

**TOWN & COUNTRY PLANNING ACT 1990 (As Amended) SECTION 78**

**DRAFT Statement of Common Ground prepared jointly by Derek Warwick Developments Limited, South Downs National Park Authority and Save the Queens**

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

**Local Planning Authority Reference: SDNP/20/04118/FUL**

**DATE OF INQUIRY: Tuesday 22<sup>nd</sup> October**

**Address: The Queens Hotel High Street Selborne Alton GU34 3JJ**

**Description: *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.***

**APPELLANT: DEREK WARWICK DEVELOPMENTS LIMITED**

**LOCAL PLANNING AUTHORITY: SOUTH DOWNS NATIONAL PARK AUTHORITY**

**RULE 6 PARTY: SAVE THE QUEENS, SELBORNE**

**FINAL – 03/09/2024**

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# 1. Introduction

- 1.1. This Statement has been prepared jointly by Derek Warwick Developments Limited ('the Appellant'), the Local Planning Authority (LPA) South Downs National Park Authority ('SDNPA') and Save the Queens (Rule 6 Party) in respect of the Appeal proposals at The Queens Hotel High Street Selborne Alton GU34 3JJ. The Statement provides an account of the areas of common ground between the parties with regard to the proposed development and matters relevant to the Appeal.
- 1.2. The Planning Application was received by the LPA on 28 September 2020 and registered under reference SDNP/20/04118/FUL.
- 1.3. The description of development 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."*
- 1.4. The LPA refused the planning application via decision notice dated 1 October 2021 following a refusal of the application at the Planning Committee on 9 September 2021 against an Officer's recommendation to approve.
- 1.5. The two reasons for refusal were:
  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.*
- 1.6. The Appellant submitted an Appeal against the LPA's decision on 20 December 2021. The Appeal was registered under ref. APP/Y9507/W/21/3289423.
- 1.7. The Appeal was allowed on 6 December 2022.
- 1.8. On 11 January 2023, under Section 288 of the Town and Country Planning Act 1990. A claim was issued seeking the quashing of the planning permission. It was brought on two grounds:
  1. *The Inspector made a material error of fact by relying on the Appeal Proposal's retention of trees that had been felled by the time of her Site Visit and Decision. The Inspector expressly relied upon the retained trees in finding that the Appeal Proposal would be acceptable in landscape, character, and Conservation Area terms. This is a material error of fact that renders the Decision unlawful per E v Secretary of State for the Home Department [2004] EWCA Civ 49.*
  2. *The Inspector misapplied policy in relation to SD43 2c) of the Local Plan by failing to have regard to the explanatory text contained at paragraph 4.2 of Appendix 3 of the Local Plan. This renders the Decision unlawful per 4th principle of Bloor Homes East Midlands Ltd v Secretary of State for Communities & Local Government [2014] EWHC 754 (Admin).*

- 1.9. On 21 June 2023 Upper Tribunal Judge Cooke, sitting as a Judge of the High Court, granted permission to proceed on Ground 1 and refused permission on Ground 2.
- 1.10. On 22 February 2024 Judge Karen Ridge, sitting as Deputy High Court Judge, quashed the planning permission.
- 1.11. The re-determination of the Appeal via local inquiry was confirmed by PINS on 17 June 2024.

## 2. Description of the site, area and application

### The Appeal Site

- 2.1. The Appeal Site measures approximately 0.2 hectares and is located on the north-east side of the High Street, Selborne. The appeal site is located within the village Settlement Policy Boundary, the Selborne Conservation Area and the South Downs National Park. The building is not listed, although there are listed buildings nearby and the Queens is a non-designated heritage asset.
- 2.2. The appeal site comprises a three storey main building and is located at the front of the plot with its south-west elevation facing the High Street with single storey extension fronting the High Street to the south-eastern side of the building. Immediately north-west of the main building is a barn associated with the public house and also a car parking area. The rear of the site comprises the pub garden, an access drive and parking area.
- 2.3. Beyond the barn to the north-west, the site abuts 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 car parking bays and the access track to Plum Tree Cottage.
- 2.4. The character of the surrounding area is predominantly residential, although non-residential uses are nearby, including a coffee shop, furniture store, village hall and the Selborne Arms Public House. The site is diagonally opposite the Gilbert White Museum on the High Street, where there is also a café and brewhouse. The Queens stands in the centre of the village's Conservation Area with a number of listed buildings in close proximity, including the Grade I Museum. Access to the site is from the High Street (B3006) and from Huckers Lane.
- 2.5. Selborne has an existing trading public house called The Selborne Arms, a church, primary school, village hall, recreation ground and pavilion. Selborne is a popular destination for visitors and tourists, including walkers partly as a result of the village's link with world famous naturalist Gilbert White and the Gilbert White House and Gardens Museum and surrounding open access National Trust land.

