

Appeal by: Derek Warwick Developments Limited

Appeal Site: The Queens Hotel, High Street, Selborne GU34 3JJ

PINS reference: APP/Y9507/W/21/3289423

PROOF OF EVIDENCE OF

MICHAEL DE COURCY BSc(Hons) BTP MRTPI

ON BEHALF OF SAVE THE QUEEENS

September 2024



de
Courcy
town planning

CONTENTS

1	QUALIFICATONS AND EXPERIENCE	1
2	INTRODUCTION	2
3	PRELIMINARY MATTERS	5
4	REFUSAL REASON 1	8
5	REFUSAL REASON 2	15
6	SUSTAINABLE TOURISM	21
7	CONCLUSIONS AND PLANNING BALANCE	23

1 QUALIFICATONS AND EXPERIENCE

- 1.1 My name is Michael de Courcy. I hold a Bachelor of Science Honours degree in Geography and Landscape Studies and a post graduate Bachelor of Town Planning degree. I am also a member of the Royal Town Planning Institute and have 37 years' experience in town planning including 12 years employed by the public sector and 25 years in the private sector as a planning consultant.
- 1.2 I am a Director of de Courcy Town Planning Limited, having set up the practice in 2019. The practice is based in Petersfield in the heart of the South Downs National Park and I have worked on many schemes for clients in the National Park since its inception. A significant proportion of my work over the past 5 years has been focussed in the National Park. I advise individuals, developers and community groups and have worked on a number of applications and appeals in and around Selborne.
- 1.3 I am familiar with both the appeal site and the wider village, and the policies of the South Downs Local Plan and associated Supplementary Planning Documents.
- 1.4 I am instructed by Save the Queens (STQ) in respect of this appeal. STQ comprise a group of about 120 residents who live in and around Selborne. They objected to the appeal proposals, and previous proposals, and were successful in challenging the previous appeal decision resulting in the appeal decision being quashed.
- 1.5 The evidence that I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute. I can confirm that the opinions expressed are my true and professional opinions.

2 INTRODUCTION

2.1 The appeal is made by Derek Warwick Developments Ltd, the appellant, against the decision of South Downs National Park Authority (SDNPA) to refuse planning permission, under reference SDNP/20/04118/FUL, to convert and extend The Queens in Selborne. The Queens is a country inn with ancillary restaurant and guest accommodation located in the High Street, Selborne.

2.2 Selborne is a historic village within the South Downs National Park and is known for its natural beauty and history. The village was recorded in the Domesday Book (1086) as 'Selesburne' and it has become famous for its association with the 18th-century naturalist Gilbert White (The Natural History and Antiquities of Selborne, 1789). Selborne retains much of its 18th-century features and its character derives from the following:

"Many buildings are small cottages that front on to the street or on to the narrow lanes that branch from it. Buildings face on to streets and spaces to enhance their essential public function. Characteristic linear development along the High Street and the narrow lanes is one building deep; buildings back on to the countryside without backland development".¹

2.3 On 9 September 2021 the SDNPA's Planning Committee considered the Application and refused to grant permission. This was a member overturn of the officer's recommendation that permission be granted. The decision was issued on 1st October 2021. The appellant appealed this decision and on 6th December 2022 permission was granted on appeal (ref: APP/Y9507/W/21/3289423). The decision to grant permission was then challenged by one of my clients by way of a statutory review under section 288 of the Town and County Planning Act 1990 and on 22nd February 2024 the appeal decision granting permission was quashed by the High Court.

2.4 By early 2016 The Queens, then a functioning licensed premises with Inn accommodation, was closed by the appellant. As well as fixtures and fittings, the pub's operational areas were altered/removed including bars, restaurant, kitchen, en-suite letting rooms, and manager accommodation. Some internal partition walls were removed, part of the staircase was taken out and access to the cellar was blocked.

¹ Selborne Village Design Statement 2001

2.5 It is understood that the appellant took the decision to carry out operational development around the time the Inspector granted permission on 6 December 2022 and continued to do so during the challenge period prior to the permission being quashed.

2.6 From 2022 building work carried out by the appellant has included:

- Demolition of a toilet block
- Mature hedge and mature tree removal at the rear of the pub
- Conversion of rooms into apartments on the 1st and 2nd storeys
- 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
- Demolition of the commercial kitchen and food storage areas at the rear of the function room.

2.7 Included in the description of the appeal scheme is a Field Study Centre (FSC) which the appellant proposes would be available/used for education and would be available for community rental when not in use by the Gilbert White Museum. The appeal development seeks to retain the “The Jubilee Tap”, which the appellant indicated would be open Monday to Saturday from 6pm to 10pm. The opening hours are however advertised as 5.30 pm to 9 pm Thursday, Friday, and 2 pm to 9.30 pm on Saturday nights with no food offering and last orders at 9 pm as advertised on the Gilbert White’s House and Gardens web site. The board outside the tap room, however, refers to the current hours as 5.30 to 9 pm Thursday to Saturday. In addition, the appeal seeks to retain three flats converted from the former inn accommodation at first and second floor level, erect a new building containing two further flats and convert and extend the barn extension to the pub to create a dwelling. A new car park is also proposed to the rear of the property.

2.8 My evidence set out in this Proof of Evidence is structured as follows:

- Preliminary matters
- Consideration of case in relation to reason for refusal 1
- Consideration of case in relation to reason for refusal 2

- Other matters: Sustainable Tourism
- Conclusions/planning balance

2.9 In preparing this Proof of Evidence I have had regard to the agreed Statement of Common Ground (SOCG) and the STQ Statement of Case (SOC). I have also had regard to the appellant's agent's email dated 22nd July 2024 and accompanying revised landscape proposals plan, Arboricultural Method Statement and tree protection plan. I have also read and considered the proofs of evidence of the Rule 6 Party's non-expert witnesses.

3 PRELIMINARY MATTERS

3.1 The appellant seeks planning permission in part for the conversion 5no. aparthotel suites (C1).

3.2 The Town and Country Planning (Use Classes) Order 1987 describes use class C1 as

“Use as a hotel, boarding or guest house or as a hostel where, in each case, no significant element of care is provided.”

3.3 Whether the proposed accommodation falls within use class C1 or use class C3 (use as dwelling house) is a matter of fact and degree depending on the type of accommodation to be provided and how it is to be operated.

3.4 The appellant has provided no information about how the aparthotel would be operated and managed. It is therefore necessary to look at the application drawings and consider how the accommodation has been managed by the appellant to date.

3.5 The accommodation comprises the following:

Suite 1 – First floor two double bedroom flat

Suite 2 – Second floor large two double bedroom flat

Suite 3 – First floor three double bedroom flat

Suite 4 - New build accommodation to the rear two bedroom flat

Suite 5 - New build accommodation to the rear two bedroom flat

3.6 Suites 1, 2 and 3 are entered at the rear of the property via a small lobby area providing access to the stairs. There are two small rooms accessed from the lobby area shown on the plans as hotel storage and utility. There is no access from the lobby to the tap room or the FSC.

3.7 There is no statutory definition of a dwelling house. This matter was considered in *Gravesham BC v SSE and Another*² by Mr Justice McCullough who stated that the issue is one of fact and degree

² Gravesham BC v Secretary of State for the Environment (1984) 47 P&CR 143

and said that the distinctive characteristic of a dwelling house was “its ability to afford to those who use it the facilities required for day-to-day private domestic existence”.

- 3.8 In *Moore v SOSE and New Forest DC*³ (which was concerned with whether 10 holiday cottages each comprising a single dwelling house were within the meaning of section 171B(2) of the Town and Country Planning Act 1990. In this case each of the cottages were let out on short term lets. Cleaning was provided at changeovers and a further cleaning was made available at additional cost. Linen and towels were provided. The Court of Appeal held that McCullough J’s approach to the meaning of “dwelling house” in *Gravesham* had been correct. There was no requirement that before a building can be described as such it must be occupied as a permanent home.
- 3.9 The proposed flats are relatively large and contain good sized kitchens and dining/sitting areas and appear to be laid out as one would expect in residential flats. With regard to *Gravesham*, the flats have all the necessary facilities required for day to day existence. *Moore* confirms that the short term letting and servicing of a dwelling would not exclude the proposed flats from being a dwelling.
- 3.10 I would expect aparthotel rooms to have more basic kitchen and sitting space. I would also expect the proposals include a reception desk and communal space or dining facilities for guests which would normally be provided within an aparthotel.
- 3.11 The accommodation is currently marketed by Air B and B and is advertised as three separate apartments with self check in. There is no mention of any additional services such as daily housekeeping. I am advised that the properties are managed by the appellant and are run separately to the tap room and FSC.
- 3.12 It is understood that some of the flats have been occupied on a long term basis and this lack of transience further points to the intended use as more akin to C3 than C1 (per *Mayflower Cambridge v SOSE*⁴).
- 3.13 Having regard to the cases I have referred to above, and having reviewed the proposed plans, it is my view the proposed accommodation can be regarded as C3 use.

