
Appellant's Final Comments

The Former Queens, Selborne

Appeal for application SDNP/20/04118/FUL

Appeal Reference: APP/Y9507/W/21/3289423

Final Comments

The Former Queens, High Street, Selborne, GU34 3JH



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1. Introduction

- 1.1. This appeal is made in respect of a decision made by the Local Planning Authority (LPA), the South Downs National Park Authority (SDNPA), contrary to the recommendation of its professional advisers, to refuse planning permission for development at The former Queens Public House, High Street, Selborne, GU34 3JH (“the Appeal Site”).
- 1.2. The description of development (‘The Appeal Scheme’) is as follows:

“Conversion and extension of the existing Queens building and barn to form 5no. Aparthotel suites (C1), a Field Study Centre and Tap Room (Mixed Class F.1 and Sui Generis) and 1no. Detached dwelling (C3) within the grounds, with associated parking and landscaping.”
- 1.3. A Statement of Case (SoC) was submitted with the appeal documents in December 2021 and sets out the Appellant’s full case with regards to the refusal of the proposed development. The Appellant has fully considered the Council’s Statement of Case (Section 2) and those of Interested Parties (Section 3), and wishes to respond on a number of matters. The following response should be read in conjunction with the Appellant’s SoC. Relevant sections of the Appellant’s SoC are signposted where appropriate.
- 1.4. The Appellant’s case remains that:
 - The proposals would not be a loss but rather a reconfiguration of tourism accommodation and community facilities. The Appeal proposals are inclusive, available, accessible and of equivalent or better quality to the former use in accordance with Policy SD43.
 - The scale, form and massing of the Appeal Proposals have been iteratively worked up in close association with the Council’s Design, Landscape and Heritage officers and its location and architectural detailing is a direct response to the Council’s comments
 - The Appeal Proposals will make a positive contribution to the character and setting of the village whilst supporting and enhancing the function of this positive amenity for the community.
 - The development proposals are well designed and entirely sympathetic to their locality. The landscape interventions are acknowledged within the Officer’s Report to be an enhancement over the existing appearance of the site and, as such, there is no demonstrable harm
 - The Appeal Site will become a community hub offering multiple benefits to a much wider demographic within the local community. The range and flexibility of uses offered will far eclipse the previous use.
 - There will be no net increase in parking provision. In actuality there will be a net decrease in car parking spaces associated with the Appeal Proposals (20 spaces compared to the 24 existing).
 - The highways improvements on Huckers Lane have been pared back to only those strictly necessary to achieve the development (i.e. visibility splay into the site). There is no longer any widening of the highway in order to maintain the local road hierarchy and the rural nature of the Lane itself.

2. Final Comments – Rebuttal of the LPA’s Statement of Case

- 2.1. The LPA’s Appeal Case is set out in Section 6 of their Statement and is split between Reason for Refusals 1 and 2. For ease of reference the Appellant has responded to each Reason for Refusal in turn below. Relevant sections of the Appellant’s SoC are signposted where appropriate.
- 2.2. Comments lifted directly from the LPA’s SoC are shown in *italic blue text* for ease of reference. .

Reason for Refusal 1 – Community Facility (Paragraphs 6.2-6.18)

- 2.3. The LPA’s case in respect to Reason for Refusal 1 centres on whether the proposed development provides a facility that is accessible, inclusive and available, and of equivalent or better quality to those lost. It remains the Appellant’s firm stance that the Appeal Site will become a community hub offering multiple benefits to a much wider demographic within the local community. The range and flexibility of uses offered will far eclipse the previous use. The LPA have failed to offer any substantive evidence to the contrary. The relevant sections of the LPA’s case are examined below.

Paragraph 6.5 of the LPA SoC

“At the outset, it must be acknowledged that the facilities are run by a commercial charity, which is endeavouring to maximise its income. To this extent, whilst the submitted documentation and comments made in the appellants grounds of appeal appear to infer that the site would become a community hub offering multiple benefits to a much wider demographic within the local community, offering a range and flexibility of uses “far eclipsing the previous use”, this is very much dependent on whether the facility is truly accessible, inclusive and available.”

- 2.4. The inference that the Museum Trust being a commercial entity somehow devalues the community offering of the development is unfair. It must be understood that Gilbert White & The Oates Collections is a small private trust with a commercial arm, not a commercial charity as one objector has stated, and as such needs to diversify to survive particularly now in these uncertain times. Trusts, much like any other business, need to be commercially facing and diversify their offer in order to survive and also ensure they have enough critical mass. In Gilbert Whites case they are seeking to expand their educational offering.
- 2.5. Policy SD43 doesn’t require the operator to be a benevolent institution. Paragraph 7.227 lists the types of community use covered under SD43, which includes cultural facilities and education. It must be borne in mind that the preceding use of the site was as a public house, an entirely commercially driven enterprise.

Paragraph 6.6 of the LPA SoC

“The facility would be run by a private organisation, which has already stated that, whilst there would be serviced accommodation available, there would be occasions where this is limited purely to service the needs of the adjacent Museum, thus failing to be truly Accessible, inclusive and available.”

- 2.6. The serviced accommodation doesn’t purport to be a community use in and of itself. It is an ancillary and supporting use to the ground floor and the wider community. As part of the Museum’s business model the guests coming to the accommodation, they will stay for minimum 3 nights. These guests will need to eat and drink and explore within the locale; this is a great opportunity for The Selborne Arms, White’s, La Luna,

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The Pottery, the Church, Maia's Flowers and Candy Tours. This will also provide customers for the village shop.

- 2.7. Policy SD23 governs the loss of visitor accommodation and it is instructive in this case that SD23 **does not** constitute a reason for refusal. Indeed, at Paragraph 7.20 of the LPA's Committee Report (Statement of Case Appendix 2) the Council are clear that (Savills emphasis):

*'When measured against the previous level of provision **the application proposals result in no net loss of tourist rooms** (5 remaining as 5) and represent a marked increase in the provision of available 'bed spaces' (6 to 11), To add, disabled access will be provided to 4 out of the 5 suites i.e. 9 out of 11 bed spaces. **This is considered an improvement over existing** where disabled access isn't provided to the upstairs accommodation'.*

Paragraph 6.7 of the LPA SoC

*"Whilst the appellant has confirmed that the Field Study Centre would provide a classroom facility that would be made available for hire for a number of community uses in the evenings and weekends, this would clearly only be within the jurisdiction of the owner and there are no certainties that the hire facilities would be reasonably priced for the local community, nor whether such offers for hire would be removed at any point in the future. It should also be noted that the Museum currently has a Field Study Centre, in the form of the barn, which is located adjacent to the car park for the Museum. **This proposal does not provide new educational facilities, but merely relocates them, arguably to allow the Museum to expand their hiring of the barn for events such as weddings.** In this respect, it is certainly arguable whether new facilities are indeed being offered for the local community."*

- 2.8. To refer to the 'relocation' of the FSC is a misnomer. The Gilbert White Museum are intending to leave the current Field Studies Centre in situ along with its existing programme for infant and junior schools which now has a full programme and take up post pandemic and **expand** it's educational and community offering with the additional FSC at the Queens. This expanded offer will be targeted at older children who will take the new Natural History GCSE from September 2025 which has been designed by the OCR board to help young people reconnect with wildlife by learning the names and characteristics of British Plants and animals.
- 2.9. The FSC within the Queens will also allow the Gilbert White Museum to expanding into Adult Education and courses which will be open to Selborne residents and the wider community. The Gilbert White museum are currently working with Winchester University who have approached them to offer off campus courses in Natural History. With this additional space offered by the Queens FSC the Gilbert White Museum have tremendous scope to expand the museum's Educational offering to young and older members of both the community but to be the premier location for Natural History education across Hampshire and the South. This is an opportunity that can **only** be fully realised through the Appeal Proposals.

Paragraph 6.8 of the LPA SoC

"The appellant does set out that the Field Study Centre would be 'demand led' but again, this would depend greatly on the Museum's pricing structure for such hire, which is outside of the control of the local community, thus giving no certainty of it being made accessible, inclusive and available for all.."

- 2.10. Much like any well run organization, the Gilbert White Museum Trust will want to fill its available space with

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bookings and to do that it would need to make the space available at rates that worked for the local community and for local residents and by offering discounted rates for local clubs and organizations.

- 2.11. As detailed in the Gilbert White Statement (Appendix 3 to this document), since the last planning refusal the Museum trust have been developing the plans for the Tap Room to make it more robust and offer the village/wider community a place to come and try Gilbert White's beer together with guest ales from local small breweries. Our opening hours will be limited to start off and if there is sufficient demand will grow as we grow the business which is a far better way to develop than putting in a full time pub, and staff, when no one knows the demand.
- 2.12. Should the Inspector choose to allow the Appeal the use of the site will be Sui Generis and F.1. The day to day machinations of the building will be controlled by the operator of the premises (The Gilbert Whites Museum) exactly as would have been the case under the previous use (Public House).

Paragraph 6.9 of the LPA SoC

“Having regard to the matter of being ‘available’ it is noteworthy that the Appellant, at Para 8.17 of their Appeal Statement, infers that the Tap Room, which is arguably at least an element which could be considered to be more closely aligned to the facility to be lost, would only be open from 6-10pm Monday to Saturday, and would be closed on a Sunday. This varies greatly from the fully functioning public house, which was open and available 7 days a week.

- 2.13. A 'like-for-like' comparison between the proposed and former use is not required when assessing a proposal against the requirements of Policy SD43. As plainly stated in paragraph's 7.7 and 7.8 of the LPA's Committee Report (Statement of Case Appendix 2) SD43 does not require a like-for-like replacement (Savills emphasis):

'7.7 Policy SD43 does not demand a like for like replacement – it requires an equivalent or better quality alternative community facility. Paragraph 7.227 of the South Downs Local Plan lists the types of community infrastructure facilities for the purposes of Policy SD43 which includes cultural facilities, education and public house. Note ‘community facilities’ may be a combination of different types.

7.8 Objectors are particularly concerned about the loss of public house, however, the uses of this space will be more wide ranging and the benefits felt by the local community will be multifaceted.'

Paragraphs 6.11-17 of the LPA SoC

- 2.14. Paragraphs 6.11-6.14 of the LPA's Statement consider whether the Appeal proposals can be considered 'of an equivalent or better quality to the community use lost'. The Appellant's contend that the LPA have taken an entirely too literal and reductive view of 'equivalence'. As covered in Paragraph 2.9 above, Policy SD43 **does not** require a like-for-like replacement.
- 2.15. As set out in the Appellant's Statement of Case, it is not the intention of the Appeal Proposals to replicate a pub. The Appeal Site will become a community hub offering multiple benefits to a much wider demographic within the local community. The range and flexibility of uses offered will far eclipse the previous use. By virtue of the varied split of uses the Appeal Scheme will be more attractive to a broader age range and wider tranche of the local population.

- 2.16. The collective benefits of the Appeal Proposal are detailed at Paragraph's 8.12-8.24 and Table 3 of the Appellant's Appeal Statement. However, Paragraph 7.21 of the LPA's Committee Report is worthy of replication below (Savills emphasis):

*'7.21 To summarise **the proposals would not be a loss but rather a reconfiguration of tourism accommodation and community facilities**. SD23 and SD43 are broad, and do not specify precise parameters for defining 'loss' or 'equivalence'. **The FSC and Tap Room will make educational, tourism, cultural, heritage and land-use enterprise/economy connections with the area, contributing to priorities of the South Downs Partnership Management Plan (PMP) and the requirements of Policy SD34. The hours of use are broadly equivalent. The key difference being that the proposed uses will be more wide ranging. It is envisioned that the Queens will become a community hub, offering multiple benefits to a much wider demographic.**'*