### The Appeal Scheme

- 2.6. The Appeal scheme comprises the:
  - Conversion and extension of the Queens to provide 5no. self-catering 'aparthotel suites', totalling 10 bedrooms (C1);
  - Conversion of the ground floor of the Queens to provide new flexible space for a Field Studies Centre and the creation of a Tap Room (Mixed Class F.1 and Sui Generis);
  - Conversion and extension of the existing barn to provide one residential dwelling (C3); and
  - Provision of associated parking and amenity areas for all the respective uses.
- 2.7. It is this Appeal Scheme that the Appellant is seeking consent for and will be the scheme that is commenced should the Inspector be minded to allow the appeal.
- 2.8. Notwithstanding the amended Landscape and Arboricultural details (submitted 22 July 2024) no amendments are sought to the built form of the Appeal proposals.

### Works Undertaken on the Appeal Site

- 2.9. Since the refusal of the Appeal Scheme application (SDNP/20/04118/FUL) on 1 October 2021, the Appellant has undertaken the following:

- Demolition of an external toilet block.
- Mature hedge and mature tree removal at the rear of the pub (tree removal under SDNP/22/01574/TCA).
- Erection of new post and rail boundary fencing at the Huckers Lane access and new close boarded fencing on site between the public house and the adjacent detached barn. Gravel paths on site behind the public house have also been laid.
- Reconfiguration of accommodation at first and second floor.
- Re-ordering of ground floor spaces at rear
- Conversion of what was the lounge bar to “The Jubilee Tap” (a taproom that opened in 2023 and sells beer brewed by the Gilbert White Brewery).
- Partition and fitting of a small kitchen in part of the public bar space.
- Partial demolition of the commercial kitchen and food storage areas at the rear of the function Room.
- Alterations to the front porch and covered area at front entrance into the tap room
- Creation of entrance for upstairs apartments and a boot/laundry room (layout is different to that shown on current ‘proposed’ plans)
- Widening of splay road access into Huckers Lane
- Insertion of two Velux windows into main roof slope
- Installation of new double-glazed doors and windows
- Installation of external lighting to rear of building

### 3. Planning History

3.1. The planning history of the Appeal Site is outlined below.

#### **SDNP/16/05403/FUL (6 no. Dwellings)**

3.2. In October 2016 an application was submitted to the SDNPA, with the following description of development:

*'Change of use from public house (Use Class A4) to 6 residential units (Use Class C3) (five X 2 bed apartments and one X 3 bed dwelling), with demolition of single-storey structures.'*

3.3. Following engagement with planning officers, the application was formally withdrawn by the applicant, as confirmed by the Authority on 28 April 2017.

#### **SDNP/17/04565/FUL (Change of Use of the Barn to 1no. Dwelling)**

3.4. On 27 September 2017, a full planning application was submitted proposing the change of use and extension of the existing barn adjacent to The Queens to form a single residential dwelling, single garage and associated parking and landscaping.

3.5. On 14 November 2017, the application was refused via delegated powers by the SDNPA.

#### **SDNP/17/04753/FUL (Demolition of Single Storey buildings)**

3.6. On 15 September 2017, an application was submitted for the demolition of the flat roofed toilet block and single storey function room and kitchen.

3.7. On 22 November 2017, the application was refused via delegated powers by the SDNPA.

#### **SDNP/17/05420/FUL (Single detached dwelling)**

3.8. On 8 November 2017, an application was submitted for the erection of a stand-alone three bedroom dwelling in replacement of the proposed function room (shown for demolition under SDNP/17/04753/FUL).