³ *Moore v SSE and New Forest District Council* [1999] 77 P&CR 114

⁴ *Mayflower Cambridge v Secretary of State for the Environment* (1975) 30 P. & C.R. 28

- 3.14 My position is supported by an appeal relating to 74 Warwick Way in London (decision attached as **Appendix.1**) where the appellant sought a lawful development certificate for short term self-contained accommodation. In this case the appellant argued that the use of the property falls within Use Class C1 Use, whereas the Council argued that the use of the property fell within Use Class C3. The appeal was dismissed.
- 3.15 The Inspector looked closely at the accommodation provided and noted that the flats were self-contained and had all the necessary facilities for day-to-day private existence and typical flats. The Inspector also noted that the flats have been let on a short-term basis in conjunction with the appellant's hotel business located close by with no physical connection. The flats were managed by the hotel business with guests collecting their keys from the hotel.
- 3.16 The Inspector was of the view that there was no evidence that the actual character of the use of this property as serviced apartments for short-term let was materially different from the character of use as non-serviced apartments on a long-term let. The Inspector concluded that, given the physical and functional separation of each unit, each one comprised a separate planning unit.
- 3.17 There is no evidence to suggest that the character of the use of the flats at The Queens is materially different from the character of a use as non-serviced apartments. I do not therefore believe that the flats could be regarded to be a sui-generis use.
- 3.18 If it is accepted that the units are C3 use then the description of the development is inaccurate and would need to be amended, and this would have an impact on the proposals accordance with policy. It would also be appropriate to ensure that the use of the flats remained for short term holiday lets through the imposition of conditions limiting the duration of stay and requiring record keeping as proposed in Table.2 of the SOCG.

4 REFUSAL REASON 1

4.1 Reason for refusal 1 states that, in the view of the SDNPA, the Appellant failed to adequately demonstrate that the alternative community facilities to be provided would be accessible, inclusive and available, and of an equivalent or better quality to those lost. In addition, the SDNPA were not satisfied that it had 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). Consequently, the application was considered to be contrary to Policy SD43(2) of the South Downs Local Plan.

4.2 The appellant has not sought to argue that the property has been marketed for at least 24 months. In view of this, the policy test established by policy SD43(2) applies. This requires that:

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.

4.3 Paragraph 4.2 of Appendix 3 of the Local Plan provides clarification of the interpretation of the policy. This states:

Any alternative facilities proposed as meeting the need must be accessible, inclusive and available without causing unreasonable reduction or shortfall in the local service provision. The presence of another facility within the same category in the vicinity will not in itself be enough to meet this requirement; it must be demonstrated that the alternative facility caters, or can be reasonably expected to cater, for the same community need as that served by the facility whose loss is proposed.

4.4 There are three elements that need to be met so as to comply with the policy:

- i) The new facility must be accessible, inclusive and available.
- ii) The new facility must be equivalent or better quality to the facility that was lost.
- iii) It must not cause an unreasonable reduction or shortfall in the local service provision.

4.5 I will consider each in turn.

i) *Is the Appeal Proposal accessible, inclusive and available?*

- 4.6 Prior to 2016, The Queens was a long established village pub which fulfilled an important and valued role for both the local community and visitors to the village. The pub was open seven days a week offering food and drink throughout the day and evening with the serviced visitor accommodation available all year round. The pub was accessible by all members of the community, providing an important gathering hub in the village.
- 4.7 The proposed facilities would provide some compensation for the loss of the pub but would not be accessible to a broad section of the local community. The tap room caters for a narrower section of the local community as this facility is a drinking establishment and has limited opening hours, currently advertised on its web site as open Thursday and Friday 5.30pm to 9.30 pm and on Saturday 2pm to 9.30pm, although the opening hours sign outside the building says it is open 5.30pm to 9pm and I understand that is an accurate statement of the actual opening hours. There is no opening at lunchtimes or on Sundays. This is not surprising given that its operation depends on volunteers.
- 4.8 The tap room facility is not attractive to families as there would be no beer garden or restaurant or for informal family or group gatherings for a meal or meet for a morning coffee or afternoon tea.
- 4.9 The proposed FSC would to, a limited extent, be available to local children and adults to learn about the natural environment. However, the majority of users would be from outside the local community and this would duplicate the existing FSC facility in the village. Any wider use of this space by local residents would have to fit around the formal FSC use.
- 4.10 In addition, I do not consider that the proposed accommodation would provide visitor accommodation would be as accessible to short term and transient visitors to the village, which comprise the main demand in the village, as the inn/bed and breakfast accommodation formerly provided at The Queens. This would reduce the accessibility for residents and visitors.
- 4.11 In view of the above, I do not consider that the proposals would provide alternative facilities which would be as accessible, inclusive and available compared to the lawful use.

ii) Is the Appeal Proposal equivalent or better quality to the facility that was lost?