Reason for Refusal 1 – Summary

- 2.17. In respect to Reason for Refusal 1 the LPA conclude that, *'the proposal clearly does not provide an equivalent or better quality of community facility in some respects (Tap Room, Education facilities and their availability for local community) and would not be sufficiently available, accessible, or inclusive and therefore clearly not meeting the requirements of Policy SD43(c).'*
- 2.18. This conclusion runs entirely contrary to the conclusions reached by the Case Officer and detailed in the LPA's Committee Report. Unlike the Case Officer, the Council's Appeal Statement takes an entirely too literal and reductive interpretation of the 'equivalent or better quality' provision within Policy SD43. The LPA's contention is that the Appeal Proposals would not adequately replicate the facilities lost. Policy SD43 **does not** require a like-for-like replacement and it is not the Appellant's intention to do so. The Appeal Proposal's comprise a carefully considered balance of uses designed to meet a demonstrable need within the village and the National Park, be truly complementary to the existing businesses within the village and deliver a valuable resource for the local community.
- 2.19. Supporting paragraph 7.226 to Policy SD43 states (Savills emphasis):
- 'There is a wide range of community infrastructure facilities that are vital in maintaining the sustainability of both larger settlements and rural communities. Community infrastructure facilities enable essential public services to be provided as locally as possible and, as such, there is a presumption that they should be retained or replaced with proposals of at least an equivalent standard. **Appropriately sized proposals, which would provide inclusive shared services through the joint use of facilities in accessible locations, will be supported in principle.**'*
- 2.20. The final sentence of Paragraph 7.226 is central to the consideration of this Appeal. The Appeal Site will become a shared community hub offering multiple benefits to a much wider demographic within the local community. The range and flexibility of uses offered will far eclipse the previous use and should be supported as a matter of principle.
- 2.21. In their consultee comments (Appellant SoC – Appendix 8) the SDNPA Policy Officer states that, *'In practice, community facilities may be a combination of different types and on a continuum between community and private functions'*.
- 2.22. Wherever the Inspectorate adjudges the Appeal proposals to sit on that continuum, it is plain to see that

the scheme will deliver a community facility of the highest order, available to the widest possible demographic.

- 2.23. The LPA's assertions to the contrary made within their SoC are unsubstantiated, unevidenced and anecdotal.
- 2.24. The Appeal scheme represents an unrivalled opportunity to deliver a truly complementary facility to the existing businesses within the village and deliver a valuable resource for the local community.

Reason for Refusal 2 – Overdevelopment (Paragraphs 6.19-6.29)

- 2.25. The LPA's case in respect to Reason for Refusal 2 centres on whether the proposed development comprises an overdevelopment of the Site. It remains the Appellant's case that the Appeal Proposals offer a holistic approach to the redevelopment of the site. The Appeal Scheme would preserve and enhance the character and appearance of the Selborne Conservation Area and the setting of nearby listed buildings. The development would have no adverse impact on the amenities of neighbouring residents and the landscaped nature of the site would be retained through the retention and provision of trees and hedgerows. Each respective use would have sufficient parking in accordance with the adopted parking standards.
- 2.26. The barn conversion would make efficient and effective use of the land and would provide a sustainable form of development, contributing positively (albeit modestly) towards the housing needs of the District in providing a new residential dwelling.

Paragraphs 6.20-21 of the LPA SoC

- 2.27. In Paragraph's 6.20-6.21 of their SoC the LPA make a number of statement's in respect to the purported overdevelopment of the site;
- *The combination of a variety of proposed uses, including the creation of a new dwelling in the existing barn, the introduction of a new building for serviced accommodation and the resultant requirement for parking spaces and access to the site, would lead to an intensification in built form and reduction in the existing more spacious nature of the site. [Paragraph 6.20]*
 - *In particular, the former pub garden would be completely lost in order to provide the Parking Area between the new dwelling and Suites 4 and 5 of the Serviced accommodation. [Paragraph 6.21]*
- 2.28. It must be borne in mind that a perceived 'intensity' of development is not in and of itself an objectionable characteristic of development. It is incumbent on the LPA, in this case, to cite demonstrable harm arising from the Appeal Proposals. The Appellant believes they have patently failed to do this. It is not enough to simply cite 'overdevelopment' as being inherently harmful without substantiating their claims.

Paragraph 6.22 of the LPA SoC

- 2.29. Paragraph 6.22 pertains to the impact of the proposed tourist accommodation block on Huckers Lane:
- "The garden would be replaced to the south east by a single storey building running along a significant portion of Huckers Lane. Whilst it is acknowledged that Huckers Lane has sporadic buildings on the eastern side of the road along the lane, other than the Hotel at the junction, the western side of the lane is relatively*

free of buildings and offers the subtle transition to a more rural lane with hedging and glimpses through to a more open character. In this respect, the proposals also include the loss of the existing hedge, which forms the boundary of the site at the moment which would detract from the rural character and appearance of the Lane. The subsequent replacement with the wall along this boundary would not assist in the transition that the current lane makes in introducing a more spacious and rural character.”

- 2.30. As detailed in the appellant's SoC (Paragraph's 9.4-9.11), the scale, form and massing of the proposed tourist accommodation block has been iteratively worked up in close association with the Council's Design, Landscape and Heritage Officers and its location and architectural detailing is a direct response to the Council's comments (see Appendix 6 to the Appellant's SoC). At the meeting of 15th April 2021 It was agreed that the Appellant would undertake a local character assessment of Selborne to inform the updated plans for the accommodation block (Appendix 7 of the Appellant's SoC). On review of the Character Study it will be clear to the Inspector that the relocation of the accommodation block to run 'flush' with Huckers Lane and the timber cladding of the building can be seen as a direct reference to buildings within close proximity of the site and the local landscape character.
- 2.31. Given the level of engagement and the receipt of no formal objection from any of these consultees it is immensely disappointing for the Council to have included this element of the scheme within its reason for refusal and by extension the Appeal SoC.

Paragraph 6.23 of the LPA SoC

“The subsequent loss of space within the application site, when viewed from the access road which leads to the properties to the north (and the access for the proposed barn), would result in a ‘busier’ and more intense form of development which would appear somewhat cramped, given the access and parking area wedged between the new apartment suite and the dwelling to the north of the car park, which would introduce more built form abutting the car park area. In these respects, the proposals would constitute and overdevelopment of the site which would be apparent within the streetscene.”

- 2.32. The area to which the LPA refer is not the streetscene. The access road leading to the residential properties to the north is within the control of the Appellant and access rights are granted over it. The development has been designed in such a way that it would be well contained within the site and screened from longer distance views and from the immediate public realm surrounding the site.
- 2.33. The consolidation of parking within the core of the site associated with the Appeal Proposals will also bring about an improved landscape character to the eastern edge of the site. The eastern boundary of the site currently comprises a track providing access to the pub car park and Plum Tree House as well as a run of car parking spaces.
- 2.34. In their comments of 16/11/20 the Landscape Officer advised that, 'Parked cars do not create the most appropriate or characteristic edge to Selborne, this space should be revisited'. In recognition of this and the 'countryside edge' that forms the eastern edge of the development site and the designated greenspace immediately beyond this, the car parking for the tourist accommodation was moved internally to the site to protect this sensitive rural 'interface'. The new integrated car parking court will sit behind the belt of mature Cyprus, Holly, Ash and Spruce trees which will serve to shield the cars from longer distance views. The amendments to the proposal were made at the explicit request of the LPA's Landscape consultee and are considered to constitute betterment of the pre-existing relationship of the site with the countryside edge.

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Reason for Refusal 2 – Summary

- 2.35. It remains the Appellant's case that the development proposals are well designed and entirely sympathetic to their locality. The landscape interventions are acknowledged within the Officer's Report to be an enhancement over the existing appearance of the site and, as such, there is no demonstrable harm.
- 2.36. Policy SD15 requires development to conserve and enhance the historic environment; preserve and enhance the significance of listed buildings and their setting; and preserve or enhance the special architectural or historic interest, character or appearance of conservation areas. As acknowledged by the Officer the Appeal Proposal achieves those express aims.
- 2.37. The LPA's case in respect to Reason for Refusal 2 is unsubstantiated, unevidenced and anecdotal and at odds with the findings of the Case Officer who handled the application (as documented in the Committee Report).