3.9. On 3 January 2018, the application was refused via delegated powers by the SDNPA.

#### **SDNP/18/02564/FUL (5 dwellings)**

3.10. On 11 May 2018, an application was submitted for the 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.

On 13 February 2019, the application was refused at East Hampshire District Council Planning Committee (on behalf of the SDNPA).

#### **Planning Appeal #1 (APP/Y9507/W/19/3229374)**

3.11. An appeal was made in May 2019 against the LPA's refusal planning application SDNP/18/02564/FUL.

3.12. Following a Hearing on 20/07/2019, the Inspector Sophie Edwards dismissed the appeal in a letter dated 11 October 2019.

#### **SDNP/20/04118/FUL (Field Study Centre, Tap Room, 5no. aparthotel suites and 1no. Dwelling)**

3.13. A Planning Application was submitted to the LPA on 28 September 2020 and registered under reference SDNP/20/04118/FUL.

3.14. The description of development was 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.”*

3.15. The LPA refused the planning application via decision notice dated 1 October 2021 following a refusal of the application at the Planning Committee on 9 September 2021 against an Officer’s recommendation to approve.

**Planning Appeal #2 (APP/Y9507/W/21/3289423) (The current appeal)**

3.16. An Appeal against the LPA’s decision on SDNP/20/04118/FUL was made on 20 December 2021. The Appeal was registered under ref. APP/Y9507/W/21/3289423.

3.17. The Appeal was allowed on 6 December 2022.

3.18. On 22 February 2024 Judge Karen Ridge, sitting as Deputy High Court Judge, quashed the planning permission.

3.19. The re-determination of the Appeal via local Public Inquiry was confirmed by PINS on 17 June 2024.

**SDNP/22/01574/TCA (Tree Works)**

3.20. On 10<sup>th</sup> May 2022 an application for tree works was granted consent on the site under ref. SDNP/22/01574/TCA. The consent prescribed the following:

- T1 3x Mature Ash with Die back, inappropriate location over multiple entrances, Remove
- T2 1x Cherry poor condition low life expectancy, Remove, replace with ornamental Cherry
- T3 2x Mature Thuja, gently lift canopy from current height of 2.5 meters to a height of approximately 3.5 to 4 meters
- T4 3x Small dead and dying Hollies, Ivy clad, recent tare outs, Remove, replace with Fruit trees or hedging
- T5 Mature Apple, remove dead wood, Gentle lift canopy from 2.5 meters to a height of 3.5 to 4 meters
- T6 Mid-life Spruce, poor condition, unsuited to location, Remove, Replace with Fruit tree or hedging

3.21. The initial tree works (felling and canopy lifting) were undertaken in w/c 16th May 2022. The second phase of works (i.e. the planting) was undertaken in March-April 2024.

3.22. In addition to the work prescribed by SDNP/22/01574/TCA the Appellant has undertaken the following:

- Planting of 3no. 4m trees in the new boundary on the rear of the barn. 2no. elm and 1no. maple

**SDNP/23/05311/NMA (CIL Non-Material Amendment) – “Non-material Amendment to Planning Application SDNP/20/04118/FUL - Amended Description to allow phased delivery of development and addition of CIL Phasing Plan to list of approved plans.”**

3.23. On 13 December 2023 a Non-Material Amendment (NMA) Application was submitted to the LPA proposing to amend the description of development of the consent to allow the phased delivery of the development. An additional phasing plan to be added to the list of plans was



also agreed.

3.24. Permission was granted on 12<sup>th</sup> January 2024.

## 4. The Development Plan & National Policy

### Development Plan

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2. It is agreed between all parties that the statutory Development Plan pertinent to the Appeal Scheme is:
- The South Downs Local Plan 2014-2033 (adopted 2 July 2019)
- 4.3. The policies cited in the LPA's decision notice for SDNP/20/04118/FUL were:
- SD4(1) – Landscape Character
  - SD5 – Design
  - SD15(1) – Conservation Areas
  - SD43(2) – Community Facilities
- 4.4. The Development Plan needs to be considered as a whole to determine whether the proposals substantially accord with it, within this Appeal process. The following policies are relevant:
- SD1 Sustainable Development
  - SD2 Ecosystems Services
  - SD4 Landscape Character
  - SD5 Design
  - SD8 Dark Night Skies
  - SD9 Biodiversity and geodiversity
  - SD11 Trees, Woodland and Hedgerows
  - SD12 Historic Environment
  - SD15 Conservation Areas
  - SD19 Transport and Accessibility
  - SD21 Public Realm, Highway Design and Public Art
  - SD23 Sustainable Tourism
  - SD25 Development Strategy
  - SD34 Sustaining the Rural Economy
  - SD43 New and Existing Community Facilities
  - SD45 Green Infrastructure
  - SD47 Local Green Space
  - SD48 Climate Change and Sustainable Use of Resources
  - SD50 Sustainable Drainage Systems
- 4.5. Policies in the Local Plan (2019) are up to date and are consistent with the National Planning Policy Framework (2023). They should, therefore, be given full weight in decision making.

### Material Planning Considerations

- 4.6. The two statutory purposes of National Park designation, in the National Parks and Access to Countryside Act 1949, are relevant, which are:
1. To conserve and enhance 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.

- 4.7. There is also a statutory duty, in pursuing National Park purposes, to “seek to foster the social and economic wellbeing of communities living with the National Park.”

#### English National Parks and the Broads: UK Government Vision and Circular 2010

- 4.8. Government policy relating to National Parks is set out in this Circular (2010). It requires national park authorities to address a broad range of social, economic, and environmental objectives and responsibilities, which do not solely relate to the planning system. Its principle objective is delivering upon national park purposes including through its responsibilities as the Local Planning Authority.

#### The South Downs National Park Partnership Management Plan (PMP) 2020-2025

- 4.9. The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. Paragraph 040, Reference ID:8-040-20190721, of the National Planning Practice Guidance confirms that Management Plans may contain information which is a material consideration when assessing planning applications.
- 4.10. The latest PMP was adopted in December 2019 and covers 2020-2025. It is a relevant material consideration.

#### Supplementary Planning Documents (SPDs) and other guidance

- 4.11. The Authority has adopted the following SPDs, which are overall relevant to the appeal:

- Design Guide SPD (adopted July 2022)
- Parking SPD (April 2021)
- Sustainable Construction SPD (August 2020)
- Selborne Village Design Statement SPD (April 2024) This version has superseded the 2016 publication previously referred to. The 2024 version is the most pertinent up to date document to refer to.
- Dark Skies Technical Advice Note (TAN)
- Ecosystems Services TAN
- Sustainable Construction TAN
- Roads in the South Downs (June 2015)

#### National Planning Policy Framework

- 4.12. In the intervening time since the original Appeal was determined (December 2022) the National Planning Policy Framework (NPPF) has been updated (September 2023 and December 2023). In specific regard to this appeal, there have been no material changes between these versions that are pertinent (only relevant paragraph numbers have changed). The NPPF (2023) has weight in decision making, as a material planning consideration.
- 4.13. The latest draft changes to the NPPF (July 2024) are undergoing public consultation. They may change subject to the outcome of the consultation exercise. Consequently, these draft changes have very limited weight in decision making.

#### Other relevant legislation

- 4.14. Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## 5. Conditions & Obligations

### Agreed Conditions

- 5.1. The Parties agree the list of Planning Conditions set out in Table 1 are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects in the event the Appeal is allowed.

