

**Proof of Evidence of Mr Guy Macklin – Derek Warwick Developments  
(Appellant)**

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

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

**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.***

**Date: Tuesday 24 September 2024**

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## 1.Introduction & Background

My name is Guy Macklin. I am the co-owner of Derek Warwick Developments. My company purchased the site in question in 2015. I have been involved in all planning and construction and general commercial matters with this site.

We are small development company who repurpose old buildings and bring them back to life for another generation. We look to retain existing structures where possible, and a review of our website has a catalogue of our previous project work.

We work to build relationships with the community and work with them to influence our planning applications. What we hope to evidence for you Inspector is that this site has been actively refused progressing due to politics. Not one case officer or planning manager in either authority thinks the various applications we have brought forward have not been suitable for this site. However, every time the politics has held back progress. Both planning committees have overturned officer recommendation during our various applications.

Turning to the hotel site, this underperforming asset was being sold by a national brewery in 2015 and no operators came forward for it (including the Rule 6 party and their various pseudonyms) and our company subsequently bought it to repurpose it.

The planning chapter on this site is for you Inspector to decide on our company either finishing this scheme under its current planning use or alternatively if the consent is allowed, we will without haste complete the scheme which the majority of this village wish to see happen. We have reopened the Queens under its existing use class in 2022 whilst waiting for the outcome of the planning application. We have been waiting 8 years for a planning outcome as a privileged few have delayed progress to creating a sustainable future for this site.

**In no particular order, the status 6 party (or pseudonyms of) who have objected to every element of progression at the Queens since our tenure have included:**

- Objecting to pre application advice in 2015.
- Applying to English Heritage for listing status.
- Using the parish council as vehicle to object to everything.
- Attempting to register the site as an ACV 5 times.
- Objecting to every planning application.
- Using their influence on the two local planning committees (EHDC and SDNP) to overturn officers recommendation for approval for our planning applications. **Reference 2021 SDNP planning committee – Lynne Ravenscroft (ex-Parish council chair and part of the rule 6 party) rushing up to one of the influenced planning committee members after our last planning committee hearing. 1:50.17 in the video below.**

<https://www.dropbox.com/scl/fi/ze2pnsygc3lc3z7p0t8j/September-2021-Planning-Committee-Thursday-9th-September-1.mp4?rlkey=1dqtzymnyhirulvwaxyrzi4cs&dl=0>

Whilst reviewing the planning committee hearing video, another key influenced planning committee member is clearly reading from a pre-written script. Van der Klugt. 1.10.30. In our view a case of pre-determination.

<https://www.local.gov.uk/pas/applications/planning-committee/planning-committee-support/planning-committee-protocols#pre-determination-pre-disposition-and-bias>

- Objecting to every appeal.
- Objecting to the recent post office change of use in Selborne which was connected to the Queens planning and the proposed community shop use. Buxton were the appointed solicitors for both that case and the Queens statutory challenge. Ravenscroft and Palmer noted on the objections as per every application at the Queens.

<https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RDXVCUTU02R00>

- Attempting to damage the relationship between the Gilbert White House and our business by challenging the charity commission that Gilbert White was working outside of charity guidelines.
- Objected to the alcohol license application made prior to the Tap room opening. **Reference <https://easthants.moderngov.co.uk/mgAi.aspx?ID=16314>**
- Seeking the statutory challenge to the allowed appeal at the Queens.
- Wasting the local authorities time with repeatedly calling planning enforcement to site whilst we undertook the recent works to reopen the site. The local authority confirmed on every visit there was no unauthorised works taking place.
- One member of this Rule 6 party knowingly stole land from part of the Queen hotel site (Appendix 1) and another member tried acquiring land from our ownership through legal force of prescriptive easements (Appendix 2).

We suggest you should award costs against this Rule 6 party if not to us then at least the local authority for wasting such a huge amount of financial and human resource on what is fundamentally a relatively minor planning application.

## 2. The Site

The Appeal Site is described in detail at Section 2 of the Statement of Common Ground (SoCG) (CD19).

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.

As set out in the quashed Appeal Decision (Para 23 of CD20) it is evident from historic Ordnance Survey mapping that the site once housed significantly more footprint of buildings than are present today.

The main hotel building is a much altered two storey building with an added third storey delivered from what we could see in the refurbishment in the early 19<sup>th</sup> century.