3. Interested Parties

3.1. The Appellant notes that Statements have been made by a number of Interested Parties. In the large part these representations raise issues that have been considered in Section 2 of this document and in the Appellant's SoC. Notwithstanding this, the Appellant wishes to clarify the individual points below for the benefit of the Inspector.

- **Parking & Highways:** There will be no net increase in parking provision as part of the Appeal Proposals. In actuality there will be a net decrease (20 spaces compared to the 24 existing). Allied to the reduction in parking, the Appeal proposals will also not give rise to an intensification of the use of the accesses. As detailed in the Appellant's Transport Statement (Rev 04), using the TRICS database it is estimated that the established use generates 103 two-way movements per day. The Appeal Scheme will generate 81 two-way movements and will therefore comprise a 21% reduction in vehicular trips over the existing pub/hotel land use. There is no Highways Authority objection to the Appeal Proposals and it is considered common ground for the purposes of the Appeal.
- **Asset of Community Value (ACV):** On 11 May 2018 EHDC confirmed in writing that the applicant's listing review had succeeded and the Queens would be removed from the Council's ACV List and would be placed on the Unsuccessful List. On 23 May 2019 EHDC notified the Appellant that the Council had considered a nomination to list the Queens as an ACV (the fifth nomination). The Council's decision was that the Queens does not satisfy the relevant tests and should remain on the Council's List of Unsuccessful Nominations. Notwithstanding the above, the Appeal Proposal does not run contrary to the aspirations of the local community to maintain The Queens as a community facility. That is exactly what the Appellant is seeking to achieve.
- **Public Consultation:** In June 2020 the applicant circulated a 'consultation postcard' to addresses in the village of Selborne. The postcard directed recipients to the consultation website (www.Queens2020.co.uk) via which the proposals for the site could be reviewed. The website was also advertised via posters around the village and via the Selborne Facebook Group. Question 2 of the questionnaire asked 'Are you in support of the Queens site being developed...' A 'Yes/No' options was provided with 87% of respondents clicking yes (72 of 82). It is entirely incorrect for the interested parties to suggest that the development proposals didn't garner community support.
- **Community Need/SDNPA Local Plan Appendix 3:** The purpose of Local Plan Appendix 3 is to clarify the marketing and economic viability evidence required from applicants proposing schemes that result in the loss of visitor accommodation and facilities, employment land, local retail facilities, or community facilities (Appendix 3 – Paragraph 1.1). As set out at Paragraph 1.2:

'Section 1 of this appendix sets out the policy context for marketing and viability requirements. Section 2 explains the minimum action required when actively marketing premises and/or sites, and outlines the marketing evidence which must be provided to the Authority when submitting an application for change of use. Section 3 provides information on the financial viability evidence required to demonstrate that the premises and/or site is no longer suitable for its current type of use. Section 4 specifically applies to applications for the loss of community facilities and sets out requirements for demonstrating a lack of need for the facility.'

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- Interested Parties have put great weight on the provisions of Appendix 3. As detailed above, they are not pertinent to applications which seek to change from one community use to another (Policy SD43(c))
- **Shop:** Interested Parties have cited concerns surrounding the viability of the village shop should space within the proposed Tap Room be converted into a community shop. As identified in the comments of the Interested Parties, the planning application does not seek consent for a discrete Class E retail use.

4. Conditions

4.1. Interested Parties have raised concerns surrounding the continued use of the property as a community facility, citing a 5-year break clause as being indicative of the Appellant's longer term strategy for the building. A break-clause is an entirely ordinary and rational inclusion in a commercial lease.

4.2. Should, for some reason, the Gilbert White Trust choose to enact the break clause the building would remain in the planning use classes sought under this Appeal (i.e. C1, Mixed Class F.1 and Sui Generis). The plans submitted under the Appeal are sufficiently clear so as to allow/empower the LPA to enforce the continued use of these spaces under their distinct uses.

