

Appeal Decision

Site visit made on 10 November 2016

by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 December 2016

Appeal Ref: APP/Y9507/W/16/3156287

Land East of Forest Lodge Garden Centre, Farnham Road, Holt Pound, Farnham

- 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 Ian Gray (Farnham Angling Society) against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/00184/FUL, dated 14 January 2016, was refused by notice dated 31 March 2016.
 - The development proposed is a material change of use of open ground to a car park for 21 vehicles to be used by members of the Farnham Angling Society including the construction of a car park, associated vehicular access, security gate, and toilet facilities, and associated landscaping, maintenance and aftercare.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the consideration of the planning application, proposed earth bunds around the car park area were deleted and the proposal has been considered on this basis.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area, having regard to the site's location within the South Downs National Park, (b) need for a location within the countryside, and (c) Protected Species.

Reasons

Character and appearance

4. The appeal site mainly comprises an area of frontage hedgerow, grassland, scrubland and dispersed trees based on what I saw on my site visit. The land slopes down from the highway into the site. The site is bounded by trees to the north, east and south and the A325 (Farnham Road) to the west. On the opposite side of the road, there is the Forest Lodge Garden Centre.
 5. The surrounding area is characterised by sporadic development along the A325 but in the vicinity of the appeal site on the eastern side of this road, it is dominated by woodland, scrub and some grassland. It is appreciated much of
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the woodland is of a plantation nature and will be thinned out in the future. However, even with such works, this side of the A325 has an attractive undeveloped countryside character and appearance.

6. The proposal would create a new access point onto the A325 allowing for two vehicles to pass and the siting of a gate set back from this. The access would lead to a hard standing area constructed with scalplings for the parking and turning of 21 vehicles and 2 motorcycle spaces and the positioning of portable toilet facilities. By reason of the extent of these facilities, the hard surfacing of the site would be substantial.
7. The proposal would remove some trees from the site which would be replaced by a substantially greater number contained in a detailed landscaping scheme. During the consideration of the planning application, the applicant expressed his willingness to amend the scheme to take account of the advice of the Authority's Landscape Architect. In this regard, there would be native screening planting between the car park area and the existing frontage boundary hedge, and to the sides of the car park area. However, such screening would take some time to establish during which there would be considerable visual intrusion from exposed hard surfaced areas and especially vehicles being parked within the site. Even when the landscaping becomes fully established, the development would still be intrusive because of the access point which would allow some views into the site. Additionally, there would still be traffic coming to and going from the site.
8. In longer distance views, the surrounding vegetation would block views of the development and associated activity. However, the development would be a conspicuous urban feature from the A325 including from the layby and footway on the opposite side of the road. Drivers, not associated with the society, would clearly not be seeking to look out for the new development but it would be a noticeable feature for the reasons indicated even a road with a 50 mph speed restriction. Indeed, the speed of some vehicles will be likely to be reduced to take account of the road junction of the A325/Gravel Hill Road and the access of the nearby garden centre. Given the attractive countryside context, it would therefore be harmful to the character and appearance of the area for all these reasons. In respect of the National Park, there would be harm to its scenic beauty by reason of its extent for which I place great weight upon in accordance with the National Planning Policy Framework.
9. Accordingly, the proposal would conflict with Policies CP20 and CP29 of the East Hampshire District Local Plan Joint Core Strategy (JCS) 2014 and Saved Policy CH6 of the Saved East Hampshire District Local Plan Second Review (LP) 2006, which collectively and amongst other matters, seek to conserve special characteristics of the districts natural environment, the conservation and enhancement of the South Downs National Park, the protection and enhancement of natural features that contribute to distinctive character, and require an exemplary standard of design.

Need

10. The proposal would provide a car parking area for members of a large angling society covering Surrey, Hampshire, and Berkshire. It would provide access to Lodge Pond which is a popular and valued facility used for competitions and by younger members of the society. It is currently accessed through the Alice

Holt Forest Centre car park and then along forestry tracks to the existing car park within the forest which is considerable in distance.