*Table 1: Conditions Agreed Between All Parties*

Condition	Topic	Requirement
1	Time Limit	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	Approved Plans	<p>The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	Materials (detached apartment suites)	<p>No development shall be commenced on the detached guest accommodation (apartment suites 4 and 5, as identified on plan P18-014-02-02-010g)) unless and until a full schedule of materials and samples of such materials, have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.</p>
4	Materials (single dwelling)	<p>No development shall be commenced on the detached dwelling (as identified on plan P18-014-02-02-010g) unless and until a full schedule of materials and samples of such materials, have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.</p>
5	Drainage (foul and surface)	<p>No development shall commence until a site wide detailed sustainable foul and surface water drainage scheme, including a Management Plan detailing its future management and maintenance, has been submitted to and</p>

		<p>approved in writing by the Local Planning Authority. The development shall, thereafter, be undertaken and maintained in full accordance with the approved details.</p> <p>Reason: To ensure satisfactory provision of foul water and regarding surface water the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.</p>
6	Sustainability (new dwelling)	<p>No development of the detached dwelling hereby approved shall commence until detailed information in a Design Stage Sustainable Construction Report in the form of:</p> <ul style="list-style-type: none"> <li>a) Design Stage SAP 10 assessment for the dwelling.</li> <li>b) Design stage plan and specification for electric vehicle (EV) charging.</li> <li>c) Design stage BRE water calculator.</li> <li>d) Product specification for any renewable technologies employed.</li> <li>e) Grown in Britain or FSC Certificates for timber.</li> </ul> <p>Demonstrating that the development will:</p> <ul style="list-style-type: none"> <li>f) Reduce predicted CO2 emissions by at least 12% due to energy efficiency measures and onsite renewable energy, compared with the maximum allowed by Part L1A 2021.</li> <li>g) Provide EV charge points in a suitable location to ensure simultaneous charging, with a minimum power rating output of 7kW and a universal socket.</li> <li>h) Have a predicted water consumption of no more than 110 litres per person per day.</li> <li>i) Have separate internal bin collection for recyclables matching local waste collection service; and</li> <li>j) Have a private compost bin.</li> <li>k) Be designed to minimise overheating risk.</li> </ul> <p>Has been submitted to and approved in writing by the Local Planning Authority. The development shall be built in full accordance with these agreed details.</p> <p>Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.</p>
7	External lighting	<p>No development shall commence above slab level until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the type and location of all external lighting to be installed or retained throughout the site. All external lighting on the dwellings shall be restricted to down lighters that do not exceed 1000 lumens, which shall be designed and shielded to minimise upwards light spillage.</p>

		<p>The measures shall thereafter be implemented in full accordance with the approved details.</p> <p>Reason: To conserve dark night skies.</p>
8	Roof lights and light pollution mitigation	<p>Prior to the insertion of any roof lights, details of their design and specification shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of black out blinds and low transmittance glass. The development shall, thereafter, be implemented in full accordance with the agreed details and thereafter retained and maintained.</p> <p>Reason: To conserve dark night skies of the International Dark Night Skies Reserve.</p>
9	Soft and Hard Landscape	<p>Notwithstanding the details provided, no development shall commence until further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:</p> <ol style="list-style-type: none"> <li>a. Written specifications (including cultivation and other operations associated with plant and grass establishment;</li> <li>b. Planting methods, tree pits &amp; guying methods;</li> <li>c. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;</li> <li>d. Retained and new trees and hedgerows;</li> <li>e. Plant, grass and tree species to be of native, locally characteristic varieties, and informed by soil testing on site.</li> <li>f. Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces;</li> <li>g. Details of all fencing, gates or other means of enclosure;</li> <li>h. A landscape schedule for a minimum period of 5 years including details of the arrangements for its implementation;</li> <li>i. A timetable for implementation of the soft and hard landscaping works.</li> <li>j. A landscape plan with services shown;</li> </ol> <p>The scheme of Soft and Hard Landscaping Works shall be implemented in full accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first ten years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a</p>