4.3. However, should the Inspector be minded to preserve these uses more formally the Appellant would be content to accept that a condition be attached to the consent which could, for example, read:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or as may be subsequently amended or re-enacted the space shown in green on Plan ref. P18-014-02-03-010c (Ground Floor Plan-A3) shall only be used for the purposes hereby approved and for no other purpose without the grant of an additional planning permission."

4.4. Plan ref. P18-014-02-03-010c is attached at Appendix 1.

5. Summary

5.1. The Appellant's case remains that, contrary to the two reasons for refusal stated in the Council's Decision Notice:

- The proposals would not be a loss but rather a reconfiguration of tourism accommodation and community facilities. The Appeal proposals are inclusive, available, accessible and of equivalent or better quality to the former use in accordance with Policy SD43.
- The scale, form and massing of the Appeal Proposals have been iteratively worked up in close association with the Council's Design, Landscape and Heritage officers and its location and architectural detailing is a direct response to the Council's comments
- The Appeal Proposals will make a positive contribution to the character and setting of the village whilst supporting and enhancing the function of this positive amenity for the community.
- The development proposals are well designed and entirely sympathetic to their locality. The landscape interventions are acknowledged within the Officer's Report to be an enhancement over the existing appearance of the site and, as such, there is no demonstrable harm
- The Appeal Site will become a community hub offering multiple benefits to a much wider demographic within the local community. The range and flexibility of uses offered will far eclipse the previous use.
- There will be no net increase in parking provision. In actuality there will be a net decrease in car parking spaces associated with the Appeal Proposals (20 spaces compared to the 24 existing).
- The highways improvements on Huckers Lane have been pared back to only those strictly necessary to achieve the development (i.e. visibility splay into the site). There is no longer any widening of the highway in order to maintain the local road hierarchy and the rural nature of the Lane itself.

5.2. In response to the matters raised by the LPA in their Statement of Case, the Appellant responds as follows:

- **Reason for Refusal 1:** The conclusions reached in respect to Reason for Refusal 1 run entirely contrary to the conclusions reached by the Case Officer and detailed in the LPA's Committee Report. Unlike the Case Officer, the Council's Appeal Statement takes an entirely too literal and reductive interpretation of the 'equivalent or better quality' provision within Policy SD43. The LPA's contention is that the Appeal Proposals would not adequately replicate the facilities lost. Policy SD43 does not require a like-for-like replacement and it is not the Appellant's intention to do so. The Appeal Proposal's comprise a carefully considered balance of uses designed to meet a demonstrable need within the village and the National Park, be truly complementary to the existing businesses within the village and deliver a valuable resource for the local community.
- **Reason for Refusal 2:** The development proposals are well designed and entirely sympathetic to their locality. The landscape interventions are acknowledged within the Officer's Report to be an enhancement over the existing appearance of the site and, as such, there is no demonstrable harm. Policy SD15 requires development to conserve and enhance the historic environment; preserve and enhance the significance of listed buildings and their setting; and preserve or enhance the special architectural or historic interest, character or appearance of conservation areas. As acknowledged by the Officer the Appeal Proposal achieves those express aims. The LPA's case in respect to Reason for Refusal 2 is unsubstantiated, unevicenced and anecdotal and at odds with

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the findings of the Case Officer who handled the application (as documented in the Committee Report).

- 5.3. As detailed in the Appellant's Statement (Appendix 2) the Appeal Scheme represents the culmination of 7 years concerted effort during which time we have worked with the community and local authority officers to identify a viable beneficial use for the premises and site. The Appeal Proposals come as a direct response to the comments of the SDNPA, the content of the Appeal Inspector's previous decision and the representations received in response to the public consultation exercise carried out in preparation for this submission. The Appeal scheme is an unrivalled opportunity to deliver a truly complementary facility to the existing businesses within the village and deliver a valuable resource for the local community.
- 5.4. For the above reasons, it is respectfully requested that the appeal is allowed and planning permission is granted.

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