



Appeal Decision

Site visit made on 11 June 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/Y9507/W/18/3213144

Fitzleroi Farm, Fitzleroi Lane, Fittleworth RH20 1JN

- 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 and Mrs Mark McDavid against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/00149/FUL, dated 14 December 2017, was refused by notice dated 1 May 2018.
 - The development proposed is described as 'Proposed new grain and secure fertilizer storage building'.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new grain and secure fertilizer storage building at Fitzleroi Farm, Fitzleroi Lane, Fittleworth RH20 1JN in accordance with the terms of the application, Ref SDNP/18/00149/FUL, dated 14 December 2017, subject to the following 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: RA/231/51, RA/072/126 and RA/072/501.
 - 3) All planting shown on the approved plans shall be carried out in the first planting and seeding season following the building being brought into use. 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.

Procedural Matters

2. On the 2 July 2019 South Downs National Park Authority ('SDNPA') adopted the South Downs Local Plan (the 'LP'). This supersedes the saved policies of the Chichester Local Plan First Review (1999) which were cited in the SDNPA's decision notice dated 1 May 2018. Nevertheless, policies of the LP, then emerging, were considered in the SDNPA's determination of the application Ref SDNP/18/00149/FUL, and the main parties have had the opportunity to comment on this changing policy context at appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the South Downs National Park (the NP).

Reasons

4. The proposal is for a building intended to be used for storing grain and fertilizer. It would comprise a steel portal frame structure with a shallow pitched roof, covered in fibre cement sheets. The walls up to a height of 3m would be pre-stressed reinforced concrete panels with steel box profile cladding in a green tone, above these. The east and west elevations would incorporate openings with roller shutters. The building would measure about 36.5 metres in length, 21.3 metres in breadth, with a maximum height of about 9.8 metres. New perimeter landscaping is proposed about 3m south of the new building.
5. The appeal site, i.e. the intended location of the proposed building would be to the immediate south of the principal cluster of buildings associated with Fitzleroi Farm (the land holdings of which extend to over 300 hectares). The buildings include a Grade II Listed farmhouse and barn, along with a complex of traditional and modern farm buildings of varying sizes and designs, the largest of which is a grain store approved in 2010¹.
6. The surrounding landscape is characteristically rural with a traditional agricultural field pattern, and wooded stretches of land to the east. The site forms part of SDNPA Landscape Character study area N 'Green Sandhills' which is an area with a high level of perceived naturalness and lack of human impact and low density of settlement. The development considerations specific to Character area N are that any built development reflects the local vernacular to conserve the rural character of the landscape. The site is located on rising land north of the village of Fittleworth.
7. Conserving and enhancing natural beauty is a statutory purpose of National Parks.² The National Planning Policy Framework ('The Framework') explains that 'great weight' should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in this respect.³
8. In terms of design and external appearance, the new building would be similar to the extant grain store. This consistency with the existing approved vernacular style would enable the new building to assimilate with the modern agricultural buildings at Fitzleroi Farm. In the absence of any evidence to the contrary, I am satisfied that the scale of the new building is necessary to meet the storage requirements of the agricultural enterprise. In particular, the height is to allow large vehicles to tip safely within the building and facilitate access for the dryer and other agricultural equipment.
9. Based on the appellant's evidence I am satisfied that the siting of the building has been chosen for a number of reasons, these include improving efficiency by consolidating the agricultural operations in one part of the farm, and to make use of existing services and the separate access for the agricultural use. This

¹ FT/1000320/FUL

² Pursuant to the National Parks and Access to the Countryside Act 1949 and with reference to the English National Parks and Broads: UK Government Vision and Circular 2010.

³ Paragraph 172

arrangement also supports the separation of the agricultural activities from other businesses undertaken at the farm e.g. wedding functions taking place in buildings and areas to the north, and equestrian activities to the west, in the interests of health and safety.

10. The appellant has considered utilising other buildings at the farm. However, for a range of reasons these are unsuitable to meet the proposed requirements, and in any event these buildings are in use. Furthermore, any purpose-built replacement of these buildings to accommodate the existing and proposed uses is likely to be constrained in terms of its siting, size and design to safeguard the setting of the designated heritage assets. The Council has suggested the erection of two separate buildings. However, I can only consider the scheme before me. In light of the above, the scale and siting of the new building would be appropriate to meet the functional needs of the appellant's agricultural enterprise.
11. The Landscape and Visual Appraisal (LVA) considers the suitability of the area to accept the proposed scheme in landscape and visual terms. This is in comparison to two alternative locations. The LVA concludes that the proposed location (Option A) subject to landscaping and the use of appropriate materials for the building would have the lowest impact on the special qualities of the NP.
12. During my visit my I observed that the extant grain storage building is prominent in views from surrounding land, in particular from the south and parts of Stretch Hill. Nevertheless, this and the group of buildings it forms part of are established features of the landscape. The new building would encroach further south onto a field. However, part of this field is used for the storage of farm machinery and vehicles, and in localised views appears as an extension of the farm operations, as opposed to contributing to the quality of the wider landscape.
13. Moreover, in views from the south the new building would be principally seen against the backdrop of the extant grain store. From the east and west it would be viewed in the context of existing farm buildings, together with surrounding trees and landscaping. Consequently, in long to medium views the effect of the new building on the wider landscape would be negligible. In local views it would be more apparent but would be seen as part of an established farmstead.
14. Drawing on the above factors the proposal would conserve the wider landscape setting of the area. Furthermore, the proposed and recently undertaken planting, would, over-time, help to soften and anchor the building and enhance the wider landscape setting of the area, and mitigate any changes in the ground level, particularly in localised views. As a result, in the above context, the proposal would not be unduly imposing in public views or result in the loss of significant views.
15. For the above reasons, the proposed development would not harm the character and appearance of the NP. Therefore, I do not find the proposal contrary to the landscape requirements of LP Policy SD4 and the design aims of LP Policy SD5 which together seek to conserve and enhance the character and appearance of the landscape. Most notably, the proposal would accord with Policy SD39 of the LP, this permits agricultural buildings provided that their scale is commensurate with the need, design is similar to agricultural buildings at the site, the scheme incorporates landscaping and alternative locations have

been considered, and where non are feasible new buildings are located close to existing buildings.

Conditions

16. I have considered the conditions put forward by the Council in the light of the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard time limit, I have imposed a condition specifying the approved plans as this provides certainty. One of the Council's two suggested landscaping conditions requires details of the proposed and retained landscaping. However, details of the proposed landscaping are provided on the submitted drawings and no existing landscaping is to be retained. Notwithstanding this, in the interests of the appearance of the development and area, a condition requiring the implementation and maintenance of the landscaping is necessary.
17. A further condition with regard to site levels has been suggested, to ensure a satisfactory relationship between the new development, and adjacent buildings, amenity areas and trees. Nevertheless, the adjacent building is on higher ground and there would be some separation from it, there are no amenity areas or trees on the site or in proximity of it which would be affected. Therefore, such a condition is not necessary. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

18. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR