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## Appeal Decision

Site visit made on 6 September 2017

**by Grahame Gould BA MPhil MRTPI**

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

**Decision date: 25<sup>th</sup> September 2017**

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**Appeal Ref: APP/Y9507/W/17/3174552**

**Parsonage Barn, Oxenbourne Lane, Oxenbourne, Petersfield GU32 1QL**

- 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 Alan and Mrs Ceanna Collett against the decision of South Downs National Park Authority.
  - The application Ref SDNP/16/04562/FUL, dated 13 September 2016, was refused by notice dated 8 November 2016.
  - The development is described as 'proposed new house of exceptional quality and design'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Reference has been made to the Park Authority's emerging South Downs Local Plan and to the East Meon Neighbourhood Plan. However, I consider that neither the emerging Local Plan nor the Neighbourhood Plan have reached a sufficiently advanced stage in their production for me to attach weight to them for the purposes of the determination of this appeal. I shall therefore make no further reference to either of the emerging plans.

### Main Issue

3. The main issue is whether the house would be appropriate development in the South Downs National Park (the NP), with particular regard to the character and appearance of the area and the site's countryside location.

### Reasons

4. The development would involve the construction of a house, with an annex capable of being used as holiday let or cares accommodation. The house would be sited in a paddock/grazing field to the east of Parsonage Barn. Parsonage Barn is one of a handful of properties that immediately adjoin the junction between Harvesting Lane and Oxenbourne Lane and there are outlying properties, namely 1 and 2 Fishpond Cottages, Oxenbourne House and the Long House. The nearest settlement is East Meon, which is situated around a mile away.

### *Statutory duties and planning policy*

5. The site is located within the NP and the statutory purposes of that designation are to '... conserve and enhance the natural beauty ... of the area'

and to promote opportunities for the public's understanding and enjoyment of the special qualities of the park. Where there is a conflict between those purposes, greater weight should be given to the conservation purpose. There is a statutory duty to have regard to the park's purposes.

6. For the purposes of the East Hampshire District Local Plan: Joint Core Strategy of 2014 (the Core Strategy)<sup>1</sup> the site is beyond a settlement boundary and is in the countryside. Policy CP1 of the Core Strategy is an overarching policy, which in line with national policy, indicates, inter alia, that a positive approach to sustainable development will be taken, with development that complies with the Core Strategy's policies being approved without delay, unless material considerations indicate otherwise.
7. Policies CP2 and CP10 of the Core Strategy identify the spatial strategy for new housing. Those policies indicate that housing should be directed towards built up areas, strategic sites and allocated sites, with the protection and the enhancement of the built and natural environment being fundamental to the Core Strategy. Policy CP2's supporting text explains that in the NP development will be restricted to that meeting the park's purposes and local need. New housing should meet proven local need and should usually be small in scale and of a high standard of design in terms of its sustainability and contextual appropriateness (paragraph 4.12 of the Core Strategy).
8. Policy CP19 of the Core Strategy states that the approach to development in the countryside '... is to operate a policy of general restraint in order to protect the countryside for its own sake'. Policy CP19 further states that the only development that will be allowed '... will be that with a genuine and proven need for a countryside location ...', such as that necessary for farming, forestry or other rural enterprises. Policy CP20 states, amongst other things, that new development should conserve and enhance the natural beauty and tranquillity of the NP.
9. Policy CP29 of the Core Strategy addresses the design for all development and, amongst other things, requires it to be of an 'exemplary standard' and respectful of the area's character.
10. The appellants accept, because of the siting of the house and the absence of a rural needs justification, that the development would be contrary to Policy CP19. There is, however, disagreement as to whether there would or would not be conflict with Policies CP1, CP2, CP10, CP20 and CP29 and I shall return to those policies later in my reasoning.
11. I agree that the development would be contrary to Policy CP19 and planning law requires that proposals must be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>2</sup> and national planning policy is one such material consideration. The appellants have submitted that the provisions of paragraph 55 of the National Planning Policy Framework (the Framework) should be taken as being a material consideration to be weighed against the conflict with Policy CP19 and any conflict that there might be with any of the Core Strategy's other policies.

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<sup>1</sup> A development plan document that has been adopted by both the South Downs National Park Authority and East Hampshire District Council

<sup>2</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

12. Paragraph 55 of the Framework specifically addresses the location of housing in rural areas and states it should be located where it will enhance or maintain the vitality of rural communities, with development in one village in some instances having the potential to support services in others. Paragraph 55 also advises that isolated homes in the countryside should be avoided unless special circumstances apply, such as providing accommodation for rural workers, making use of heritage assets, re-using redundant or disused buildings or a scheme would be of exceptional quality or of an innovative nature of design. Under paragraph 55's fourth bullet point it is stated that the design should 'be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area'.
13. Paragraph 55 of the Framework is very specific in the type of development that it addresses, namely housing in the countryside and I consider that there are other parts of the Framework that are of particular relevance to the consideration of this proposal. Paragraph 17 identifies twelve core planning principles and the fifth of those principles indicates that planning should recognise '... the intrinsic character and beauty of the countryside'. Section 7 of the Framework requires development to be of a good design and, amongst other things, indicates that: development should add to the overall quality of the area (paragraph 58); development should promote or reinforce local distinctiveness (paragraph 60); and great weight should be given to outstanding or innovative design (paragraph 63). Paragraph 109 of the Framework indicates that valued landscapes should be protected and enhanced, while paragraph 115 highlights that 'Great weight should be given to conserving landscape and scenic beauty in National Parks ... which have the highest status of protection in relation to landscape and scenic beauty'.

*Whether appropriate development in the National Park*

14. The appellants contend that the house should be considered as being of both exceptional and innovative design. However, Policy CP19 is not written in the same terms as paragraph 55 in that development should only be considered as being permissible when there is a proven need for it to be located in the countryside. For the purposes of Policy CP19 whether a house would or would not be of an exceptional or innovative design is not a consideration.
15. It has been submitted for the appellants that Policy CP19 is inconsistent with national planning policy because Policy CP19's purpose is to protect the countryside for its own sake. However, I cannot accept that Policy CP19 is inconsistent with the Framework. That is because the Core Strategy's adoption postdates the Framework's publication, with the Core Strategy's policies having been found to be sound following their public examination. I therefore consider that Policy CP19 should not only be taken as being consistent with the Framework, most particularly paragraphs 109 and 115, but also with the statutory purposes of the NP's designation.
16. I therefore consider that there would be clear conflict with the development plan, a factor attracting great weight. Nevertheless I shall now turn to the consideration of the development's effect on the NP's character and appearance and the other matters raised by the appellants in support of this development.

17. The area surrounding the site is dominated by rolling farmland, with farm buildings and dwellings being sparsely distributed. I found the site's character and appearance to be in keeping with that of this part of the NP. I therefore consider that siting a house in this field would not be in keeping with the generally undeveloped character of both the site and its immediate environs. I recognise that the design of the house would be of a high quality and that its external finish would utilise materials representative of the local vernacular. However, I am not persuaded that constructing a house and undertaking new planting, to assist with the house's assimilation into the landscape, would enhance the appearance of the site or its surroundings, given that the site is currently representative of the character and appearance of the area.
18. It is contended that the construction of the house would 'significantly enhance its immediate setting' and 'would make a positive contribution to the existing loose-knit group of buildings and bring together the hamlet ...'<sup>3</sup>. However, Oxenbourne is an extremely small hamlet and it is characterised by a very loose pattern of development. While I am mindful of the South Downs National Park Design Review Panel's comments, I fail to see how siting an additional house between Parsonage Farmhouse and Fishpond Cottages would do anything other than diminish the loose pattern of built development that characterises Oxenbourne. That is because this development would consolidate the built development in the area.
19. I am therefore not persuaded that the development would significantly enhance its immediate setting, with there being no apparent reason why the hamlet's built development needs to be drawn together. I am also not persuaded that the construction of the house would, of itself, enable onlookers of this house to gain a new appreciation of the landscape, when that landscape's quality is already so apparent and defining of the area's character.
20. While the house's design would incorporate innovative construction methods and energy saving measures, I do not see why the adoption of those methods and measures require a house to be sited in this sensitive landscape location. I also consider that the energy saving credentials associated with the house's occupation would be tempered by the length and frequency of the vehicular journeys to and from it, given the distance from the nearest towns and villages. I also consider in an area of development restraint, arising from the statutory duty to conserve and enhance the natural beauty of the area, that constructing a well designed and innovative house would, in practice, contribute little to raising the standard of design in the NP. That is because new development that was anything other than of a high standard of design is unlikely to be permissible in the NP.
21. The development would include measures to enhance the site's biodiversity value. However, I consider that this element of the development would only weigh to a limited degree in its favour, given the harm to the character and appearance of the area that I have identified.
22. I recognise that part of the motivation for this development is to provide a downsized house that would be capable of meeting the lifetime needs of the appellants. However, the house would be a comparatively large one and because of that I therefore consider limited weight should be attached to the

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<sup>3</sup> Paragraph of 5.44 of the appellants' statement of case

downsizing element of the appellants' case. This development would also make a very modest contribution to the provision of lifetime homes in the area and I therefore consider that this factor weighs very modestly in favour of the development.

23. The annex would have the potential to be used as tourist accommodation and it is submitted that stays in it would enable visitors to experience time in an 'environmentally sustainable house', while enjoying the NP's special qualities. While such tourist use might provide some appreciation of living in a well designed house and enjoyment of the NP's special qualities, while generating some tourist income in the NP, I consider that those benefits would be modest and would be outweighed by the harm to the NP that I have identified.
24. While there is much to commend about the quality and innovative nature of the house's design, for the reasons given above I conclude that this would be an inappropriate development in the NP. The development would therefore be contrary to Policies CP2, CP10 and CP19 of the Core Strategy because there is no proven need for the house to be located in the countryside and the development would be inconsistent with the spatial strategy for the area. There would also be conflict with Policies CP20 and CP29 of the Core Strategy and paragraphs 17 (the fifth core planning principle), 58, 109 and 115 of the Framework. That is because the development would not conserve or enhance the natural beauty of the NP nor would it add to the area's overall quality. By default the development would also be contrary to Policy CP1 of the Core Strategy because of the conflict with the Core Strategy's policies that I have previously referred to.
25. I also consider that there would be conflict with fourth bullet point of paragraph 55 of the Framework. That is because while the provisions of the first and second limbs of the fourth bullet would be met, I consider this development would neither significantly enhance its immediate setting nor be sensitive to the defining characteristics of the local area.

## Conclusions

26. I accept that the design of the house would be of an exceptional quality and innovative nature. I also recognise that there would be some on site biodiversity enhancements and other benefits in terms of providing a house meeting the appellants' lifetime needs and providing tourist opportunities in the NP. However, I consider that those economic, social and environmental benefits would be quite modest and would be outweighed by the environmental harm to the NP's character and appearance that I have identified. I am also not persuaded that this development would fulfil the statutory purpose of conserving and enhancing the NP's natural beauty, with the development's potential to promote opportunities for the public's understanding and enjoyment of the special qualities of the NP being limited.
27. I therefore conclude that because of the conflict with both local and national planning policy this would be an unsustainable form of development, which could not be made to be acceptable via the imposition of reasonable planning conditions. The appeal is therefore dismissed.

*Grahame Gould*

INSPECTOR