



Appeal Decision

Site visit made on 8 November 2022

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Guy Macklin of Derek Warwick Developments against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/04118/FUL, dated 18 September 2020, was refused by notice dated 1 October 2021.
 - The development proposed is 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.
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Decision

1. The appeal is allowed and planning permission is granted for 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, at The Queens Hotel, High Street, Selborne, Alton GU34 3JH in accordance with the terms of the application, Ref SDNP/20/04118/FUL, dated 18 September 2020, subject to the conditions in the schedule below.

Application for Costs

2. An application for costs was made by Mr Guy Macklin of Derek Warwick Developments against the decision of South Downs National Park Authority. This application is the subject of a separate decision.

Background and Preliminary Matters

3. The appeal site has been subject to previous applications for planning permission. Among the most relevant was an application for conversion and alterations of the existing Queens building and barn to form 4 residential dwellings, including demolition of single storey structures, and the erection of a 1 detached dwelling within the grounds, with associated parking and landscaping¹. The application was refused by the Authority in February 2019. This was the subject of a subsequent appeal, dismissed in October 2019, where the main issue related to the loss of the existing use².
4. The appellant has included an amended landscaping drawing with the appeal. This corrects an inconsistency relating to the Huckers Lane access. Given the

¹ SDNP/18/02564/FUL

² APP/Y9507/W/19/3229374

nature of that revision, I am satisfied that there would be no prejudice in my considering it as part of the appeal scheme.

Main Issues

5. The main issues are:

- the effect of the development on the provision of local community facilities, and;
- the effects on the character and appearance of the area, with particular regard to the Selborne Conservation Area.

Reasons

Community Facilities

6. The appeal site occupies a central position within the village of Selborne in the South Downs National Park. The village has a number of existing services and facilities which include the Selborne Arms public house, flower and pottery shops, café, church, primary school and village hall. The village also accommodates Gilbert White's House and Gardens and Field Study Centre.
7. The Queens Hotel is a long established public house with rooms above, and includes off street parking, a pub garden and a detached barn within the grounds. The appellant reports that the site last operated as a public house with letting rooms in 2015, and it has been closed and vacant since this time.
8. Policy SD43 of the South Downs Local Plan 2019 (the SDLP) relates to community facilities. Part 2 of the policy relates specifically to development proposals that would result in the loss of an existing community facility and gives criteria which should be met. Importantly, the three criteria are presented as options, where one must be achieved to comply with the policy. The aims of the policy align with the objectives of the National Planning Policy Framework (the Framework) insofar as it relates to creation of prosperous rural communities through the retention and development of accessible local services and community facilities, including local shops, meeting places, cultural buildings and public houses, at paragraph 84.
9. With regard to the marketing criteria forming part 2a) of Policy SD43, the premises was marketed from January 2016 for a period exceeding 24 months. Despite this, the Inspector in the earlier appeal decision concluded that, due to flaws in the marketing efforts, that marketing period did not prove the public house to be unviable. This was particularly as the price did not appear to reflect the condition of the building at the time, and the site was marketed in different parts. No further evidence of marketing has been provided and this matter is not in dispute. Third parties have highlighted other appeal decisions where Inspectors have dismissed appeals on the basis of inadequate marketing. However, under the provisions of Policy SD43, this is not the only relevant consideration.
10. Criteria 2c) of Policy SD43 allows the provision of alternative community facilities, but states that those facilities should be accessible, inclusive and available, and of an equivalent or better quality to those lost, without causing an unreasonable reduction or shortfall in the local service provision. The policy

does not specifically define the attributes that would result in a proposal meeting this criterion, and as such this is a matter of judgement.

