W/21/3285785, see appendix 1). Whilst this appeal sought release from the obligations in the section 106 that restricted the use of the barn, the effect was the same, as the appeal sought to enable the Barn and Overbury Farmhouse



to be inhabited separately as is the case here. The Barn and Overbury Farmhouse are near Alton and also within the East Hampshire and so of relevance to consideration of this application.

3.33 In their appeal decision the Inspector concluded that the planning obligation no longer served a purpose as the appeal property already “effectively forms a separate market dwelling” given that it “has no functional dependence on the main dwelling of Overbury Farmhouse” (paragraph 15). Noting that the two properties “share a main driveway, they have separate garden areas and can be accessed independently”, they have “separate parking” and “that the removal of the planning obligation would not cause harm to the character and appearance of the countryside” (paragraph 15).

3.34 This application, albeit for the removal of a condition, share many similarities in that regard. The dwelling already effectively functions as a self-contained market dwelling. It has no functional dependence on the main dwelling. The two properties are physically close to one another, but they are accessed independently, have separate garden areas, and separate car parking, and separate front doors, as described above. The stable dwelling has a full functioning kitchen, utility room and baths rooms. The property was used by the applicant’s sister-in-law and her family as their family home, but they no longer require the dwelling, and it is sat vacant as the tie restricts the use. The removal of the condition would cause no impact on the character or appearance of the countryside (as detailed below) and as such the restriction of the condition has serves no useful purpose and should be removed accordingly.

CHARACTER AND APPEARANCE

3.35 Policy CP20 (landscape), requires the special characteristics of the district’s natural environment to be conserved and enhanced and Policy CP29 (design) seeks to ensure new development respect character and is of a high standard of design.

3.36 The stable dwelling is a suitable size and ample amenity space to facilitate separate use. No physical changes are required to the internal or external fabric of the building to enable them to be used as two separate dwellings. The land associated with the dwelling does not require any physical changes to facilitate the creation of a separate



curtilage. Both the main house and the converted stable dwelling already have clearly defined curtilages of their own.

- 3.37 The site cannot be seen from any public viewpoints, being accessed via a private road.
- 3.38 As there are no physical changes to the property or its use and it cannot be seen from any public viewpoints, there would be no impact on the rural character and appearance of the area and would conserve the landscape in accordance with CP20 of the JCS.

AMENITY

- 3.39 CP27 (pollution) requires development to not have an unacceptable effect on the amenity of occupiers of neighbouring properties, either through the loss of privacy or excessive overshadowing.
- 3.40 The dwelling already functions as a separate residential dwelling and therefore the removal of the condition will not have any impact on the amenity of the occupier of Coldrey Farmhouse. Given there are no external changes to the building there will be no impact on overshadowing. As such the proposed development complies with the requirements of CP27.

HIGHWAYS AND PARKING

- 3.41 Paragraph 105 of the NPPF (2023) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making. Due to the site's location in the countryside, occupiers would to a certain extent be reliant on the use of private motor vehicles to access some day-to-day services and facilities. However, for a rural location, there is significant accessibility for the location to sustainable transport modes and ample opportunity for journeys to be taken in full or in part by public transport. Either utilising the bus network or the rail network, due to the proximity of local bus stop and Bentley Train Station.
- 3.42 Regardless, historically, the dwelling was used by the applicant's sister-in-law and her family and as a five-bedroom dwelling it is capable of being lived in independently of the main farmhouse. Therefore, the majority of the trips associated with the stable dwelling



are most likely to form separate journeys. As a result, the creation of a separate dwelling house would not generate a significant difference in trips to the permitted arrangement.



4 HERITAGE STATEMENT

4.1 The stable building is a grade II listed building and is adjacent to and within the setting of the grade II* listed Coldrey Farmhouse. As such a Heritage Statement is provided below to consider the impact of the development on the Listed Buildings.

LEGAL BACKGROUND

4.2 Listed buildings benefit from the highest level of protection under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.3 Section 16(2) of the Act then sets out the basic legal test for the decision maker requiring that “in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

4.4 In terms of the setting of a listed building, the tests for this are set out in paragraphs 16(2) and 66(1) of The Act which requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

4.5 Further advice for a decision maker is provided in section 16 of the NPPF, which is a material planning consideration. Paragraph 189 confirms that heritage assets are an “irreplaceable resource and should be conserved in a manner appropriate to their significance”. The NPPF confirms 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 (and the more important the asset, the greater the weight should be)” (paragraph 199). Paragraph 200 confirming that “Any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.



4.6 'Significance' is the means by which the cultural importance of a place and its components parts are identified and compared, both absolutely and relatively. It is defined in the NPPF as:

“the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting” (NPPF Glossary page 71 and 72).

4.7 Significance is essential for effective conservation management because the identification of areas and aspects of higher and lower significance, based on a thorough understanding of a place, enable proposals for change to be developed which protect, respect and where possible enhance a building’s character and cultural values.

4.8 The assessment of significance can assist in identifying areas where only minimal changes should be considered, as well as locations where change might be acceptable and enhance understanding and appreciation of the building’s significance. Changes need to be carefully considered to ensure that significant features are not compromised and will be judged within the legislative context governing the historic environment.

IMPACT OF THE PROPOSED DEVELOPMENT ON THE LISTED BUILDINGS

4.9 Whilst the proposal is in respect of a listed building and adjacent to another listed building, it will have no impact on either building or its setting as there are no changes proposed to the internal or external fabric of the building and the domestic use will continue as existing.

4.10 The proposed removal of condition 2 will ensure this part of the stables can be continued to be used and will therefore help to preserve the buildings fabric, in line with the Act and planning guidance provided in the NPPF.



5 CONCLUSION

- 5.1 Planning permission is sought through section 73 of the Town and Country Planning Act to remove condition 2 of planning permission 50354/017. The stable dwelling and Coldrey Farmhouse function independently. The ‘new’ dwelling exists, and no physical works are required to enable it to function as a separate dwelling, as clearly demonstrated within this statement. The condition therefore serves no useful purpose, and its removal will have no adverse effects.
- 5.2 Section 38(6) of the planning and Compulsory Purchase Act 2004 requires planning decision to be made in accordance with the Development Plan unless material considerations indicate otherwise. Section 3 set out how whilst there are no specific policies in relation to the removal of the planning condition, if considered afresh the proposed development would be in accordance with the development plan.
- 5.3 The NPPF is a material consideration and is very clear that there is a Government imperative to significantly boost the supply of land for new homes. The delivering of housing is an important public benefit, particularly in the context of a lack of a five-year supply of housing land within East Hampshire.
- 5.4 The lack of a five-year housing land supply position is a material consideration and results in those policies relating to the supply of housing being considered out-of-date and triggering the tilted balance as set out in the NPPF paragraph 11(d). The tilted balance advocates that planning permission should be granted unless the adverse impacts “significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole” (paragraph 11(d)).
- 5.5 The proposed development will deliver significant benefits:
- The existing dwelling will be able to more fully contribute to much needed housing in the local area through the provision of an unrestricted market dwelling.



- It will ensure the long-term viable use of the heritage asset without harm to it or the neighbouring grade II* Listed Building.
- There will be additional benefits through the increase in population and spend within the local economy from the new residents.

5.6 The proposed dwelling already functions as an independent dwelling and therefore there will be no harm and no technical obstacles resulting from the removal of this condition.

5.7 In conclusion, the benefits derived are significant and there is no harm identified, the condition serves no useful purpose and therefore, the application should be approved without delay.



APPENDIX

APPEAL DECISION: APP/M1710/W/21/3285785



Appeal Decision

Site visit made on 30 November 2022

by **A. Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/M1710/W/21/3285785

Overbury Farmhouse Old Odiham Road, Alton GU34 4BX

- The appeal is made under section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by [REDACTED] against the decision of East Hampshire District Council.
 - The development to which the planning obligation relates is the change of use of agricultural land to residential and conversion of stable to dwelling.
 - The planning obligation, dated 22 December 2004, was made between East Hampshire District Council and [REDACTED]
 - The application Ref 31210/003, dated 1 April 2021, was refused by notice dated 21 September 2021.
 - The application sought to have the planning obligation discharged.
-

Decision

1. The appeal is allowed. The planning obligation, dated 22 December 2004, made between East Hampshire District Council and [REDACTED] PLC, no longer serves a useful purpose and is discharged.

Preliminary Matters

2. Planning permission was originally granted under Ref F.31210/002/FUL for the conversion of a stable to residential use. This was subject to a planning obligation, restricting the occupation of the converted stable (now known as 'The Barn') as ancillary to the main site (Overbury Farm House). The effect of the obligation was to prevent the former stable from being sold, leased or transferred as a separate entity from the Overbury Farm House.
3. The planning permission has been implemented and the former stable is occupied.

Main Issue

4. The main issue is whether the planning obligation continues to serve a useful and necessary planning purpose having regard to whether the location is appropriate for a new dwelling in the context of national and local policy.

Reasons

5. The appeal site comprises the 'The Barn', its garden area and a large, derelict outbuilding. The site is located to the east of Old Odiham Road, adjacent to Overbury Farm House and Aylesfield Farm.

6. The appellant seeks to discharge the planning obligation so that both The Barn and Overbury Farm House can be inhabited separately.
7. The Planning Practice Guidance (PPG) sets out the circumstances in which a planning obligation can be modified or discharged. This includes a) through the agreement of the parties (a voluntary renegotiation) and b) on application to the local planning authority, if the obligation predates 6 April 2010, or is over 6 years old. The test under b) is whether that obligation no longer serves a useful purpose or would continue to serve a useful purpose if modified as proposed.
8. The Council sets out that the discharge of the planning obligation would result in the creation of a new dwelling in the countryside, outside of established settlement boundaries and away from key services and facilities. This is in a similar vein to paragraph 55 of the National Planning Policy Framework (the Framework), which seeks to avoid new isolated dwellings in the countryside, unless certain special circumstances are met.
9. The appellant argues that the Council assessed the proposed development against a number of policies which they deem not to be relevant. Nevertheless, I have considered the scheme against those policies set out in the Council's decision notice, which correctly relate to development in the countryside. I attribute weight to those policies where relevant.
10. Policies CP2, CP10 and CP19 of the East Hampshire District Local Plan: Joint Core Strategy (CS, 2014), in summary, seek to restrict development in the countryside. New dwellings outside settlement boundaries will only be permitted where they meet an identified need, reinforce a settlement's role or function, cannot be accommodated within the built-up area and have clear community support. CS Policy CP6 supports farm diversification and the conversion of rural buildings to residential and other buildings. CS Policy CP14 deals with affordable housing for rural communities.
11. Saved Policies C14 and H14 of the East Hampshire District Local Plan: Second Review (LPSR, 2006) allow for the use and/or conversion of buildings in the countryside for employment and community uses and rural workers or affordable housing. LPSR Saved Policy H7 refers specifically to the sub-division of existing dwellings outside settlement boundaries. This, amongst other things, requires the site to be located close to local services or public transport.
12. The above policies set out a general restriction on the creation of open market housing outside of settlement boundaries, other than in specific circumstances. Accordingly, the proposal would not comply with these local planning policies.
13. The LPSR was adopted in 2006 and the CS in 2014. They therefore pre-date the current Framework. The overall approach of a general restraint on development in the countryside, which CS Policy CP19 explains is to protect the countryside for its own sake, is out of step with the current national planning policy, which seeks to recognise the intrinsic character and beauty of the countryside and enable sustainable development in rural areas. From that perspective, in respect of their degree of consistency with the Framework, I attribute only moderate weight to these policies and the conflict with them that I have identified. Greater weight should be given to the Framework in these circumstances.

14. Paragraph 80 of the Framework permits the re-use of the redundant or disused buildings and the subdivision of an existing residential dwelling. The original proposal on the site was for the conversion of a stable to a dwelling and the effect of the planning obligation being removed is to subdivide the dwelling. This would, in principle, be consistent with the current national planning policy.
15. From the evidence before me and my observations on site, I am of the view that The Barn already effectively functions as a self-contained market dwelling. It has no functional dependence on the main dwelling of Overbury Farm House. Whilst the two properties are positioned physically close together and share a main driveway, they have separate garden areas and can be accessed independently. A parking area exists at the end of the shared driveway, providing separate parking to the main house. I concur with the appellants argument that the removal of the planning obligation and provision of a separate dwelling would not cause harm to the character and appearance of the countryside.
16. The site is located near to other dwellings and set within a hamlet. It is also around 4km from Alton, where access can be gained to a wide range of services and facilities. As such, the site would not be classed as 'isolated' with reference to paragraph 80 of the Framework. It is highly likely that users of both The Barn and the farmhouse would be heavily reliant on the use of private car to access most day-to-day services and facilities. However, this arrangement is already likely to be the case based on the lack of functional dependence between the two properties. Moreover, paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations.
17. Consequently, in practical terms, I am of the view that a separate dwelling unit already exists here. Therefore, if the planning obligation were to be discharged, a new dwelling would not be created.
18. Overall, I conclude that there would be conflict with the objectives of the local plan in that the appeal property lies in the countryside and does not form affordable housing, would not clearly provide accommodation for a rural worker and would be located away from local services and facilities. However, these local planning policies are given only moderate weight in respect of their degree of consistency with the Framework. Moreover, the appeal property already effectively forms a separate market dwelling. Given the above, and based on the evidence before me in this case, I consider that the planning obligation no longer serves a useful purpose, having regard to national and local planning policy.

Other Matters

19. The Council raises the issue of precedent. However, the particular circumstances of each site and context are different. I have determined the appeal based on the evidence before me and my observations on site.
20. I note comments from a neighbour that relate to developments other than in connection with the appeal case. My assessment is limited to the proposal before me.

Conclusion

21. In conclusion, I consider that on the basis of the evidence before me, and having regard to all other matters raised, the planning obligation no longer serves a useful purpose, having regard to national and local planning policy. The appeal is therefore allowed, and the obligation discharged.

A. Price

INSPECTOR