



Appeal Decision

Site visit made on 21 March 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/Y9507/W/16/3163279

Elsted Road Bridge, Fitzhall Road, Elsted, 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 Highways England, Historical Railways Estate (on behalf of Department for Transport) against the decision of South Downs National Park Authority.
 - The application Ref SDNP/15/03654/FUL, dated 22 July 2015, was refused by notice dated 30 June 2016.
 - The development proposed is infill single span bridge with stone and foam concrete to provide long-term structural support to the bridge. Form new embankments to sides of bridge and drainage pipes laid at ground level.
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Decision

1. The appeal is allowed and planning permission is granted for infill single span bridge with stone and foam concrete to provide long-term structural support to the bridge. Form new embankments to sides of bridge and drainage pipes laid at ground level at Elsted Road Bridge, Fitzhall Road, Elsted, West Sussex in accordance with the terms of the application, Ref SDNP/15/03654/FUL, dated 22 July 2015, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The Authority's decision notice and statement refers to policies within the emerging Draft South Downs Local Plan 2015 (SDLP). The plan has not yet been examined and given the stage it has reached I give it little weight.

Main Issue

3. The main issue is the effect of the proposal on the cultural heritage and landscape character of the South Downs National Park (SDNP).

Reasons

4. Elsted Road Bridge is a former railway bridge which carries an unclassified road to the A272 over the track bed of the former Midhurst-Petersfield railway line. The site lies within the South Downs National Parks. The first purpose of National Parks is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
5. Cultural Heritage. The Authority accepts that the bridge is not contained within a local list. Nonetheless, both parties refer to Elsted Road Bridge as a non-designated heritage asset and I see no reason to disagree with this. The bridge lies at an angle to the road. 'Skewed' bridges are not uncommon in the country and the bridge is not an early example. The parapet which is the most

visible feature to public views is not original and does not match the design of the rest of the bridge. However, the brickwork forming the arch barrel is attractive. The stone construction of the wing walls and spandrel walls also add to its interest. These features are found elsewhere in the country although I accept that they are not so common within West Sussex and the bridge is unusual in that respect. The bridge therefore has some local architectural significance.

6. The former railway line opened in 1864 and closed to passenger and freight traffic during the 1950s and 1960s. The history of the railway appears to be reasonably well documented and the bridge is also referred to in records. The former line is not accessible to the public on either side and there is no pavement along the road to be able to view the cutting. Nevertheless, the lack of access does not necessarily affect the potential historical value and significance of the bridge and its setting.
7. The cutting and track bed on the north side of the bridge is mainly a recognisable linear feature when seen from below the bridge. However, this is partly compromised by features such as fairly dense scrub and trees and the use of land as a private garden. To the south the station building no longer exists with a small industrial estate covering the former track bed. The industrial estate is a dominant feature in the immediate surroundings. That said the layout of the estate reflects the orientation of the former line. The trees lining boundaries of the former railway provide some indication of its direction. There is therefore some local historical significance and communal value to the bridge, although I consider this is heavily compromised by the changes which have occurred to the bridge and its surroundings.
8. The information accompanying the scheme indicates that the bridge has weaknesses in a number of locations which are now monitored on a reasonably frequent basis. These problems are affecting the ability of the bridge to continue to bear unrestricted traffic loading. The proposed scheme would result in the infilling of the area underneath the bridge, the removal of some parts of the wing walls. In addition, there would be the provision of an embankment on either side of bridge.
9. The embankments would be high enough to obscure remaining parts of the wing walls which have not been dismantled, and also the shape of the infilled underside of the bridge. The alterations to the wing walls and placement of the embankment would change the appearance of the bridge. The remainder of the track bed to the north would be isolated from any remnants of the bed to the south. These would have a negative effect on the bridge and the setting would also be further altered.
10. However, significance will not be lost completely as the majority of the features of the bridge itself would remain in-situ albeit obscured. The cutting would remain visible within the garden of Bridge Cottage and the line itself traceable from this and tree lined boundaries in both directions. The parapet walls which are the main feature of the bridge from the road would be retained. I have also had regard to the scheme being potentially reversible. These factors lead me to conclude that the cultural heritage of the SDNP would therefore not be adversely affected to any material degree.
11. Alternative scenarios for the bridge repair have been considered by the appellant and include the consideration of effect on the appearance of the

bridge. The Authority suggests that some of the alternative scenarios may be more viable although this is not explained further, and that additional investigation is needed. The Authority does not refer to any particular policy which would require this to have taken place. I consider that the Heritage Statement accompanying the proposal and Feasibility report adequately considers the options. I note that the Authority refer to optimum viable use as set out in the Framework. However, some of the alternatives would be limited and impractical due to further repairs being needed after some time, and include other safety considerations and impact on the local road network.

12. The Authority refer to Petworth Bridge having undergone repairs without significant alterations, although this appears to have been readily capable of being repaired as it remained capable of carrying unrestricted traffic weight. This is not the case here. Both parties have referred to other examples of bridge repairs. However, I do not have the full details of the circumstances of these cases and so cannot be sure they represent a direct parallel to the appeal proposal. In any event, I have determined the appeal on its own merits.
13. The route of the former railway line is subject to consideration for a sustainable cycle and pedestrian route. Policy SD19 of the emerging SDLP seeks to protect the routes of railways. However, the land at the bridge is in private ownership and buildings are present on the old track bed. The proposed route acknowledges loss of alignment, structures en-route and access issues by avoiding the bridge and private land, and I am not persuaded that a transport route under the bridge would be feasible or practical. There would be no conflict with emerging Policy SD19.
14. Landscape character. The area in which the appeal site is located is rural with sporadic development. The wider landscape character is a mix of open fields, hedgerows and trees. There is a concentration of buildings close to the appeal site. The bridge is not a significant feature of the road with only a gentle gradient to the brow of the bridge. The cutting is not very noticeable and is only seen in very brief glimpses when travelling by car. Vegetation is a dominant feature of the immediate surroundings of the bridge.
15. The proposed embankments would be glimpsed when travelling over the bridge and some vegetation would need to be removed. I accept that this would open up some views. However, a number of trees would be retained which would continue to provide some screening in longer range views. Landscaping is also proposed as a condition which would mitigate the effect of the embankments. I acknowledge that the embankments would appear engineered. However, a manmade impact and influence on the local landscape is not out of context given the nearby residential property, the industrial estate and construction of the bridge and former railway itself. The buildings at the industrial estate would obscure views of the proposed embankment when approaching from the northeast.
16. The scale and design of the scheme in the context of the landscape character would be small, with the wider topography unaffected. The design of the scheme would be based on appropriate site-based investigations and would conserve the landscape. The scheme demonstrates a design which takes into account its location and context. There would also be no material impact on the wider historic landscape pattern. The scheme would not detract from its surroundings.

17. Conclusion on cultural heritage and landscape character. For the reasons given above, I conclude that the proposal would not cause harm to the cultural heritage and landscape character of the SDNP. There would be no conflict with Policy BE11 (bullets 1, 2 and 4) of the Chichester District Local Plan Review (LPR) 1999. The proposal would not be contrary to emerging Policy SD5, SD6 of the SDLP or the policies of the South Downs Partnership Management Plan aimed at protecting the SDNP landscape. It would not be contrary to the Framework where it relates to the need for high quality design and conserving and enhancing the historic environment.

Conditions

18. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of the character and appearance of the area, a condition is needed in respect of the materials to be used in any repairs to match that of the existing structure. Conditions are also necessary in respect of landscaping and implementation of planting. In the interests of safety, a condition is needed to secure the stability of the structure during demolition.

Conclusion and balance

19. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation because they are mutually dependent. The maintenance and provision of safe and adequate infrastructure would be ensured through the scheme. Paragraph 135 of the National Planning Policy Framework sets out that the effect on the significance of a non-designated heritage asset should be taken into account and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I do not agree that the changes to the bridge would cause substantial harm given the changes which have already taken place in the immediate area. There is the need to maintain the bridge to a safe and acceptable standard. This in turn will allow its long term continued use as a road bridge supporting access to wider area for the small communities and properties within the area. Other options would not provide these benefits. These factors weigh in favour of the scheme.
20. The policies of the Framework in respect of the National Park, whilst not necessarily restricting development including small scale schemes, it does indicate that great weight should be given to conserving landscape and scenic beauty in National Parks. I have found that the scheme would conserve the landscape and scenic beauty of the SDNP and its cultural heritage.
21. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out in the attached schedule the appeal should be allowed.

L Gibbons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B18280-BA-0001 rev 03 and B18280-BA-0002 rev 03.
- 3) Repairs to the fabric of the superstructure of the bridge referred to on drawing B18280-BA-0002 rev 03 shall be carried out using materials, mortar treatment and finishes and brick bonding pattern to match that of the existing structure.
- 4) Before any work is undertaken in pursuance of this permission to demolish any part of this structure, the developer shall take such steps as may be necessary to secure, during the progress of the demolition authorised by this consent, the safety and stability of that part of the structure, or adjacent parts of the structure, which are to be retained.
- 5) No development shall take place unless and until there has been submitted to and approved in writing by the South Downs National Park Authority (SDNPA) a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities to the new embankments. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained together with measures for their protection in the course of the development including demolition. The scheme shall make provision for conservation and enhancement of biodiversity on the application site. The landscaping works shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the substantial completion of the development hereby approved; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the SDNPA gives written consent to any variation.