		setting for the new development
10	Construction Management Plan	<p>No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for (but not be limited to):</p> <ol style="list-style-type: none"> <li>i. An indicative programme for carrying out of the works;</li> <li>ii. Method Statement for the demolition and construction work;</li> <li>iii. The arrangements for public consultation and liaison during the construction works;</li> <li>iv. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);</li> <li>v. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;</li> <li>vi. The parking of vehicles of site operatives and visitors;</li> <li>vii. Loading and unloading of plant and materials;</li> <li>viii. Storage of plant and materials used in constructing the development;</li> <li>ix. The erection and maintenance of security hoarding, where appropriate;</li> <li>x. Wheel washing facilities;</li> <li>xi. Measures to control the emission of dust and dirt during construction;</li> <li>xii. A scheme for recycling/disposing of waste, including spoil, resulting from demolition and construction works;</li> <li>xiii. Protection of pedestrian routes during construction;</li> <li>xiv. Provision for storage, collection and disposal of rubbish;</li> <li>xv. Any Re-use of on-site material and spoil arising from site clearance and demolition work.</li> <li>xvi. Working hours.</li> </ol> <p>Reason: In the interests of highway safety and the amenities of the area.</p>
11	Arboriculture	The development (including any demolition) shall be undertaken in full accordance with the details contained in the Arboricultural Method Statement (version 3 prepared by Partridge Associates, dated 28 May 2024) and Tree Protection Plan 2247/1C.
12	Ecology	The development hereby approved shall be undertaken in full accordance with the measures set out in sections 6 and 7 of the Ecological Impact Assessment report (prepared by Eclipse Ecology, dated 23 March 2021), unless varied by a European Protection Species (EPS) license subsequently

		<p>issued by Natural England. Thereafter, the existing and compensatory bat roost and swift nest box features shall be maintained and retained in full accordance with those approved measures.</p> <p>Reason: To provide mitigation and biodiversity enhancements on site.</p>
13	Parking	<p>Prior to the first occupation or use of each part of the development, the appropriate parking areas for that part of the development (as shown on drawing P18-014 02-02-010g) shall be completed. They shall be maintained and available for use at all times.</p> <p>Reason: To ensure the satisfactory provision of parking to serve the development.</p>
14	Cycle and Refuse Stores	<p>Prior to the first occupation or use of each part of the development, details of its cycle and refuse stores (shown on drawing P18-014 02-02-010g) shall be installed in full and in accordance with details which have first been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure satisfactory cycle and waste storage provision to serve the development.</p>
15	Contamination	<p>If, during development, contamination not previously identified is found to be present on the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure a safe and occupiable development.</p>

#### Contested Conditions

5.2. The Rule 6 Party consider the Planning Conditions set out in Table 2 are also necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects in the event the Appeal is allowed. These conditions are not agreed by the LPA and the Appellant.

*Table 2: Conditions proposed by Rule 6 Party*

Condition	Topic	Requirement
16	Uses – guest accommodation	The aparthotel suites hereby permitted shall only be used for purposes falling within Class C1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).



17	Uses – guest accommodation	The aparthotel suites hereby permitted must not be leased under either a tenancy agreement or any other form of accommodation contract for a continuous period of more than 28 consecutive nights.
18	Use – duration of guests	The owner/operator of the aparthotel suites hereby permitted shall maintain an up-to-date register of all the names of persons occupying the accommodation, and of their main home address, their length of stay. The Register shall be made available at all reasonable times for inspection by the local planning authority.

Planning Obligations

- 5.3. The Parties agree that no Planning Obligations are necessary in the event the Appeal is to be allowed.

## 6. Matters Agreed Between the Parties

- 6.1. It is considered the following can be considered common ground between all parties and can be set aside for the purposes of the Appeal.

### Principle of Development

- 6.2. The site falls within the settlement policy boundary of Selborne where the principle of development is generally accepted. Policy SD25 supports development within settlement boundaries providing that this is of a scale and nature appropriate to the character and function of the settlement in its landscape context; makes best use of suitable and available previously developed land in the settlement; and makes efficient and appropriate use of land.

### Surface Water and Drainage

- 6.3. Policies SD2 and SD50 seek to ensure that proposals ensure against increase of surface water runoff, taking into account of climate change, and deliver sustainable drainage solutions. A drainage report was submitted in support of the application.
- 6.4. The details of a scheme for foul and surface water drainage can be conditioned (Draft Condition 5).
- 6.5. It is common ground that the scheme is acceptable from a surface water and drainage standpoint.

### Residential Amenity

- 6.6. On the basis of the reasons for refusal, the scheme would not materially impact upon the amenities of other surrounding uses and properties and Environmental Health officers have raised no objections to the proposals.
- 6.7. It is common ground that the scheme is acceptable from a residential amenity standpoint.

### Ecology

- 6.8. No Ecological concerns have been raised by the Authority, nor have they been listed as a reason for refusal.

### Dark Night Skies

- 6.9. The site is located within the Dark Skies Intrinsic Zone of Darkness (E1a). As detailed in the Officer's Report, it is considered that harmful light spill could be adequately mitigated through the use of blackout blinds and low transmittance glass. These aspects could be conditioned.

### Sustainability

- 6.10. Subject to the imposition of Draft Condition 6 the scheme will be in compliance with the SDNPA Sustainable Construction SPD and Policy SD48 Climate Change and Sustainable Use of Resources.

### Highways

- ~~6.11.~~ The Highways Authority have not raised any technical concerns about increased traffic or use of the accesses in relation to highway safety matters and, it is assumed, consider the scheme does not conflict with Policy SD19 (Transport and Accessibility).
- 6.12. The proposed car parks would be sufficient to meet the needs of the development, in accordance with policy SD22 and the SDNPA Parking SPD. Parking, cycle and refuse stores could be secured via Draft Condition 13.

Air Quality

6.13. All parties agree that there are no air quality constraints that preclude development on the Appeal Site.

6.14. Ground Conditions

6.15. All parties agree that there are no issues with regard to ground conditions that preclude development on the Appeal Site.

Cultural Heritage

6.16. The Queens Hotel is considered to be a non-designated heritage asset (as described in paragraph 22 of the quashed appeal decision).

6.17. The Queens stands in the centre of the Conservation Area and when designated it undoubtedly made a positive contribution to its character and appearance.

## 7. Matters of Disagreement Between the Parties

### Matters Disagreed Between All Parties

- 7.1. Based on the LPA's decision notice, it is considered that the following matters are disagreed between all parties and will be considered by the Inspector at the Inquiry.

#### Compliance with Policy SD43(2)

- 7.2. It is disagreed whether it has 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).

- 7.3. It is therefore, contested, whether the Appeal proposal is in accordance with **Policy SD43(2)** of the Adopted South Downs Local Plan (2014-2033).

#### Overdevelopment

- 7.4. It is disagreed whether 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.

- 7.5. It is therefore, contested, whether the Appeal proposal is in accordance with Policies **SD4(1), SD5 and SD15(1)** of the Adopted South Downs Local Plan (2014-2033).

### Matters Disagreed by the Rule 6 Party

- 7.6. Overdevelopment

- 7.7. In addition to the Conditions listed the LPA's decision notice, the scheme's compliance with the following policies is contested, in regards overdevelopment:

- SD1 (2 and 4).
- SD12

- 7.8. Description of Development

- 7.9. It is a matter of disagreement that the proper description of the development includes C1 use class where the class cover is C3 use class.

#### Compliance with Policy SD23 (1 and 2)

- 7.10. It is disagreed that the proposals would not detract from the experience of visitors to the village or would not adversely affect the character, historical significance, appearance and amenity of the area. Furthermore, it is not agreed that the proposals would not result in an adverse impact on the vitality and viability of the village or that the suitable existing buildings cannot be used and the design of the new development is sensitive to the character of the village.

- 7.11. It is therefore contested that the Appeal proposal would not comply with the requirements of Policy SD23 of the Adopted South Downs Local Plan (2014-2033).

## 7. Conclusion

- 7.1 The Statement provides an accurate summary of agreed matters between the Appellant, the LPA and the Rule 6 Party in respect of the Appeal at The Queens Hotel High Street Selborne Alton GU34 3JJ. The remaining matters of Policy SD43 (2) compliance and issues of overdevelopment, in relation to design and associated impacts noted above will be addressed within the respective Proofs of Evidence.

END

### **For and on behalf of The South Downs National Park Authority (LPA)**

Name: Richard Ferguson

Signature .....  


Date .....  
03/09/2024

### **For and on behalf of Derek Warwick Developments Limited (Appellant)**

Name: Jim Beavan (Planning Agent)

Signature .....  


Date .....  
03/09/2024

### **For and on behalf of Save the Queens (Rule 6 Party)**

Name: Michael De Courcy (Planning Agent)

Signature .....  


Date .....  
03/09/2024