The sites previous uses in addition to the pub and accommodation have included;

- A delicatessen
- A woodwork craft shop
- A French themed restaurant
- The retailing of ice cream, cigarettes and newspapers

The neighbouring sites have been developed significantly over the recent past. This has included the Plum Tree house built in the rear garden of Whites Cottage. Four single storey dwellings are located in previously developed land on Huckers lane on the opposite side of the rear of the Queens.

The previous Inspector quoted (Para 23 of CD20);

*'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.'*

### **3. The Proposal**

The proposal seeks the redevelopment of the former Queens Hotel to deliver an alternative community facility, tourist accommodation and a single residential dwelling.

The rationale for the form and balance of proposed uses is outlined in full in the Appellant's Statement of Case (CD15) and Final Comments (CD16). As detailed in both documents, the Appeal Proposals are designed to meet a demonstrable need within the village and the National Park, be truly complementary to the existing businesses within the village.

As set out in the SoCG (CD19) the Appellant has undertaken a suite of refurbishment and improvement works to the Appeal Site. By virtue of these works the current baseline for the Site is as follows:

#### **We suggest the current benchmark for the site is as follows;**

- A tap room opened on a demand led basis with a modest service kitchen.
- Hotel rooms configured for current day serviced accommodation use.
- A manager's apartment.
- A barn and buttery building currently vacant awaiting development.
- A community shop space completed to first fix stage.
- A rear garden used as outside space for the serviced accommodation only.
- A partially demolished kitchen awaiting the planning outcome.
- 3 parking areas. 1 used for the tap room and 2 used for the serviced accommodation.

As detailed in the Appellant's Statement of Case (CD15) and Final Comments (CD16) the benefits to the wider community over and above this existing baseline that will be delivered through the Appeal Proposals will be the expansion of the Gilbert White Museum Field Study Centre (FSC) into the Ground Floor of the building. The expanded of the FSC facilities will deliver financial sustainability and greater resilience for the museum, which are key to its ongoing operation and will extend the museum's capacity to deliver on its charitable objectives by expanding the museum's education programme.

The proposed development would benefit the village and the wider national park by increasing opportunities for visitors to enjoy and stay within the National Park, leading to an increase in understanding of the special qualities, nature and history of the Park and of Selborne. This will benefit school-aged children through school groups visiting the education centre, and facilitate the provision of evening and weekend educational and wellbeing events that in turn would draw adults and families, and together with the provision of the tourist accommodation would also lead to an increase in localised spending.

#### **The benchmark for the appeal decision in 2022 was;**

- An unoccupied front and back bar.
- A barn and buttery building vacant awaiting development.
- A rear garden for general use
- 3 parking areas

#### 4. Reasons for Refusal

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.

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.*

The Appellant's case in respect to these two reasons for refusal remains as previously set out in their Statement of Case (CD15) and Final Comments (CD16). The Appellants case is summarised below with references to key excerpts within CD15 and CD16.

#### **Reason for Refusal 1 (Community Facility)**

Policy SD43(2) is intended to guard against planning proposals that would result in the loss of, or have an unacceptable adverse impact upon, an existing community facility – unless one of three exceptions can be demonstrated.

The key provision within SD43(2) for the Appeal Scheme is exception (c) which allows for the loss of an existing facility where, ***'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'***.

Importantly, SD43(2) does not require compliance with all three exceptions (denoted by the 'or' function rather than an 'and' function), nor does it imply a material ranking of the exceptions. For the Appeal scheme to be found acceptable it must simply be demonstrated that the community facility being proposed would be 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.

Paragraph 7.227 of the South Downs Local Plan (CD3) lists the types of community infrastructure facilities or the purposes of Policy SD43 which includes cultural facilities, education and public houses (noting that the list isn't exhaustive). As set out by the Policy Officer (comments dated 15/02 attached at Appendix 8) 'community facilities' may be a combination of different types and on a continuum. It is not the intention of the Appeal Proposals to replicate a pub. The uses of this space will be more wide ranging and the benefits felt by the local community will be multifaceted.

As detailed in CD15 and CD16, the Appeal Site will become a community hub offering multiple benefits to a much wider demographic within the local community. The range and flexibility of uses offered will far eclipse the previous use.

This is corroborated the LPA in the SDNPA Planning Committee Report (CD12)

*'To summarise the proposals would not be a loss but rather a **reconfiguration of tourism accommodation and community facilities**. SD23 and SD43 are broad, and do not specify precise parameters for defining 'loss' or 'equivalence'. **The FSC and Tap Room will make educational, tourism, cultural, heritage and***

***land-use enterprise/economy connections with the area, contributing to priorities of the South Downs Partnership Management Plan (PMP) and the requirements of Policy SD34. The hours of use are broadly equivalent. The key difference being that the proposed uses will be more wide ranging. It is envisioned that the Queens will become a community hub, offering multiple benefits to a much wider demographic.'***

### Summary

Reason for Refusal 1 runs entirely contrary to the conclusions reached by the Case Officer and detailed in the LPA's Committee Report (CD12) and takes an entirely too literal and reductive interpretation of the 'equivalent or better quality' provision within Policy SD43.

The Rule 6 and LPA's contention is that the Appeal Proposals would not adequately replicate the facilities lost. Policy SD43 does not require a like-for-like replacement and it is not the Appellant's intention to do so. The Appeal Proposal's comprise a carefully considered balance of uses designed to meet a demonstrable need within the village and the National Park, be truly complementary to the existing businesses within the village and deliver a valuable resource for the local community.

Supporting paragraph 7.226 to Policy SD43 (CD3) states:

*'There is a wide range of community infrastructure facilities that are vital in maintaining the sustainability of both larger settlements and rural communities. Community infrastructure facilities enable essential public services to be provided as locally as possible and, as such, there is a presumption that they should be retained or replaced with proposals of at least an equivalent standard. **Appropriately sized proposals, which would provide inclusive shared services through the joint use of facilities in accessible locations, will be supported in principle.***

The final sentence of Paragraph 7.226 is central to the consideration of this Appeal. The Appeal Site will become a shared community hub offering multiple benefits to a much wider demographic within the local community. The range and flexibility of uses offered will far eclipse the previous use and should be supported as a matter of principle.

In their consultee comments (CD15 - Appendix 8) the SDNPA Policy Officer states that,

*'In practice, community facilities may be a combination of different types and on a continuum between community and private functions.'*

Wherever the Inspectorate adjudges the Appeal proposals to sit on that continuum, it is plain to see that the scheme will deliver a community facility of the highest order, available to the widest possible demographic.

### **Reason for Refusal 2 (Overdevelopment)**

In regards Reason for Refusal 2, it remains the Appellant's case that the Appeal Proposals offer a holistic approach to the redevelopment of the site. The Appeal Scheme would preserve and enhance the character and appearance of the Selborne Conservation Area and the setting of nearby listed buildings. The development would have no adverse impact on the amenities of neighbouring residents and the landscaped nature of the site would be retained through the retention and provision of trees and hedgerows.

As detailed in the Appellant's SoC (CD15 - Paragraph's 9.4-9.11), the scale, form and massing of the scheme has been iteratively worked up in close association with the Council's Design, Landscape and Heritage Officers and its location and architectural detailing is a direct response to the Council's comments (see Appendix 6 to CD15).

There will be no net increase in parking provision as part of the Appeal Proposals. In actuality there will be a net decrease (20 spaces compared to the 24 existing). Allied to the reduction in parking, the Appeal proposals will also not give rise to an intensification of the use of the accesses (CD15).



The landscape interventions are acknowledged within the Officer's Report (CD12) to be an enhancement over the existing appearance of the site and, as such, there is no demonstrable harm.

Policy SD15 requires development to conserve and enhance the historic environment; preserve and enhance the significance of listed buildings and their setting; and preserve or enhance the special architectural or historic interest, character or appearance of conservation areas. As acknowledged by the Officer the Appeal Proposal achieves those express aims.

## 5. Other Matters

The Rule 6 Party contend that contrary to SD23(1)(a),(c) and (d), that the proposals remove facilities which meet a need, replaces them with accommodation for which there is no need, the proposals do not enhance visitors' awareness and enjoyment - and that they detract from visitor experience and area character and fail to make use of existing buildings. Further, this has an adverse impact on vitality of the village and its other community assets contrary to SD23(f).

### **Appellant Response**

Policy SD23 (Sustainable Tourism) seeks to guard against the loss of visitor accommodation within the National Park. When measured against the previous level of provision the application proposals result in no net loss of tourist rooms (5 units remaining as 5). To add, disabled access will be provided to 4 out of the 5 suites. This is considered an improvement over existing where disabled access isn't provided to the upstairs accommodation.

As detailed in the comments of the SDNPA Thrive Team on Sustainable Tourism and Sustainable Economy (CD15 - Appendix 9):

*'Provision of visitor accommodation is recognised as an important part of sustainable tourism which can contribute to the local economy and to meeting the second purpose of the National Park in the evidence base for the Local Plan and is reflected in the introductory text of Policy SD23, and in the South Downs Sustainable Tourism Strategy. **Across the National Park there is generally recognised to be lack of sufficient hotel-style accommodation. Selborne is a popular location for tourist visitors and a lack of sufficient hotel style visitor accommodation here is noted.** Policy SD23(2) resists the loss of visitor accommodation subject to viability, marketing or harmful impacts on special qualities; however, **this development proposal makes provision for an alternative style of visitor accommodation in the form of 5no. 'Aparthotel Suites' (Use Class C1). These provide a hybrid hotel and self-catering style visitor accommodation which makes a contribution to meeting the visitor accommodation provision needs of the National Park and the PMP outcomes.'***

The collective benefits of the Appeal Proposal are detailed at Paragraph's 8.12-8.24 and Table 3 of the Appellant's Appeal Statement (CD15). However, Paragraph 7.21 of the LPA's Committee Report (CD12) is worthy of replication below (Savills emphasis):

*'7.21 To summarise the proposals would not be a loss but rather a reconfiguration of tourism accommodation and community facilities...'*

## 6. The Planning Balance

The Appellant's case remains:

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

In response to the two reasons for refusal stated in the Council's Decision Notice, the Appellant responds as follows:

- **Reason for Refusal 1:** Reason for Refusal 1 runs entirely contrary to the conclusions reached by the Case Officer and detailed in the LPA's Committee Report (CD12). The reason for refusal takes an entirely too literal and reductive interpretation of the 'equivalent or better quality' provision within Policy SD43. The LPA's contention is that the Appeal Proposals would not adequately replicate the facilities lost. Policy SD43 does not require a like-for-like replacement and it is not the Appellant's intention to do so. The Appeal Proposal's comprise a carefully considered balance of uses designed to meet a demonstrable need within the village and the National Park, be truly complementary to the existing businesses within the village and deliver a valuable resource for the local community.
- **Reason for Refusal 2:** The development proposals are well designed and entirely sympathetic to their locality. The landscape interventions are acknowledged within the Officer's Report (CD12) to be an enhancement over the existing appearance of the site and, as such, there is no demonstrable harm. SDNPA Policy SD15 requires development to conserve and enhance the historic environment; preserve and enhance the significance of listed buildings and their setting; and preserve or enhance the special architectural or historic interest, character or appearance of conservation areas. As acknowledged by the Officer the Appeal Proposal achieves those express aims. Reason for Refusal 2 is unsubstantiated, unevicenced and anecdotal and at odds with the findings of the Case Officer who handled the application.

The Appeal Scheme represents the culmination of 7 years concerted effort during which time we have worked with the community and local authority officers to identify a viable beneficial use for the premises and site. The Appeal Proposals come as a direct response to the comments of the SDNPA, the content of the Appeal Inspector's previous decision and the representations received in response to the public consultation exercise carried out in preparation for this submission. The Appeal scheme is an unrivalled opportunity to deliver a truly complementary facility to the existing businesses within the village and deliver a valuable resource for the local community.

With a first full year of trade, the Queens is now functioning as highly sustainable enterprise so any suggestion of the lack of demand for a Tap Room or the serviced accommodation by the Rule 6 party is completely without merit. The business has welcomed guests from all round the world in its first full year of trade. 83 bookings staying anywhere from 2 nights in the tourist season to longer stays in the winter months out of season. The tap room has been hosting the wider community since opening including

various birthdays of Selborne residents and hosted various group bookings in addition to the regulars. It generally run by volunteers to help keep the operating costs as low as possible. The tap room and hotel rooms as we have refurbished the property are fast becoming one of the most popular routes to sustainability and there are countless examples of this configuration in the United Kingdom.

For the above reasons, it is respectfully requested that the appeal is allowed and planning permission is granted.