



SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN & COUNTRY PLANNING ACT 1990 (SECTION 78)

APPEAL STATEMENT

APPEAL BY

Mr Guy Macklin – Derek Warwick Developments

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 F1 and Sui Generis) and 1no. detached dwelling (C3) within the grounds, with associated parking and landscaping

AT

The Queens Hotel, High Street, Selborne, Hampshire, GU34 3JH

Planning Inspectorate Reference: APP/Y9507/W/21/3289423

South Downs National Park Authority Reference: SDNP/20/04118/FUL

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Introduction

1.1 The South Downs National Park (SDNP) was established on 1 April 2010 and came into full operation under the South Downs National Park Authority (the Authority) on 1 April 2011. The SDNPA is the planning authority for the whole of the National Park.

1.2 The Appeal site is situated within an area of the East Hampshire District within the National Park, and East Hampshire District Council and the Authority have a S101 agency agreement in place. Applications that have the potential to have significant impacts on the special qualities of the South Downs National Park, as is the case with the Appeal proposal, are called in by way of a Direction to be dealt with directly by the Authority. The direction wording for the application subject of this Appeal was:

“The SDNPA proposes to determine the above mixed use planning application itself given the need to balance considerations regarding any impacts on the natural beauty, wildlife and cultural heritage of the area against any opportunities that the proposal may bring for understanding and enjoyment of its special qualities by the public. Such an assessment in balancing the first two purposes of National Park designation is potentially of significance to the SDNPA.”

1.3 This application was determined by the Authority’s Planning Committee on 9th September 2021 (planning committee report submitted with the Appeal Questionnaire). The application was refused for the following reasons:

1. *It has not been demonstrated that the proposed alternative community facilities to be provided, would be accessible, inclusive and available , and of an equivalent or better quality to those lost and subsequently it has not been demonstrated that there is no market demand for the existing use or an equivalent Community use (in the absence of evidence of a robust marketing campaign of at least 24 months). The proposal is therefore contrary to Policy SD43(2) of the Adopted South Downs Local Plan (2014-2033).*
2. *The proposals, by virtue of the new building, additions, increased parking provision, landscaping and access alterations, would amount to overdevelopment of the site, most notably in relation to Huckers Lane, and would therefore have an unacceptable impact on the landscape character of the area and the Conservation Area. The proposals would therefore be contrary to Policies SD4(1), SD5 and SD15(1) of the Adopted South Downs Local Plan and the NPPF.*

1.4 The Decision Notice was issued on 1st October 2021.

2. The Site and Surroundings

- 2.1 The Queens Hotel in Selborne is located on the north-east side of the High Street, situated predominantly within the Settlement Policy Boundary (with only a small element on the northern eastern boundary falling outside), wholly within the Selborne Conservation Area and the South Downs National Park.
- 2.2 The former hotel comprises a three-storey building located within the centre of the plot with its south west elevation facing the High Street. To the north west is a barn used by the former public house for ancillary storage and car parking. The rest of the site comprises the former pub garden and parking areas associated with the previous use. Beyond the barn to the north west, the site adjoins the residential curtilage of Whites Cottage and Plum Tree House. The site is bounded to the south east by Huckers lane and to the north by a row of parking bays and the access track to Plum Tree Cottage.
- 2.3 A number of Grade II listed buildings are located to the southern side of the High Street, opposite the appeal site. These include Cobbler Cottage, Wakes Cottage and Cottage & Stables 10m South of The Wakes (which now forms part of Gilbert White Museum)
- 2.4 The appeal site is a non-designated heritage Asset within the Selborne Conservation area, is of local historic interest and contributes to the character and appearance of the Conservation Area, predominantly by virtue of its form, materials and elevational treatment.
- 2.5 The site forms part of a wider landscape described in the South Downs Integrated Landscape Character Assessment (SDILCA) (2020) (A2 Adur to Ouse Open Downland), appended at **Appendix I**.

3. Proposal

- 3.1 The proposal seeks the redevelopment of the former Queens Hotel to deliver an alternative community facility, tourist accommodation and a single residential dwelling.
- 3.2 *Field Study Centre/Tap Room (Ground floor)*. The proposals include the extension and conversion of the main building to provide a flexible use space in which to relocate the Gilbert White Museum's Field Studies Centre and to create a Tap Room and shop from which to sell "Gilbert White's beer. The extended ground floor would result in 234 Sq. m of floor space to be used flexibly by the Museum Trust. Parking for the Field Study Centre is provided within the existing car park, accessed off the High Street. Bicycle storage for the commercial space would be made available within the communal garden area.

- 3.3 *Apart-Hotel Tourist Accommodation (Grounds, First and Second Floors)*. It is proposed to convert and extend the first and second floors to provide 3no. self-catering apart-hotel suites, with an additional 2no suites within a new single storey building on the north eastern boundary of the site with Huckers Lane , on land which currently forms part of the garden of the former pub.
- 3.4 *The Barn (Grounds)* The barn to the north of the main building is proposed to be redeveloped and extended to create a 3 bedroom detached dwelling with associated parking and amenity space.

4. Planning History

4.1 The following recent planning history is relevant to the Appeal site:

- SDNP/16/05403/FUL Change of use from public house (Use Class A4) to 6 residential units (Use Class C3) 9five x 2 bed apartments and one x 3 bed dwelling), with demolition of single storey structures. Withdrawn 28 April 2017.
- SDNP/17/04753/FUL Demolition of the contemporary single storey extensions, an application was submitted for the erection of a stand-alone three bedroom dwelling in replacement of the function room. Refused 21.11.2017
- SDNP/18/02564/FUL Conversion and alteration of the existing Queens building and barn to form 4 residential dwellings, including demolition of single storey structures, and the erection of 1 detached dwelling within the grounds, with associated parking and landscaping. Refused 15.02.2019

The reason for refusal was:

The application is not supported by sufficient information to satisfactorily demonstrate that the requirements of Policy CPI 6 of the East Hampshire District Local Plan: Joint Core Strategy and Policies SD23 and SD43 of the emerging South Downs Local Plan have been met. Specifically it has not been demonstrated that:

- *The community facility (public house) and associated tourist accommodation use is no longer required,*
- *There are alternative facilities which are easily accessible for the community,*
- *Through a rigorous marketing exercise that the existing public house/tourist accommodation use is no longer viable and that all reasonable efforts have been made to retain it, and there is no market demand for the existing use or an equivalent community or tourism use.,*
- *In consequence, the proposal would result in the loss of a Community facility and associated visitor accommodation, to the detriment of the local community, and contrary*

to the aims of Policy CPI 6 of the East Hampshire District Local Plan; Joint Core Strategy and Policies SD23 and SD43 of the emerging South Downs Local Plan.

An appeal was made against this refusal of planning permission. The inspector dismissed the appeal in 11 October 2019. In doing so, he concluded:-

“For the foregoing reasons, I conclude that the proposal would not be acceptable, having regard to local and national planning policies in respect of community facilities and sustainable rural tourism. The appeal scheme would result in the loss of a valued community facility and associated visitor accommodation, which would be harmful to the surrounding community and would not be outweighed by the provision of five additional dwellings. The appeal scheme would therefore conflict with LP policies SD23 and SD43 as well as the framework.

5. Planning Policy

National Legislation and Policy

The Environment Act 1995

5.1 The two statutory purposes of National Parks as legislated for in the Environment Act 1995 are:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
2. To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

5.2 In carrying out these statutory purposes, National Parks also have a duty to seek to foster the economic and social well-being of their local communities in pursuit of these purposes. If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence

National Policy

5.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the National Planning Policy Framework (NPPF) 2021. NPPF should be considered as a whole, however, paragraphs of particular relevance to this Appeal include:

- 2 Achieving Sustainable Development
- 8 Promoting Healthy and Safe Communities
- 12 Achieving well designed Places
- 15 Conserving and Enhancing the Natural Environment
- 16 Conserving and enhancing the Historic Environment

- 5.4 Both the Circular and NPPF confirm that National Parks have the highest status of protection. At paragraph 176 the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks. It states, “*the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*”

Relationship of the Development Plan to the NPPF 2021 and Circular 2010

- 5.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The Development Plan

- 5.6 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan comprises the South Downs Local Plan (SDLP) (2014-33).
- 5.7 Whilst the Local Plan should be read as a whole, The following SDLP policies are considered to be particularly relevant to this Appeal and the reasons for refusal (submitted with Appeal Questionnaire) :
- SD4: Landscape Character
 - SD5; Design
 - SD15: Conservation Areas
 - SD23; Sustainable Tourism
 - SD43: New and Existing Community Facilities
- 5.8 Policy SD4 supports development proposals where the design, layout and scale serve to conserve and enhance the existing landscape character and features which contribute to the distinctive character, pattern and evolution of the landscape, including settlements; and safeguard the experiential and amenity qualities of the landscape.
- 5.9 Policy SD5 supports proposals that respect local character and make a positive contribution through sensitive and high quality design to the overall character and appearance of the area. Proposals should both integrate with, respect and sympathetically complement the landscape character and utilise architectural design which is appropriate and sympathetic to its setting. Policy SD15 requires proposals to preserve or enhance the special architectural historic interest, character or appearance of the conservation area.

5.10 Policy SD23 supports proposals for visitor accommodation where it is demonstrated that:

- the proposals provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities,
- the design and location minimises the need for travel by private car and encourages access and/or subsequent travel by sustainable means,
- they would not detract from the experience of visitors or adversely affect the character, historical significant , appearance or amenity of the area,
- make use of existing buildings, and if not suitable buildings are available, the design of any news ones are sensitive to the character and the setting,
- ancillary facilities are not disproportionately large in relation to the visitor facilities,
- any proposal does not have an impact on the vitality and viability of town or village centres or assets of community value

5.11 Policy SD43 specifically confirms that development proposals that would result in the loss of, or have an unacceptable impact upon an existing community facility will not be permitted unless

- For commercially run community facilities, evidence is provided of a robust marketing campaign of at least 24 months that clearly demonstrates there is no market demand for the existing use or an equivalent community use, or
- For community- or publicly owned or managed facilities, it can be robustly demonstrated that there is a lack of need for the existing facility, or an equivalent community use; or
- alternative community facilities are provided that are accessible , inclusive and available, and of an equivalent or better quality to those lost, without causing unreasonable reduction or shortfall in the local service provision.

Other Policy Considerations (submitted with the Questionnaire)

5.12 Relevant adopted Supplementary Planning Documents and technical advice notes (TAN) are:

5.13 Adopted Sustainable Construction SPD 2020

5.14 Adopted Parking SPD 2021

5.15 Draft (not yet adopted) Design Guide SPD 2022

5.16 Ecosystems Services TAN 2021

5.17 Dark Skies TAN

The South Downs National Park Partnership Management Plan 2020-2025

5.18 The South Downs National Park Partnership Management Plan 2020-25 is a material consideration in the determination of the Appeal. It outlines a vision and long term outcomes for the National Park and policies to support these, and is a material consideration in planning decisions, as outlined in planning practice guidance.

Relevant policies include:

- Policy 1: Conserve and enhance the natural beauty and special qualities of the landscape and its setting
- Policy 3: Protect and enhance tranquillity and dark night skies
- Policy 9: Significance of the Historic Environment protected from harm
- Policy 34: Support and enable communities to develop and deliver high quality community led initiatives that contribute to the understanding, conservation and enhancement of the special qualities of the National Park.
- Policy 43: support the development and maintenance of appropriate recreation and tourism facilities and visitor hubs.
- Policy 48: Support the towns and villages in and around the National Park to enhance their role as social and economic hubs. Policy 49: Maintain and improve access to a range of essential community services and facilities for the communities in the National Park.

6. The Case for the South Downs National Park Authority

6.1 Each reason for refusal is addressed in turn below and, where relevant, reference is made to the Appellant's Appeal Statement.

Reason for Refusal no.1

6.2 Policy SD43 is the central Development Plan policy relating to this reason for refusal. Criterion (2) of the policy makes it clear that proposals resulting in the loss of, or having an unacceptable adverse impact upon an existing community facility will not be permitted unless firstly, in the case of a commercially run community facility, as is the case here (2a), evidence is provided of a robust marketing campaign of at least 24 months clearly demonstrating there is no market demand for the existing use or an equivalent community use. Whilst the Queens Hotel has been vacant for some time, there has clearly been no marketing campaign or evidence of one submitted as part of the application and therefore the proposal fails to comply in this regard.

6.3 Notwithstanding, it is acknowledged that, should the proposal comply with SD43 2(c) (i.e. suitable alternative community facilities are provided), then there is no need to comply with 2(a) regarding the marketing requirements. Therefore, it is this element specifically that the Authority has concern about within the planning balance of considering this policy against the proposals.

6.4 In this respect, it is important to note that part 2(c) of the Policy requires the proposal to meet a number of criteria, which are cited in the reason for refusal, and these are scrutinised in detail below.

Alternative facilities that are accessible, inclusive and available.

6.5 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.

6.6 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.

6.7 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.

- 6.8 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.
- 6.9 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.
- 6.10 In the above respects, the proposals do not accord with policy SD43(c) insofar as they would cause an unreasonable reduction or shortfall in the local service provision when compared with the former use of the Queens Hotel, and be less accessible, inclusive and available.

Of an equivalent or better quality to the community use lost.

- 6.11 The appellant puts forward that the balance of the ground floor would provide for a community-shop and tap room. In this respect, it is relevant to consider that the last use of the property (until it was shut) was as a Public House/Restaurant with additional serviced accommodation. This occupied most of the public house and functioned as such providing food and drink for the local community, along with the Selborne Arms further down the street.
- 6.12 The appellants by their own admission refer to the Tap Room offering Gilbert White Beers from the existing ‘nano’ brewery with some selected wines and spirits, including ‘Selborne’ wine. By its nature, a ‘nano’ brewery can only be regarded as a fledgling business and it does not appear to be clear the extent to which such a small brewery can provide an equivalent community use to that previously provided by the Queens Hotel (even having regard to the other suggested community uses).
- 6.13 In itself, it is clearly the case that the Tap Room would not be providing any way near the equivalent or better quality in terms to that provided by the Former

Queens Hotel. The facility would be open on a limited period each evening and would be closed on a Sunday. It would provide very limited food offering compared to that formerly provided as a fully functioning public house. One must also appreciate that the development of the wider site with the other uses has resulted in the loss of the pub garden, which can be seen as a loss to the attractiveness and amenity of the site, which further reduces any opportunity for this element of the enterprise to expand its 'offering' in the future.

- 6.14 It is understood that the Public House, when it was open was very much a thriving business within the Community, providing opportunities for local residents to hold celebrations, hearing local music, and occasionally having community events. The inspector in the earlier appeal adds weight to the local support for the former public house where at Paragraph 9 they state *'The strength of local opinion in favour of the retention of the public house use is further evidence by the constitution of a community group known as 'Save the Queens'.*
- 6.15 In addition, the inspector clearly was not of the view that the loss of the Public House was acceptable merely because another public house exists in Selborne. They stated *"...Public Houses do not necessarily have to be restricted in number to enhance their viability, as this would otherwise prevent competition and complementarity. Spatial proximity should not be regarded in itself as a reliable indicator of the value placed on public houses by local communities. When the Queens was still operating, both establishments catered for different needs and therefore complemented each other."*
- 6.16 It clearly made sense for the former owners to encourage and support such gatherings, as it was good for the business. The nature of the current proposed 'Community' model is that it endeavours to pass the initiative to the community, but at a price which at present is uncertain as to whether this would be a reasonable cost or not. In Table 3 of the appellant's grounds of appeal, they confirm, *"The use of the Tap Room and FSC for live music groups, exercise classes, exhibitions or quizzes will be **entirely within the gift of the local community to book the space and arrange these events**".*
- 6.17 It is noted that the appellant has argued that the proposals are providing a wider variety of uses that fall under the definition of 'Community use' within Policy SD43, and that the Policy does not necessarily require the existing (or former use) to be replicated in the proposals. What the policy does require however is that the alternative facilities are of an equivalent or better quality to those lost. In this respect, it is considered that in themselves, the Tap Room clearly results in an unreasonable reduction in the local service provision. The Field Study Centre merely relocates the existing educational offer from the Gilbert Whites Museum, and provides uncertainty into the usability and accessibility of the space for the local community outside of the educational use. The serviced accommodation, whilst

comparable in terms of provision, would appear to have restrictions on wider bookings, with the Museum having priority on occasions.