11. JCS Policy CP19 (Development in the Countryside) states the approach to sustainable development in the countryside is to operate a policy of general restraint in order to protect the countryside for its own sake. The policy further states that the only development allowed in the countryside will be that with a genuine and proven need for a countryside location, such as that necessary for farming, forestry or other rural enterprise. The explanatory text of the policy further indicates development will only be permitted which is both necessary and justified and that inappropriate types and scales of development will not be permitted in order to maintain the landscape character and quality of the countryside.
12. With the new car park, anglers would no longer have to access the centre car park and use forestry tracks also used by recreational uses, walkers (including families), cyclists and horse riders. It has been indicated that fisherman mostly use the car park in evenings and at weekends. On average, it has been stated that there is a total of 50 movements up and down the tracks which is associated with the anglers. However, it would be reasonably expected that vehicles would travel slowly along the tracks and there has been no reported incidents drawn to my attention between vehicles and recreational users. Furthermore, no highway assessment has also been submitted to demonstrate any danger to the highway safety of track users. On this basis, the risk of conflicts between vehicles and other recreational users of the tracks has not been proven.
13. It has been indicated that the new car parking arrangement would result in a more secure and safe environment for anglers. However, no existing issues have been brought to my attention nor any advantages identified in respect of the improvements for them with the new car park. The proposal would negate the need for anglers to take a long route to the fishing pond through the Alice Holt Forest Centre as well as preventing them being stuck in traffic around the Dockfield Street junction on the A325. Whilst this would be more convenient for members of society, this would not amount to a genuine and proven need.
14. There has been a significant increase in visitor numbers to Alice Holt Forest over the last 10 years and the Forestry Commission wants to stop vehicles other than those associated with land management using forestry tracks due to their unsuitability. The current application has their support and the current arrangement using the existing car park is due to be reviewed. If it is not renewed, it is indicated that the use of the pond for anglers would be lost. Nevertheless, there is no confirmation that the current arrangement will end and in terms of the reasons for the proposal, I have found a lack of substantive justification.
15. For all these reasons, there would not be a genuine and proven need for a new car park in this countryside location and the proposal would be contrary to JCS Policy CP19.

Protected Species

16. The appeal site lies close to a Site of Nature Conservation Importance. A Phase 1 Habitat Survey was carried out for the appeal site and some land

- beyond. It indicated no evidence of activity and lack of habitat for mammals, so negating any further need for any form of further survey.
17. Following advice from the County Council Ecologist, the Authority has pointed to the potential presence of hazel dormice, a European Protected Species, on the site. This species occurs within Alice Holt Forest and is indicated to inhibit dense woody vegetation such as roadside hedges. In this regard, there would have to be some removal and works to a roadside hedge to create a new access and adequate visibility splays. The roadside hedge would have to be maintained at a height of 0.6m to ensure adequate vehicular visibility.
 18. Given this information and that the Phase 1 Habitat Survey represents only a 'snap-shot' in time of the potential value of the site for a protected species, there is a reasonable likelihood of a protected species being present on the site. In this instance, there are no exceptional circumstances to justify a planning condition to require a survey and where required, mitigation, because it is unclear whether the principle of development on protected species grounds is acceptable due to a lack of information.
 19. Based on the arguments put forward on need, I find no imperative reasons to override the public interest of protecting the protected species dormouse and I am not aware of any satisfactory alternatives to the current scheme. The proposed landscaping may have wider biodiversity benefits and indeed could provide habitat for the dormouse but this would not outweigh the immediate harm to the protected species if it is present. On the balance of evidence before me, permission would be detrimental to maintaining the species population and any benefits of the development would not override the harm to a protected species.
 20. In summary, I can only conclude that there would be harm to a protected species in the absence of a survey. Accordingly, the proposal would conflict with JCS Policy CP21 which amongst other matters, requires that development proposals must protect and where appropriate, strengthen populations of a protected species.

Other matters

21. The economic benefits associated with the construction of the development would be limited to the duration of the works. The servicing of the portable toilet facilities would generate small financial benefit by reason of the number of units. There would be more convenient accessibility to the pond for anglers and recreational opportunities for them but such benefits are limited to them as a group. There would be less vehicle emissions through a reduction in travel times and there would be less noise and disturbance from vehicles using forestry tracks. However, there would be significant impacts arising from the proposal's effects on character and appearance, including upon the scenic beauty of a National Park, and protected species for the reasons indicated. Such impacts would not be outweighed by the benefits and the proposal would not amount to sustainable development under the National Planning Policy Framework.
22. Even if the dismissal of the appeal led to the closure of a specific and long-standing outdoor recreational facility that promotes opportunities for the public understanding and enjoyment of the special qualities of the area, it would not conserve and enhance the natural beauty, wildlife and cultural heritage of the area. For this reason, there would still be a conflict with a duty and purpose of

the National Park to which I attach greater weight by reason of the significant visual harm. Saved Policy C6 of the LP relates to trees protected by a Tree Preservation. As there are no protected trees, this policy is not relevant.

Conclusion

23. The proposal would harm the character and appearance of the area, including the scenic beauty of a National Park and would be detrimental to a protected species in conflict with policies of the development plan. It would not be sustainable and there are no other material considerations to outweigh the conflict with the development plan.
24. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR