
Appeal Decisions

Site visit made on 8 February 2017

by David Walker MA MRTPI

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

Decision date: 23rd March 2017

Appeal A Ref: APP/Y9507/W/16/3150962

Land off Southlands Park, West Lavington, West Sussex

- 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 Talisman Homes against the decision of South Downs National Park Authority.
 - The application Ref SDNP/15/05631/FUL, dated 5 November 2015, was refused by notice dated 3 March 2016.
 - The development proposed is erection of 5 detached 2 storey dwellings, provision of new vehicular access from Southlands Park and new pedestrian access from Goodwood Close.
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Appeal B Ref: APP/Y9507/W/16/3156739

Land off Southlands Park, West Lavington, West Sussex

- 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 Talisman Homes against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/02698/FUL, dated 27 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is erection of 4 detached 2 storey dwellings, provision of new vehicular access from Southlands Park and new pedestrian/cycle access from Goodwood Close.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Applications for Costs

2. Applications for costs were made in both appeals by Talisman Homes against South Downs National Park Authority. These applications are the subject of separate Decisions.

Preliminary Matters

3. The adequacy of the submitted ecological survey against the requirements of saved Policy BE14 of the Chichester District Local Plan 1999 (the Local Plan) was a reason for refusal in Appeal A. Following the submission of a bat and reptile report in Appeal B the Authority has confirmed that the information was satisfactory. The issue could furthermore be addressed by conditions in Appeal A. I have not pursued the matter further.
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4. Undertakings under section 106 of the Planning Act were submitted with both appeals. These make provision for a footpath and cycle link between Southlands Park and Goodwood Close. I have had regard to these in my determination of the appeals.

Main Issue

5. The main issue in both appeals is the effect of the proposals on the character and appearance of the South Downs National Park.

Reasons

6. The appeals site is an area of open land occupying an elevated position above Goodwood Close and Poplar Way. It is accessed off Southlands Park, a winding cul-de-sac leading off Chichester Road with a small number of detached houses. There is a substantial tree-lined bank to the east providing a buffer to Chichester Road and screening in views from the east. To the west there is a largely open aspect with little tree cover.
7. As an undeveloped area the site falls outside of the settlement policy boundary delineated at this part of West Lavington in the Local Plan. In the circumstances it is treated as being within the rural area for new housing purposes where a policy of restraint applies under saved Policy RE1 of the Local Plan. The emerging South Downs Local Plan (the SDLP) also seeks to exclude the appeals site from the settlement policy boundary. However, this plan remains to be found sound and attracts limited weight accordingly.
8. Both appeal schemes would deliver two storey detached houses accessed off a private road and served by private drives. There are 5 houses in Appeal A and a reduced scheme of 4 houses in larger properties with integral garages in Appeal B. With existing ground levels above that of Southlands Park both schemes would set finished floor levels down by 1.8 m to reduce ridge heights.
9. In long range views in the National Park from along Pitsham Lane the elevated houses at Southlands Park are visible above the lower lying development along Poplar Way. The visual impact of these is mitigated to an extent by foreground trees. While the sectional drawings submitted with both Appeal A and Appeal B show the level of the proposed houses falling below those at Southlands Park, the new development would not benefit from existing tree screening in views from the west.
10. It is likely therefore that the proposed houses of both schemes, particularly plots 1 and 2 that would be at a higher level, would remain visible in longer distance views. Although the appellant's Landscape and Visual Impact Assessment points to the tree-lined backdrop that would exist and the scope for additional planting in the foreground, these would not completely screen the development from the west and the roofs would remain visible.
11. Appeal B reduces the number of houses which increases the sizes of the gaps between buildings. The Authority has raised no objection to their appearance. However, there would be an overriding impression of urban development as a consequence of the scale and height of the dwellings in both proposals. Therefore, while I find no specific harm in individual house designs to conflict with the criteria of saved Policy H4 of the Local Plan this would not be sufficient to reduce their prominence in the elevated and natural setting. The visual

- impact would be pronounced during the night from light spill in an area designated as an International Dark Skies Reserve.
12. Appeal A and Appeal B would accordingly both have an urbanising effect that would detract from the surroundings of the settlement and its landscape setting in the National Park. There would be a conflict with saved Policy BE11 of the Local Plan which requires new development to not detract from its surroundings, including its setting in the landscape, amongst other considerations. While the visual impact would not result in substantial harm in the built up context, I am required under paragraph 115 of the National Planning Policy Framework (the Framework) to give great weight to conserving landscape and scenic beauty in National Parks.
 13. I acknowledge that the policy of the Written Ministerial Statement of 28 November 2014 does not require a contribution towards affordable housing from schemes of 5 or less in National Parks. It is a policy aimed at reducing the burden on small-scale developers. Conversely, saved Policy H9 of the Local Plan referred to in the Authority's decisions is a policy of exception to facilitate the provision of new affordable homes at locations where new housing would not normally be permitted in order to meet an overriding community need. The private housing of both schemes would not accord with the exception afforded by saved Policy H9.
 14. Given the state of flux resulting from the change from the Local Plan to the SDLP my attention has been drawn to a potential lack of a five-year supply of deliverable housing sites as required at paragraph 47 of the Framework. A significant housing requirement identified as part of the SDLP's evidence base is unlikely to be provided for.
 15. It remains the Authority's duty to identify its housing needs in the light of National Park purposes, and to identify suitable sites and areas of restraint. The housing need promoted within the SDLP has therefore been adjusted to reflect the limiting environmental constraints that exist within the National Park and the duty to prioritise affordable housing. This is a specific National Park policy contained within English National Parks and the Broads: UK Government Vision and Circular 2010 as cross referred to within the Framework at footnote 25 to paragraph 115.
 16. I acknowledge that the housing need for the SDLP has yet to be agreed as the basis for assessing the required five-year supply. However, the guidance contained within the Planning Practice Guidance (the PPG) at paragraph ID: 3-030 states that in the absence of an up-to-date local plan the latest needs assessment should form the starting point for the calculation of the five-year supply. This is a significant consideration in both appeals and postdates the legal advice provided by the appellant.
 17. Beyond the argument that the housing need has not been tested I have nothing before me to indicate that the Authority's Annual Monitoring Report is incorrect or that the calculation of the available supply is in any way flawed. On the available evidence, therefore, a five-year supply has been demonstrated and I have no reason to afford saved Policy RE1 of the Local Plan anything other than its full weight.
 18. Overall, I conclude that Appeal A and Appeal B would have a harmful effect on the character and appearance of the South Downs National Park. Both

schemes would therefore conflict with the restrictions set out within saved Policy RE1, the setting considerations of saved Policy BE11 and the exceptions afforded by saved Policy H9, all of the Local Plan. The pedestrian and cycle link that could be provided between Southlands Park and Goodwood Close, as detailed within the submitted undertakings, would be a benefit but does not outweigh the harm I have identified.

19. While both schemes would undoubtedly boost the supply of new homes paragraph 115 of the Framework indicates that great weight should be afforded to conserving landscape and scenic beauty in National Parks. As the proposals would not accord with the development plan there would be a conflict with the third bullet point of paragraph 14 of the Framework. Accordingly, neither Appeal A nor Appeal B would amount to being a sustainable development under the Framework.

Conclusion

20. For the reasons given above I conclude that Appeal A should be dismissed and Appeal B should be dismissed.

David Walker

INSPECTOR