4.12 In order to assess whether the proposed facilities are of equivalent or better quality it is necessary to understand what facilities were provided prior to the Appellant closing the premises in 2016.

4.13 The facilities provided with the pub were as follows:

Ground floor

- Main bar area with seating and access to the beer garden with dart board and pool table
- Smaller bar used by hotel guests and overflow from main bar
- Restaurant area with seating for up to about 60 people. Also used as function room for social gatherings including weddings and wakes and for meetings
- Kitchen (now demolished)
- Beer garden to rear
- Parking to the front and rear of barn

First Floor

- Five double letting rooms with ensuite bathrooms

Second floor

- Two family letting rooms with shared bathroom
- Staff flat with bedroom and living area

4.14 The appeal proposes to replace the facilities listed above with the following:

Ground floor

- Tap room located in place of the two bars
- Field studies centre within the restaurant/function space
- Rear lobby area providing access to lift and stairs to accommodation above

- Storage and utility space associated with the accommodation
- WC/kitchen
- Two 2 bedroom flats in new build detached building to rear
- Parking area to be constructed on pub garden
- Detached dwelling and garden on former car park to rear of barn

First floor

- Two and three bedroom self-contained flats

Second floor

- Two bedroom self-contained flat

4.15 I have had regard to the comparative plans produced by Caroline Rye in her Proof of Evidence in compiling this list.

4.16 The appellant has chosen to implement much of the works proposed in the application despite the judicial challenge, although it is understood that the works which have been implemented do not fully accord with the plans submitted in respect of this appeal. The Appellant has not provided amended plans showing the changes to the submitted plans.

4.17 The Planning Statement accompanying the appeal application states that the flats would provide self-catering aparthotel suites. It also states that the ground floor would be used to provide flexible space to accommodate a field studies centre (FSC) and tap room run by the Gilbert White Museum. The current FSC is located adjacent to the museum car park and would be retained for education purposes and for hosting events. The proposed FSC would provide education for the natural environment and for hosting events.

4.18 The appellant's agent subsequently confirmed by letter, dated 22nd December 2020, that the proposed FSC would also be available for hire at weekends, evenings and during school holidays for talks, meetings and exercise classes. The letter also advises that the tap room would be used as a small community shop selling vegetables and alcohol. However, I understand the appellant's

position is that a shop is no longer deliverable, and earlier confirmed at a meeting with Selborne Parish Council on 17 July 2024 that the application does not include a shop.

- 4.19 The letter also advised that the tap room would be open Monday to Saturday from 6pm to 10pm and that food would be brought in from White's café.
- 4.20 The tap room has been open and operating since February 2023 and is staffed by volunteers. The times of opening advertised on The Jubilee Tap web site is however limited to Thursday and Friday 5.30pm to 9.30 pm and on Saturday 2pm to 9.30pm. In reality, the hours are limited to 5.30 to 9 pm Thursday to Saturday.
- 4.21 The proposed FSC would provide a classroom facilitating learning opportunities. However, it is unlikely that many local residents would benefit from this additional FSC facility. Whilst some users may come from the local community the majority of users of the FSC would not be local. Furthermore, the existing FSC in the village already fulfils this function. In my view, the FSC would be of very limited benefit to the local community.
- 4.22 The tap room would provide some compensation for the loss of the pub and restaurant but given the limited hours of opening and the lack of catering facilities on site, it would not, in my opinion provide the equivalent benefit as the pub and its associated restaurant offer. The tap room use provides essentially a drinking establishment and therefore caters for a more limited section of the local community compared to a large pub and restaurant accessible to families, residents, community groups and visitors seven days a week. Whilst the tap room website refers to food being available I understand that no food is available.
- 4.23 The opening up of the FSC for events would also have some benefit to the local community. However, the existing FSC offers space for weddings and other events. The existing village hall and the sports pavilion in the village provides space for such gatherings and for exercise classes, meetings etc. The duplication of facilities proposed would therefore be likely to have an adverse impact on the existing provision in the village. I am therefore of the view that the benefit of the proposed events space would have limited benefit to the local community.
- 4.24 The visitor accommodation associated with the pub provided short term bed and breakfast accommodation for visitors to Selborne, for which there was strong demand, and is now absent in the village. Users of bed and breakfast accommodation tend use local restaurants and other facilities more frequently than those staying longer term in self-contained accommodation

reducing spending in the local economy. Bed and breakfast accommodation also caters for couples and individuals who wish to visit and stay in the village for recreational purposes or who wish to attend local weddings and other events.

4.25 The proposed holiday accommodation is self-contained and would provide self-catering facilities suitable for groups and families staying for a number of days rather than couples and individuals seeking short term accommodation. The advertised minimum duration of stay available is 4 nights at the time of writing.

4.26 In view of the above, I consider that the proposed accommodation would provide some compensation for the loss of the bed and breakfast accommodation but I do not consider that the proposed accommodation would provide the same level of benefit to the local community.

4.27 I share the concerns of the local planning authority in the ability of the appellant to ensure the delivery of the proposed facilities and their continued delivery in the longer term because the tap room, FSC and associated event use is dependent on delivery by a third party.

4.28 In view of the above, I do not consider that the alternative facilities proposed would provide at least an equivalent level of benefit to the community. Furthermore, I do not consider that the proposed facilities would be as accessible by the local community than the existing lawful use.

iii) Does the loss of The Queens lead to an unreasonable reduction or shortfall in the local service provision?

4.29 The baseline for consideration of whether there would be an unreasonable reduction or shortfall in service provision is the use of The Queens as a pub with letting rooms. Paragraph 4.2 in Appendix 3 of the Local Plan advises that:

The presence of another facility within the same category in the vicinity will not in itself be enough to meet this requirement; it must be demonstrated that the alternative facility caters, or can be reasonably expected to cater, for the same community need as that served by the facility whose loss is proposed.

4.30 The presence of another pub in the village, The Selborne Arms, is not therefore sufficient in itself to argue that there would not be a reduction in service provision. The Selborne Arms does not however provide for the same community needs as The Queens.

4.31 The Selborne Arms is a much smaller building than The Queens which means that the pub is not as practical as The Queens for accommodating large community gatherings because it lacks a separate area suitable for hosting events such as weddings and wakes and has only limited parking. Importantly, the Selborne Arms does not provide accommodation. I refer the Inspector to Caroline Rye's evidence in regard to these points.

4.32 The Inspector in the 2019 appeal decision (CD23) considered this issue in paragraph 20, concluding that:

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. The presented evidence and my own observations therefore lead me to conclude that the facilities offered by the Selborne Arms are not of an equivalent or better quality to those that would be lost as a result of the proposal.

4.33 There is other community space available to hire in the village hall and the recreation ground pavilion. The village hall does not however have parking or kitchen facilities. Whilst the village hall and pavilion do have a kitchen, they do not offer in house catering which was available at The Queens. The existing FSC in the village is also available for hire but does not offer inhouse catering. In contrast , The Queens offered free meeting space and offered in house catering for events.

4.34 In view of the above, I consider that the proposals would result in an unreasonable reduction in service provision and a shortfall in public houses which included large catered events space and short term visitor accommodation in the village.

4.35 Taking the above points together I consider that the proposals fail to satisfy the requirements of policy SD43.

5 REFUSAL REASON 2

- 5.1 Reason for refusal 2 states that, in the view of the local planning authority, the proposals would result in an overdevelopment of the site, particularly in relation to Huckers Lane, and would have an unacceptable impact on the landscape character of the area and the Conservation Area.
- 5.2 I agree that the proposals would cause unacceptable harm to the landscape character of the area and harm to the character and appearance of the Selborne Conservation Area.
- 5.3 The principal elevation of the buildings on the site front onto the High Street. The rear of the site is open in appearance and comprises a large pub garden and parking to the rear of the barn to the northern side of the site with an informal unmade access leading from the car park linking to Huckers Lane.
- 5.4 The felling of the trees and removal of shrubs has opened up views into the rear from Huckers Lane which is shown in photo.1 in **Appendix.2** . A post and rail fence has been constructed recently to enclose the garden and a beech hedge recently planted.
- 5.5 The end elevation of the restaurant/function space abuts Huckers Lane. To the rear of this is the wall of the former kitchen extension which have been retained (see Photo.3). Beyond this wall, and before the access to the rear of The Queens, is a tall privet hedge which is about 4 metres in height (see Photo.2) which is a particular feature in the lane.
- 5.6 It is proposed to remove this hedge to enable the construction of a detached building accommodating the ground floor flats (suites 4 and 5 on the proposed site plan). This building would back onto Huckers Lane and sit within the pub garden. This building would be about 19 metres in width. The proposed drawing P18-014 02-05-003d showing the South-East elevation of this building shows the retention of this hedge, whereas the landscape drawing 2247/3L shows the hedge to be removed and replanted following the construction of the building.
- 5.7 It is proposed to alter the access onto Huckers Lane to provide for improved visibility and geometry. A new kerb is shown to be provided along Huckers Lane and into the access onto the lane. The plans are silent in respect of the surfacing of the access road leading from Huckers Lane.

- 5.8 A majority of the pub garden would be hard surfaced including the construction of a new car park for 11 cars. A storage building is proposed to the North-Western side of the car park and lighting has been introduced within the parking area.
- 5.9 In addition, it is proposed to add a large extension to the rear of the existing barn to the North side of the site to form a dwelling. This extension would project about 11.5 metres to the rear of the barn.
- 5.10 Whilst there would be some benefit from the removal of the existing car park to the rear of the barn, the proposals would result in the loss of the pub garden which would be largely taken up with the proposed development, urbanising this current undeveloped area. I consider that this would represent an unacceptable overdevelopment of this area resulting in significant increase in vehicular activity in this otherwise tranquil location.
- 5.11 Whilst the landscape plan indicates a new privet hedge would be planted between the new accommodation building and Huckers Lane, the space to plant this is very limited and would be partially overhung by the eaves and gutter of the proposed building. This space would also be further limited by foundations and the proposed curb. This space would therefore be likely to be dry making it unlikely a hedge could be established here. Even if a hedge could be established it would be thin and would not allow a maintenance gap around the building. In addition, there are seven windows proposed in the South-East elevation of the building which is likely to restrict the height of the hedge to below the bottom of the windows. I therefore think it unlikely that a hedge would be able to establish in this space to compensate for the loss of the existing hedge. Consequently, the proposed accommodation building would be highly prominent and would have a significant impact on the rural character of Huckers Lane.
- 5.12 The character and importance of the village, and sensitivity to change, is acknowledged within the Selborne Conservation Appraisal (SCA) (CD24) and the Village Design Statement (CD10).
- 5.13 The SCA notes that the village is one of the most attractive villages in Hampshire and notes the landscape setting of the village is "quite dramatic" with a strong landscape setting and winding narrow streets. The document notes that Huckers Lane is one of five main areas of interest in the Conservation Area. There is a lack of description of the character of each area within the SCA. This is however picked up in the later VDS.
- 5.14 Page 6 of the VDS, states:

The village has a distinctive form and relationship to its landscape setting that is unusually well conserved and highly sensitive to change. It is characterised by a strong linear pattern following the foot of Selborne Hanger and the line of the Seale and Well Head Stream. This linear settlement pattern is determined by, and responds closely to, topography. This pattern is intrinsic to Selborne's cultural heritage and should be respected and reflected in future development to ensure its conservation and enhancement.

5.15 The VDS (page 9) continues:

The village street and the lanes that branch off it provide great visual interest – narrow, bending, rarely flat, they give ever-changing views. Mature hedgerows and trees and few, narrow, pavements give a rural feel throughout the village.

5.16 The VDS (page 15) goes on to state that:

Although most of the lanes and roads enter the village uphill, an enduring part of Selborne's charm is that it remains hidden from view.

5.17 The VDS (page 24) notes that the lanes within the village, including Huckers Lane, have no kerbs or pavements giving a rural feel with the lanes branching off the High Street rapidly disappearing into the countryside.

5.18 The importance of Huckers Lane to the village conservation area is noted in the VDS (page 24) which states:

Huckers Lane is an important historical part of the village centre and was formerly the busy access route from Selborne Priory. The lane is the first stretch of the ancient Via Canonicorum. It is well used as a public footpath.

5.19 The VDS (page 27) sets out guidelines for development relating to, inter alia, development affecting the lanes and paths and states:

Historic routes such as the Via Canonicorum should be conserved and enhanced to protect their tranquillity and the character of the landscape.

5.20 Further relevant design guidance is given on page 33 of the VDS which requires that:

Backland development would encroach into the countryside and harm the setting of the village and the rural character of the settlement edge and should be resisted.

- 5.21 In my assessment, the High Street is a busy throughfare for traffic and pedestrians. The High Street is well developed on either side creating a distinctly linear pattern of development. As soon as one turns off the High Street onto Huckers Lane it is very apparent that one is entering a very different, tranquil and verdant rural environment. Whilst initially there is development on either side of the junction of Huckers Lane with the High Street, this gives way to a country lane fronted by the occasional cottage on its South-Eastern side. Past the Queens pub garden a view to the North opens across the hotel car park towards the church. Beyond this, the sunken lane slopes down steeply towards the valley of the Oakhanger Stream.
- 5.22 The absence of development on its North-Western side, other than the rear access and a field shelter beyond the rear access point, together with presence of trees and lining the lane and glimpses across the pub garden and adjoining fields, gives the lane its special rural character.
- 5.23 Because of this character, this area is particularly sensitive to change. The extent of the development proposed to the rear of The Queens would in my view erode the special character of this part of the village. I therefore fully support the guidance in the VDS which seeks to resist backland development behind the High Street frontage and should be afforded significant weight in my view.
- 5.24 It is clear that Huckers Lane is an important element in defining the special landscape character of the village and its Conservation Area.
- 5.25 Huckers Lane is one of two principle access points from the village to the network for rights of way to the East side of the village leading into the wider countryside and National Trust land. The lane is also part of the Writer's Way (a 21 km trail) which is circular route linking Alton and Four Marks and celebrating famous authors, Gilbert White (Selborne) Jane Austin (Chawton) and William Cobbett, and part of the Hangers Way (a 34 km trail) linking Alton to Queen Elizabeth Country Park at Buriton. These routes are well used by walkers.
- 5.26 The land immediately to the North-East of the site is designated by policy SD47 of the Local Plan as Local Green Space (LGS8 - Dowlings Little Mead and Church Meadow), which is recognised as being demonstrably special to the beauty, historic significance, tranquillity, richness of wildlife and recreational value of this part of the village. I attach a plan showing LGS8 as **Appendix.3**).

The part of the appeal site falls within this designated LGS boundary. Whilst no development is proposed within the designated area, Huckers Lane provides pedestrian access to the LGS, underlining the importance of the lane and rear of the site to the special character and landscape setting of the site.

5.27 Photo.4 in Appendix.2 shows a view looking south along Huckers Lane to the High Street (the buildings at the end of the lane are on the High Street and include the end elevation of the restaurant/function space of The Queens). This photograph shows the rural character of the lane running up to the buildings in the High Street. Photo.5 is taken nearer to the High Street close to the site access. The photographs illustrate the importance of the existing hedge to be removed to the rural character of the lane.

5.28 The proposed building to be constructed on the boundary with Huckers Lane would replace the hedge in the view and would become a prominent feature on the lane, eroding the rural character of this part of the lane. The alterations to the access and new kerb alongside the lane would further harm the special character of the lane. Taken together with the overdevelopment to the rear of the site, I consider that cumulatively the proposals would have a significant adverse impact on the special character of this part of the village.

5.29 Policy SD1 states that the purposes of the National Park are to:

- i) *to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and*
- ii) *to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.*

5.30 Policy SD1 requires that new development accords with the purposes of the National Park. The policy also states that development which would fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park should be refused unless exceptional circumstances are demonstrated.

5.31 Policy SD4 requires that only development which preserve and enhance the landscape character will be permitted. The policy requires applicants to demonstrate that new development is informed by landscape character, reflecting the landscape context within which it is located. Furthermore, the policy requires that new development conserves and enhances features which contribute to the distinctive character, pattern and evolution of the landscape.

- 5.32 With regard to design, policy SD5 requires that new development is only permitted where a landscape led approach has been taken and requires sensitive and high quality design which complements and reinforces local character and distinctiveness and is demonstrably informed by an assessment of the landscape context of a site.
- 5.33 In view of the harm I have identified to the landscape character of the area arising from the proposed development, I do not consider that the proposed development would preserve and enhance the natural beauty or cultural heritage of the National Park. In the absence of exceptional circumstances, I do not consider that the development would comply with policies SD1 and with the first purpose of the National Park. Furthermore, I do not consider that the proposed development would be landscape led because it would fail to compliment and reinforce the character of both the site and Huckers Lane. Consequently, the proposals fail to satisfy policies SD4 and SD5.
- 5.34 Policy SD12 requires that development proposals are only permitted where they conserve and enhance the historic environment. Policy SD15 of the Local Plan relates specifically to conservation areas and requires that development within conservation areas is only permitted where it would preserve or enhance the special architectural or historic interest, character or appearance of the conservation area.
- 5.35 The SCA and VDS set out the special characteristics and distinctive characteristics of the village and its heritage significance. It is clear from the text of the VDS I have highlighted above that the site and Huckers Lane are important constituents of the overall significance of the Conservation Area. The harm to the landscape character of the village would also apply the assessment of the impact of the development on the character and appearance of the Conservation Area. Consequently, I do not consider that that the proposal would preserve or enhance the special character of the Conservation Area in conflict with policies SD12 and SD15. I consider the harm to the Conservation Area to be less than substantial.

6 SUSTAINABLE TOURISM

6.1 Local Plan Policy SD23(1) is considered material to this appeal. The policy states that proposals for visitor accommodation meets, inter alia, the following requirements:

a) The proposals will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities.

c) Development proposals will not detract from the experience of visitors or adversely affect the character, historical significance, appearance or amenity of the area.

d) Development proposals make use of existing buildings, and, if no suitable existing buildings are available, the design of any new buildings are sensitive to the character and setting.

f) Any proposal does not have an adverse impact on the vitality and viability of town or village centres or assets of community value.

6.2 As stated in the previous section of my evidence, I consider that the proposals would be harmful to the landscape character and special qualities of the Conservation Area. I consider that the proposals would harm the special qualities of this part of the village and would fail to increase the enjoyment of visitors using Huckers Lane. The proposals would therefore fail to satisfy the requirements of part a) and c) of policy SD23.

6.3 With regard to part d) of SD23(1), the Appellant has not demonstrated that it is not possible to provide the accommodation within the existing buildings on the site. There is scope to convert the barn to provide accommodation and provide smaller flats in the main building to accommodate the two new build suites proposed in the pub garden.

6.4 Part 2 of policy SD23 is also relevant as this part seeks to preclude proposals that would result in the loss of visitor accommodation. The proposals would result in the loss of overnight Inn/bed and breakfast accommodation, for which there is a need, and replace it with accommodation which provides for longer term stays. The need in the village is for short term accommodation providing for the needs of tourists and transient guests, including walkers and cyclists. There is no other inn/bed and breakfast accommodation in the village to help fulfil this need but there is a supply of self-contained visitor accommodation on the village and its hinterland. I attach as

Appendix.4 a list of visitor accommodation within the 10 miles of the appeal site to illustrate this point.

- 6.5 The Management Plan and Visitor Accommodation Review (December 2014) (CD37) is a background document to the Local Plan. This review assessed current and future visitor accommodation needs and was used to inform the wording of policy SD23. The review highlights the need for all types of visitor accommodation within the National Park. The report notes that the supply of hotels, guest houses and bed and breakfast were declining but noted strong demand for Inn accommodation across the National Park with occupancy levels at high levels and frequently trading at full capacity at weekends, particularly in the summer.
- 6.6 The report identifies the key market in the National Park is weekend short breaks and people attending weddings and family parties are another significant market for hotels, bed and breakfast/guest houses, inns/pub accommodation businesses, and to a slightly lesser extent self-catering properties.
- 6.7 The proposed accommodation does not respond to local demand which was met by the accommodation provided by The Queens. Whilst the C3 self-catered apartments would meet some of the demand for longer-term accommodation for families and groups in the village, the loss of the short-term inn/bed and breakfast accommodation at The Queens, in the absence of any alternative provision locally, would be likely to deter visitors from visiting and enjoying Selborne and its environs. This would be contrary to the requirements of policy SD23(1) a) and f) and SD23(2).

7 CONCLUSIONS AND PLANNING BALANCE

- 7.1 The Queens is an important building located in the historic centre of Selborne. The village has retained much of its historic character and is highly sensitive to change.
- 7.2 The Appellant has chosen to carry out significant works to site prior to the quashing of the former appeal decision. These works are unauthorised and should this appeal be dismissed would be no doubt be subject to enforcement action. The current lawful use of the property as a pub with ancillary visitor accommodation is therefore the baseline to assess whether the loss of these facilities and replacement with a FSC, tap room and holiday flats would be of equivalent or better quality than the current lawful facilities which would be lost as required by policy SD43 of the Local Plan. For the reasons set out in my evidence I consider that the proposals fall well short of this policy requirement.
- 7.3 Cumulatively the proposals to the rear of the site, particularly when viewed from Huckers Lane, would result in an overdevelopment of the site, harming the landscape character of the site and Huckers Lane. The proposals do not respond positively to the landscape context of the site and are not landscape led. Nor do the proposals represent high quality design. I therefore consider that the proposal would conflict with policies SD1, SD4 and SD5 of the Local Plan.
- 7.4 In addition, the proposed development would harm the special character of the Selborne Conservation Area, and the special character of Huckers Lane in particular. I therefore consider that the proposals would neither preserve or enhance the character and appearance of the Conservation Area contrary to the requirements of policies SD12 and SD15 of the Local Plan. I consider that the level of harm would be less than substantial and therefore this harm would need to be outweighed by the public benefit. I do not consider that there are public benefits arising from the scheme which would outweigh the harm identified.
- 7.5 I have identified that the proposals would deter visitors to the village through the loss of the short term Inn/bed and breakfast accommodation at The Queens. This change would detract from visitors experience and through the harm caused to the character and historical significance of the village. I therefore conclude that the proposals would conflict with policy SD23 of the Local Plan.
- 7.6 This means that the Appeal Proposal conflicts with Policies, SD1, SD4, SD5, SD12, SD15, SD23, and SD43 of the Local Plan. It therefore conflicts with the development plan as a whole and I am

unaware of the appellant putting forward any material considerations that would justify departing from the development plan if the scheme were contrary to it. On that basis s.38 (6) directs that permission should be refused.

7.7 Having regard to the above, the Inspector is respectfully urged to dismiss this appeal.