
Appeal Decision

Hearing Held on 3 August 2017

Site visit made on 3 August 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/Y9507/W/17/3170812

Brewers Farm, Brewers Lane, West Tisted, Alresford SO24 0HQ

- 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 & Mrs J Wedderburn-Maxwell against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/16/02852/FUL, dated 6 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is a two storey dwelling and cart shed following demolition of two existing agricultural buildings and concrete yard.
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Decision

1. The appeal is dismissed.

Application for costs

2. Applications for costs were made by Mr & Mrs J Wedderburn-Maxwell against the South Downs National Park Authority, and by the South Downs National Park Authority against Mr & Mrs J Wedderburn-Maxwell. These applications are the subject of separate Decisions.

Preliminary Matters

3. Both parties have referred to policies of the emerging South Downs Local Plan. While it has been the subject of consultation, it has not yet been examined. I therefore accord it little weight.

Main Issues

4. The main issues are:
 - whether the proposed development would be consistent with national and local planning policies on new dwellings in the countryside; and,
 - the effect of the proposed development on the character and appearance of the area, having regard to its location in the South Downs National Park (SDNP).
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Reasons

Background

5. The appeal site, once part of Brewers Farm, and containing a hay barn and a livestock shed, is located in a hamlet in the SDNP, from where the appellants have farmed for the last 49 years. The barn and livestock shed were erected in the 1970s and 1980s when the farm was finishing around 60 head of cattle a year. The buildings have not been used in connection with farming for the last 15 years, since the farming model switched from intensive calf rearing. The present farmhouse will not accommodate the appellants' needs as they approach retirement; hence the application for a new house, the subject of this appeal.

New dwellings in the countryside

6. The appeal site is located in the countryside, beyond any settlement boundary and within the SDNP. In this location policy CP19 of the Local Plan: Joint Core Strategy 2014 (JCS) restrains development to that with a genuine and proven need for a countryside location, such as that necessary for farming, forestry or other rural enterprises. Policy H14 of the Local Plan: Second Review 2006 (LP) has a similar theme, restricting residential development outside settlement policy boundaries to that essential to house a full-time worker in agriculture, forestry or other enterprise. The proposal does not fall within any of the exceptions under these policies.
7. Paragraph 55 of the Framework says that new, isolated homes in the countryside should be avoided unless there are special circumstances. The proposed house would be sited between the existing Farmhouse to one side and Hawk House to the other. There is a dwelling beside the equestrian centre on the opposite side of the Lane and another at the poultry farm further up the Lane. In these circumstances the house would not be physically isolated from neighbouring development.
8. However, JCS policy CP31 encourages sustainable modes of transport and reduced dependence on the private car. The Framework promotes sustainable development in rural areas, and indicates that housing should be located where it will enhance or maintain the vitality of rural communities. West Tisted, around 1.7 miles away, is classed in the JCS as a level 5 rural village, with limited access to facilities and workplaces. East Tisted has 2 shops, a hall, and a post-office and is around 2 miles away, and the shop at Meon Hut is a little farther. Ropley, a level 4 village with a limited range of local services, is around 5 miles away, and the Market Town of Petersfield is around 7 miles distant.
9. The roads close to the site are single track lanes, with no pavements or street lighting, and the site is remote from bus services. Given such conditions, there would be a high probability that future occupiers of the proposed house would drive to the services and facilities in these settlements, rather than walk or cycle. For those that did not have access to a car, the services and facilities in surrounding settlements would not be accessible.
10. JCS Policy CP10 permits housing outside settlement policy boundaries where it meets a community need or realises local community aspirations; reinforces a settlement's role and function; cannot be accommodated within the built-up area; and, has been identified in a Neighbourhood Plan or has clear community

support through a process agreed by the authority. It is evident from representations at the Hearing and in writing that there is clear support for the proposal from members of the local community. However, this is quite distinct, in the terms of the policy, from meeting the community need or realizing a community aspiration. This support has not been recognised through a process agreed by the local planning authority. The proposal would not meet the other criteria in CP10 for development outside settlement policy boundaries.

11. The proposed house would comply with the requirements for a serviced plot, and is intended as a self-build, the supply of which the government seeks to increase through the Self-build and Custom Housebuilding Act 2015. JCS policy CP11 indicates that residential development should meet a range of community requirements including those wishing to build their own homes.
12. Moreover, there is a duty on the authority, under the Housing and Planning Act 2016, to grant permission on enough serviced plots to meet demand in their area. The authority was unable to provide any details about the number of people on the register or how many self-build houses have been completed. The self-build nature of this proposal therefore weighs in its favour. Though the lack of a planning obligation to ensure its execution as a self-build development would limit the weight I could accord it, were I minded to allow the appeal, I would return to the parties on this matter.
13. At most I give limited weight to the social and environmental benefits of the other considerations cited in support of the proposal. These include the design of the house to modern environmental and accessibility standards; the removal of asbestos from the existing buildings; the tree maintenance and replanting as well as the bio-diversity improvements it would bring.
14. The existing buildings and yard are typical of the structures in this rural area. While they are older than the new agricultural buildings in the hamlet, and they are sited relatively close to the Lane, their location is not untypical. Their condition does not harm the appearance of the area or the landscape character of the area or the scenic beauty of the SDNP which is characterised in part by agricultural buildings. They are set sufficiently back from the Lane to retain a soft edge. Their scale, relative to the modern agricultural and equestrian buildings in the Lane, is modest. Their removal does not therefore weigh in favour of the proposal.
15. JCS policy CP6 permits farm diversification and the conversion of rural buildings for commercial use. The use of the existing buildings for agriculture or an alternative commercial use would be likely to generate vehicle movements, though whether they would be displaced from other sites or would be additional trips is uncertain. This would mitigate to some degree the environmental effect of the isolation of the proposed house from services and facilities. It would not though relieve the high reliance of future occupiers of the house on the use of the private car to access those facilities.
16. I conclude that the proposed house would result in an isolated form of development remote from services and facilities. No convincing evidence has been advanced that the house would be acceptable under the special circumstances set out in paragraph 55 of the Framework or under the other considerations advanced.

17. The development would therefore be in conflict with JCS policies CP19 and CP31, LP policy H14 and the social and environmental roles of sustainability as set out in paragraph 7 of the Framework.

Character and appearance of the area

18. The National Park Authority raised no objection to the appearance of the proposed house or its garden design. I note that great care has been taken to settle the house and its garden into the landscape of the SDNP, with a sensitive balance between its vernacular form and its visual interest.
19. The most significant negative finding of the Landscape and Visual Impact Appraisal was one of 'moderate adverse' concerning a view from a footpath in fields across the Lane. However, existing and new trees would shield much of the roof of the proposal and what little roof would be viewable would be seen in the context of the other buildings at Brewers Farm. Other viewpoints identified may reveal parts of the building, but this would be in the context of Hawk House, Brewers Farm, and neighbouring buildings.
20. Certainly, no visual harm would arise in terms of views of the proposed building; especially when its scale in the immediate context of the modern, large agricultural and equestrian buildings is taken into account. I note that the Landscape Officer raised no objection.
21. Turning to the effect of the proposal on character, the Landscape Character Assessment¹ (LCA) of the Clay Plateau variously describes the landscape of mixed arable and pasture fields with low settlement density comprising isolated farmsteads and small nucleated villages. It describes the landscape as marginal, with a strong sense of remoteness, stillness, and emptiness.
22. I appreciate that the agricultural use of the buildings or their alternative commercial use may have an impact in terms of lighting, movement and general activity. However, such effects are part of the rural character of the area. The introduction of an additional house, on the other hand, would weaken the landscape character of the settlement pattern, finely balanced between dispersed farmsteads and nucleated villages and the quality of remoteness derived from the absence of development and activity.
23. An additional house, with no direct link to an agricultural use, would conflict with the prevailing pattern of agricultural and equestrian development. The very low density of settlement, its deeply rural character and the strong sense of remoteness and stillness associated with the plateau are intrinsic, precious elements in the landscape character and the scenic beauty of the SDNP. They are vulnerable to the proposal in this appeal.
24. I conclude on this issue that the proposed development would harm the character of the area, and undermine the landscape and scenic beauty of the SDNP. It would conflict with JCS policies CP20 and CP29 which seek to conserve and enhance the natural beauty and tranquillity of the SDNP and take particular account of its context. It would also be at odds with Paragraph 115 of the Framework which says that great weight should be given to the conservation of National Parks, which have the highest status of protection in relation to landscape and scenic beauty.

¹ South Downs Integrated Landscape Character Assessment 2011

Planning balance

25. Paragraph 8 of the Framework makes it clear that the 3 roles of sustainability should not be undertaken in isolation, because they are mutually dependent. The proposal would bring the social benefits of an additional house to housing supply in the form of a fully accessible, self-build project, and with it the consequential economic uplift arising from the construction work and the future occupants' spending. The environment would be improved by the removal of asbestos, and benefits would ensue from the tree planting, bio-diversity measures, and by the high environmental standards of the proposed house.
26. These factors weigh in favour of the proposal. They would not, however, outweigh the harm that would be caused to the landscape and scenic beauty of the SDNP and the character of the area, and the environmental and social harm arising from its isolated location remote from services and facilities, which is in clear conflict with the development plan. As such the proposal would not comprise sustainable development.

Other Matters

27. My attention has been drawn to appeal decisions on other farms. While the appeal decision² at Wolfhanger Farm was allowed, that proposal was considered to greatly increase the openness of the site, enhance the natural beauty of the SDNP through the restoration of the topography and the substantial reduction in the extent of the built form, as well as providing significant benefits for wildlife. There are no benefits of comparable scale in this proposal.
28. The Inspector in the appeal decision³ allowed at Barnet Side Farm concluded that the site harmed the character of the area. He considered that the main warehouse was visually intrusive in views from the footpath and the open countryside, whereas the structures in this case blend into their rural surroundings.
29. In the appeal decision⁴ at Rookham Lodge Farm, the Inspector found that site had a significantly detrimental impact on the SDNP. That proposal was to return the site to agricultural use and provide an increased area of grazing. He concluded that there would be a significant net gain in landscape quality. The circumstances of these decisions and the proposals within them are quite different from this case. They do not alter my conclusions above.

Conclusion

30. For the reasons above, and having regard to all other matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR

² Appeal Ref: APP/L1765/A/13/2206384

³ Appeal Ref: APP/Y9507/W/17/3166673

⁴ Appeal Ref: APP/M1710/A/10/2120588

APPEARANCES

FOR THE APPELLANT:

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FOR THE NATIONAL PARK AUTHORITY:

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Katherine Pang
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Principal Planning Officer
East Hampshire District Council

INTERESTED PERSONS:

Councillor Charles Louisson

Ropley and Tisted Ward
East Hampshire District Council

Claire Moore

Local resident

Jennifer Gray

Local resident

DOCUMENTS SUBMITTED AT THE HEARING

By the National Park Authority:

1. Appeal Decision of 3 August 2017 (appeal ref:APP/M1710/W/17/3169842)
2. Development Management Agency Agreement dated 30 November 2016

By Councillor Charles Louisson:

1. Text of representation made at Hearing