11. The appeal scheme includes the provision of a space intended for the Gilbert White Museum's Field Studies Centre ('the field study centre') and creation of a tap room. The field study centre would provide a classroom facility, and a space available for hire during evenings, weekends and school holidays for a variety of purposes. The tap room could include a community shop and together they are intended to sell local produce, generated by the Gilbert White Museum.
12. The proposed uses fall within the list of community infrastructure facilities given at paragraph 7.227 of the SDLP as part of the supporting text to Policy SD43. As such they could constitute appropriate alternative uses, as supported by the policy.
13. The proposed new community facilities would be situated on the ground floor of the main Queens building, where they would engage with, and contribute to, the vibrancy of the High Street. They would utilise the existing main entrance on the side of the building, as well as an entrance to the front of the building, and would include toilet facilities on the same level. Car and cycle parking spaces would be provided on the site for use by future visitors. For these reasons the facilities would be accessible, inclusive and available in their physical attributes.
14. Based on the evidence and findings of my site visit, the proposal would not cause an unreasonable reduction or shortfall in the local service provision, and I do not have substantive evidence to suggest that this would be the case. In line with Policy SD43, it therefore falls to be considered whether the alternative facilities proposed would be of an equivalent or better quality than those lost.
15. It is clear from the public representations that before the public house closed in 2015, it was a highly valued community asset. It provided a range of functions that were utilised by the local community. As well as providing a meeting point and function room, its use accommodated live music, quizzes and community events, as well as offering a wide range of food and drink for extended periods during the day. The rooms upstairs were also inherently linked to the public house. The closing of this facility is clearly a loss felt strongly by the local community, and it is evident that the facility was considered to be of high quality for the purposes of assessment against Policy SD43.
16. I note the Authority's concerns that the proposed operating hours for the tap room, together with its food and drink offer and lack of a garden area, would be notably different than those of the former public house. Consequently, the services to the local community would undoubtedly differ. However, these factors taken together would not necessarily result in a use which could not be of an equivalent quality, or better. When considered in combination with the other facilities proposed, in particular the field study centre, which has potential to serve a wider and more diverse section of the local community, the proposed development could also provide a high quality and valued facility.
17. The letting of the field study centre for other uses by the community, including functions and exercise classes, would depend on the premises being let at a reasonable rate to those community groups. However, this is not a unique circumstance, and I understand the former public house was also a

commercially led enterprise. I have no evidence of reason to control the rates or place such a burden on the development. Similarly, it would not pass the test of reasonableness to restrict the geographical area of future users of the field study centre to prevent its use by people outside the village. While there may be a degree of competition between the proposed facilities and those others in the village, it is not the role of the planning system to restrict competition. Furthermore, I acknowledge that there are a great many factors relating to the specific management and ownership of the site which could impact its integration with the local community. However, it is not for the planning process to control or unduly restrict the proposed use by conditions beyond what is necessary and relevant to planning.

18. Notwithstanding the concerns of the Authority, the appeal before me does not include a legal agreement or mechanism to tie the proposed community uses to the Gilbert White Museum and the wider community, as suggested by the Authority's committee report. In the absence of such a mechanism the relevant parts of the development could, instead, be used by other parties or independent of this local institution. However, I do not have evidence to suggest that this is necessary to make the development acceptable in planning terms, particularly as the proposed uses would conform to those listed in the supporting text to Policy SD43 and would be those given in the description of development.
19. Based on the evidence before me, the proposed community uses would be accessible, inclusive and available, and I have no reason to believe that together they could not provide an equivalent or better quality of facility to that lost, albeit through providing different services to the former public house. Neither would the proposal cause an unreasonable reduction or shortfall in the local service provision. Consequently, the appeal scheme would comply with Policy SD43 of the SDLP. It would also comply with the Framework insofar as it relates to local services and facilities in rural communities.

Character and Appearance

20. The appeal site is located centrally within the Selborne Conservation Area (SCA), which encompasses much of the village as well as parts of the surrounding countryside. The buildings within the SCA are set in a predominately linear arrangement around the High Street. Plot sizes around the High Street vary and glimpses of other buildings behind the main frontage are possible in the gaps between the buildings. The varied relationship of the buildings to the edge of the street, including their orientation, varied design, form and materials, as well as the glimpses of developments behind, provides visual interest and contributes to the significance of the Conservation Area.
21. The appeal site lies within the settlement boundary, with the exception of a small part of the site on the northern boundary. It sits at the corner of High Street and Huckers Lane and comprises a cluster of buildings and hard surfaces to the front of the site, with a garden to the rear. A grass paddock and countryside extend beyond, separated from the site by an existing vehicular access which runs along the back of the site.
22. The main building on the site (the main Queens building) comprises two storeys plus attic and part-basement levels and is constructed in local Malmstone, flint and painted brickwork, with plain clay tiles to the main roof, and it has been extended to its southern side. As a result of the combination of

its elevational treatment, scale, materials and position within the heart of the village, the main building is a non designated heritage asset. Together with its historic barn and grounds extending to the north, the wider appeal site itself also makes a positive contribution to the character and appearance of the SLA.

23. The proposals would introduce an additional building, barn extension and paraphernalia including parking areas and boundary treatments to the back of the site. This would result in a substantial reduction in the extent of green and open space at the back of the site and subdivision of the space. Despite this, an Ordinance Survey map of 1897 shows that a number of outbuildings previous existed on the appeal site, of which only one barn remains, and a pattern of development behind the main frontage is a common characteristic of the area, particularly on the north-eastern side of the High Street.
24. The proposed barn extension, and new single storey building alongside Huckers Lane, would be appropriately scaled and detailed to appear as visually subordinate structures to the main Queens building. Their relationship to one another, as well as the spaces between them, would also reflect those characteristics of the wider SCA. The proposed new car park, which would be positioned centrally on the site, would be largely screened from surrounding public and private view points by the surrounding developments and proposed landscaping. However, even if some visibility were to occur, given the presence of other parking areas behind the main frontage in the surrounding area, this would not appear incongruous to this context.
25. While the site would accommodate a mix of uses, the community uses would be focused at the front of the site, addressing the more busy High Street. The residential and tourist accommodation would be primarily accessed via the back of the site, respecting the more quiet nature at the rear. The nature of those uses complements those of the surrounding area and would preserve the character of the SCA.
26. Huckers Lane is a narrow street set between the flank ends of buildings on the High Street. A number of smaller detached buildings of varying design exist to the south eastern side of Huckers Lane, behind the buildings which address the High Street. These smaller scale buildings, together with the mature trees and foliage further along Huckers Lane, contribute to the transition in character from the village to the countryside beyond.
27. The proposed new single storey building would respect the character and form of other detached buildings behind the High Street and, as above, would not detract from the main Queens building. While the new building would have its elevation directly on the street edge, I observed during my site visit that this relationship is common within the SCA, where several buildings have elevations adjoining the edge of the road. As such it would not appear at odds, but would integrate with and respect its setting.
28. The positioning of this new building would entail the removal of the existing hedgerow which lines the edge of Huckers Lane, and which contributes in part to the introduction of the verdant character to the north. Despite this, due to its height and low eaves level, the new building would not obstruct longer views to the countryside to the north and views of mature trees would remain apparent from the High Street. For these reasons despite the dilution in rural character at this point, I do not find the removal of the hedgerow would be harmful to the significance of the SCA.

29. The proposals would retain trees at the back of the site with the exception of one tree positioned at the car park access, which would be removed. Those trees at the back of the appeal site would continue to form the backdrop to the development and contribute to the appreciation of open space to the rear. The protection of the retained trees could be adequately secured by condition and the supporting plans indicate a no-dig method would be used in construction of the parking areas close to those trees. I consider that the alterations to the access onto Huckers Lane would not cause visual harm or conflict with the character of the area, given the varied nature of other vehicular accesses in the wider area.
30. For these reasons the proposal would preserve the character and appearance of the Conservation Area. In reaching this view I have paid special attention to the desirability of preserving or enhancing the character or appearance of the SCA, by attaching considerable importance and weight to that desirability.
31. As the appeal scheme would respect the settlement pattern and the existing built forms within it, it would conserve and enhance the landscape and scenic beauty of the South Downs National Park and its cultural heritage. The wider appeal scheme would also align with the statutory purposes of the National Park as it would also promote opportunities for the public understanding and enjoyment of the special qualities of the area.
32. The appeal scheme would comply with policies SD4, SD5 and SD15 of the SDLP, which require, among other things, high quality design, respect of local landscape character, and that development preserves or enhances the special architectural or historic interest, character or appearance of the conservation area. I do not find that the appeal would conflict with the statutory purposes of the National Park, nor conflict with the Framework which is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues, as well as its cultural heritage.

Other Matters

33. Due to its central position in the settlement and as part of the historic frontage, the site also forms a part of the setting of a number of nearby listed buildings. This includes the grade II listed buildings of Cobbler Cottage, Wakes Cottage, Limes End, Forge Cottage, Cottage and Stables, and Old Butcher's Shop adjacent to The Limes. The Wakes, on the southern side of High Street is Grade I listed. The effects of the development on the setting of the nearby listed buildings, and on the setting of the non-designated heritage asset of the main Queens building, did not form part of the Authority's reasons for refusal. I concur that, for the above reasons, the proposal would also preserve their setting and significance.
34. The appeal site is within the 400m to 5km buffer zone of the Wealden Heaths Phase II Special Protection Area (the SPA), which comprises four Sites of Special Scientific Interest (SSSI) units and contains a range of important habitats including heathland, acid grassland, scrub and small meadows, and broadleaved and coniferous woodland. The SPA is designated for its breeding bird species of nightjar, woodlark and Dartford warbler. Accordingly, the requirements of the Conservation of Habitats and Species Regulations 2017 apply. The proposed development would result in an additional dwelling on the site, increasing the local population. Accordingly, taking a precautionary

approach and in the absence of evidence to the contrary, the proposal would result in an increase in recreational pressures on the SPA, which would lead to a likely significant adverse effect on the integrity of the SPA.

35. The Authority report there is a strategically assessed allowance for 846 unmitigated new dwellings within the buffer zone, and that there is sufficient capacity within that allowance for the proposed development. Overall, I am satisfied that this position would not require mitigation from the proposed development and that the proposal would not adversely affect the integrity of the SPA.
36. Concerns have been raised for the loss of the rooms above the public house which provided tourist accommodation. The proposal would see those replaced with apartment style accommodation with associated parking and some improved disabled access. These units would continue to provide accommodation to visitors and, despite being different in nature to the former accommodation on the site, would comply with Policy SD23 of the SDLP and the Framework insofar as they seek to support sustainable rural tourism.
37. The proposals would not entail an increase in off-street parking and the average vehicle movements have been shown to be a reduction from the previous use. The Highways Authority have raised no objection to the proposals and I find no conflict with the development plan or the Framework in respect of parking or highway impacts.
38. The operations of Gilbert White's House and Garden falls outside the scope of this appeal, particularly as the appeal scheme before me does not propose to secure any links to it.
39. Alternative uses for the site have been put forward in third party comments and while there are local aspirations for the community to purchase the site and reinstate the former public house, my assessment must focus on the proposed development before me. For the reasons given above I find the proposal complies with the development plan. Issues relating to the ownership of the building, and the actions of the owner, are similarly not for me to consider as part of this appeal, and do not alter my assessment of the main issues above.

Conditions

40. The Authority has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Authority's suggested wording.
41. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition requiring submission of a Construction Environmental Management Plan is necessary to protect the living conditions of nearby occupants and to safeguard highway safety. In the interests of simplicity and precision I have removed those criteria that are unlikely to apply to the development and it is relevant that other legislation also exists outside the planning system to assist with construction matters beyond that condition.
42. To ensure the materials used in the construction of the new detached building and barn extensions respect the surrounding area, conditions are imposed to

secure details of final materials and finishes. I have separated these into two conditions for clarity. For the same reason, details of cycle and refuse stores are also conditioned as not all are shown on the supporting plans. To protect the character of the area, conditions are required which secure protection of the retained trees on the site, secure the scheme of soft landscaping and ensure replacement of any trees which die within a five year period, in order to ensure that the soft landscaping becomes established. To protect the dark skies and character of the area, details of external lighting are also necessary.

43. For environmental reasons, a condition is imposed to secure appropriate emission reductions and water efficiency for the new dwelling, and appropriate mitigation for bats across the development should also be secured. The wording of the condition is adequate to ensure the development complies with the submitted details and I do not find an additional requirement for a post-construction report meets the test of necessity. To ensure adequate drainage across the site, details of drainage should be provided for the hard surfaced areas. For the safety of future users of the site, a condition is also necessary to secure a remediation strategy should unexpected contamination be found. To ensure highway and pedestrian safety, a condition is imposed to deliver and retain the proposed off-street parking spaces.
44. I do not have evidence to support the planning need for a further condition requiring a sustainable construction report and the requirement for an electrical vehicle charging point now falls under Building Regulations. As the visibility splays at the two accesses are integral to the site layout shown on the supporting plans, I do not find it necessary to condition them further. The supporting plans include a detailed scheme of hard and soft landscaping, which includes species and materials to be used. As such, it is not necessary to secure further details by condition.
45. In terms of the use of the tourist accommodation units, the description of development for which planning permission is granted clearly describes these as falling within the C1 use class. Separate approval would be required if the use were to fall outside this class, including the need for prior approval in some instances, and the PPG states that conditions restricting the future use of permitted development rights of changes of use may not pass the test of reasonableness or necessity. Based on the evidence, I do not find that a condition preventing their conversion to C3 residential uses, or a condition restricting their occupancy to no more than 28 days would meet the test of necessity. Neither do I have evidence as to why additional conditions are necessary for the monitoring of the holiday accommodation, including recording occupants and the lengths of their stay for inspection by the Authority.
46. The appellant has suggested a further condition could be used, if required, to restrict the proposed ground floor uses to those shown on the supporting plans, and remove permitted development rights for further change. Those uses are specifically described in the description of development and the areas to which those uses relate are annotated on the drawings. Given the very limited scope for permitted changes of use of those spaces in any event, and in light of the advice in the PPG as described above, I do not consider such a condition would meet the test of necessity.

Conclusion

47. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is allowed.

C Shearing

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
P18-014 02-02-001 B, P18-014 02-02-002 B, P18-014 02-91-001, P18-014 02-91-002, P18-014 02-91-003, P18-014 02-91-004, P18-014 02-02-010 G, P18-014 02-05-001 B, P18-014 02-05-002 F, P18-014 02-05-003 E, P18-014 02-05-004 D, P18-014 02-05-005 D, P18-014 02-05-006 C, P18-014 02-05-009 A, P18-014 02-05-010 A, P18-014 02-05-011 A, P18-014 02-05-012 A, P18-014 02-03-006 B, P18-014 02-03-010 C, P18-014 02-03-011 A, P18-014 02-03-012 B, P18-014 02-03-013 C, 2247/3G, 2247/1B, 2247/2.
- 3) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details. The Plan shall include the following:
 - a) Details of phasing or a programme of the proposed works;
 - b) Arrangements for public liaison during the construction works;
 - c) Measures to minimise the noise and vibration generated by the construction process to include hours of work, proposed methods for constructing foundations, and the selection of plant and machinery and, if required, any noise mitigation measures;
 - d) Details of any external lighting;
 - e) Locations for parking and manoeuvring of vehicles, including site operatives and visitors;
 - f) Arrangements for deliveries and unloading of plant, machinery and materials, including access and egress;
 - g) Locations of temporary site buildings and compounds;
 - h) Measures to control emission of dust and dirt including wheel washing facilities.
- 4) No development shall commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing

- by the local planning authority. Those details shall include surface water drainage from the car parking areas. The development shall be carried out and maintained in accordance with the approved details.
- 5) Throughout the construction process, including demolition phases, the trees to be retained on the site shall be protected in full accordance with the details contained in the document 'Arboricultural Method Statement and Tree Survey' by Partridge Associated, dated 8 March 2021 and drawing 2247/1B.
 - 6) Development shall be carried out in accordance with the measures set out in sections 6 and 7 of the Ecological Impact Assessment report by Eclipse Ecology, dated 23 March 2021, unless varied by a European Protection Species (EPS) license subsequently issued by Natural England. Thereafter, the existing and compensatory bat roost and swift nest box features shall be maintained in accordance with those approved measures.
 - 7) 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.
 - 8) Development above the slab level of the extension to the barn (annotated as 'renovated existing barn' on drawing P18-014 02-02-010g), shall not commence until details have been submitted to and approved in writing by the local planning authority to demonstrate that the new dwelling will achieve a minimum 19% improvement over the 2013 Building Regulations Part L Dwelling Emission Rate/ Target Emission Rate, a further 20% reduction in CO2 emissions through the use of renewable sources and a maximum of 110 litres per person per day internal water use in the form of a design stage SAP calculation and water efficiency calculator. The new dwelling shall be completed in accordance with the approved details.
 - 9) Prior to the commencement of development above the slab level of the new single storey building (annotated as 'new single storey block' on drawing P18-014 02-02-010g) details of the materials, finishes and colours to be used on its external surfaces, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 10) Prior to the commencement of development associated with the extensions to the barn (annotated as 'renovated existing barn' on drawing P18-014 02-02-010g), details of the materials, finishes and colours to be used on the external surfaces of those extensions, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 11) 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.
 - 12) 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. The cycle and refuse stores shall remain available for use as such at all times thereafter.

- 13) Prior to the first occupation or use of any part of the development, details of a timetable for the implementation of the soft landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall be implemented fully in accordance with the approved details and timetable. Any plant or tree forming part of that scheme which dies, becomes diseased or is removed within the first five years of it being planted, shall be replaced with another of similar type and size.
- 14) No external lighting shall be installed to the site until details of that lighting have been submitted to, and approved in writing by, the local planning authority. The lighting shall be installed and maintained in accordance with the approved details.

End of Schedule