- 6.18 Given the above, the Authority is concerned 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).

Reason for Refusal No2.

- 6.19 The Authority note the comprehensive account by the Appellant of the discussions which were held during the consideration of the application, which resulted in the scheme placed before the Members of the Planning Committee with a positive recommendation. It must be stated, however, that the final scheme before members, as a result of the appellant's variety of uses and new building works, was considered to result in a somewhat intense and cramped form of development. The minutes of the Committee meeting (provided with the Questionnaire) provide reasoning behind this conclusion.
- 6.20 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.
- 6.21 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.
- 6.22 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.
- 6.23 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 an overdevelopment of the site which would be apparent within the streetscene.

- 6.24 Whilst the need for these elements is understood, available space on site has to work much harder to accommodate the various elements and the resultant development would appear overly intense and fail to respect the existing character of the site or the immediate locality.
- 6.25 Policy SD15 requires new development to preserve and enhance the character and appearance of the conservation area. To achieve this, its policy criteria cover a wide range of considerations. Of particular note in respect of the above assessment of the scheme, policy SD15(1) requires new development to consider a settlement's layout and relationship to the established landscape setting and landscape features (e.g. including hedgerow); the historic pattern of roads and open spaces and the historic street scene for instance. It is considered that for the reasons above the proposals would not accord with such considerations within policy SD15. Furthermore, SD15(2) requires that where replacement buildings are proposed they make an equal or greater contribution to those which are lost. This would not be the case in this instance.
- 6.26 Policies SD4 and SD5 of the South Downs Local Plan are cited in the reason for refusal. Policy SD4 only permits development where it conserves and enhances landscape character, subject to its criteria. Of key relevance are its criteria (a) and (b) which require proposals to be informed by landscape character and be of a design, scale and layout which conserve and enhance existing landscape character features which contribute to the distinctive character, pattern and evolution of the landscape.
- 6.27 Additionally, policy SD5 requires proposals to respect the local character through sensitive and high quality design that make a positive contribution to the overall character and appearance of the area. More specifically, its criteria outline a range of considerations such as proposals needing to contribute to local distinctiveness and sense of place, be appropriate for its context.
- 6.28 For the reasons outlined above the proposals fail to accord with these policies insofar as the overdevelopment of the site and the identified associated impacts.
- 6.29 In summary, it is considered that the proposals have not been informed by landscape character reflecting the context within which the development is located. Nor do the proposals preserve or enhance the character or appearance of the Conservation Area for the reasons above. Therefore, the proposals fail to comply with Policies SD4, SD5 and SD15 of the South Downs Local Plan and the NPPF in regard to achieving high quality sustainable design.

7. Planning Conditions

- 7.1 A list of conditions was included within the Committee Report. Without prejudice to the outcome of the Appeal, the Authority would request, should the inspector be minded to allow the Appeal, to apply the conditions that were listed in the report.

8. Conclusion

- 8.1 In conclusion, it is the view of the Authority that the proposal would fail to meet the requirements of Policy SD43 and would not provide alternative community facilities that are accessible, inclusive, available and of an equivalent or better quality to those lost, causing an unreasonable shortfall/reduction in the local service provision.
- 8.2 Also, the additional development, parking provision and landscaping would result in overdevelopment of the site. Consequently, an inappropriate form of development would be created which would not conserve or enhance the rural landscape character of the area and character and appearance of conservation area for the reasons outlined. The proposals are, therefore, contrary to Policies SD4, SD5 and SD15 of the South Downs Local Plan.
- 8.3 In light of the above considerations, it is respectfully requested that the Inspector dismiss the Appeal.