



Appeal Decisions

Site visit made on 20 August 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal A: APP/Y9507/C/18/3213716

Pleasant Rise Farm, Cuckmere Road, Alfriston, Polegate, East Sussex BN26 5TN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr F Savage against an enforcement notice issued by South Downs National Park Authority.
 - The enforcement notice was issued on 13 September 2018.
 - The breach of planning control as alleged in the notice is a material change of use of the land from agricultural to a mixed use of agriculture and a business camping use.
 - The requirements of the notice are to cease all camping operations upon the land, reverting it back to an agricultural use.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (f) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/Y9507/C/18/3213718

Pleasant Rise Farm, Cuckmere Road, Alfriston, Polegate, East Sussex BN26 5TN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr F Savage against an enforcement notice issued by South Downs National Park Authority.
 - The enforcement notice was issued on 13 September 2018.
 - The breach of planning control as alleged in the notice is the erection of a shower / toilet block classed as unauthorised development along with any other associated camping structures.
 - The requirements of the notice are i) Remove the one toilet / shower block indicated in red on the attached map and any associated hard-standing or other development associated with a camping use ii) Remove from the land (within the area marked in black on the attached map) all water taps and hard-standing, fire equipment, lights, and all other equipment, materials, supplies and paraphernalia associated with a camping use.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

Appeal A

Ground (b)

3. The Council has indicated in the committee report that it considers it to be a year round use, certainly occurring for more than the 28 days permitted development. The appellant notes that the use has not occurred all year round and considers that the enforcement notice should reflect this. However, the notice allegation does not specify a length of use it simply notes that change of use of the land from agricultural to a mixed use of agriculture and a business camping use. The use has quite clearly occurred for more than 28 days. While I note the point made by the appellant about the use not occurring for part of the year, that can be taken into consideration in ground (a).
4. The appeal on ground (b) fails.

Ground (a)

5. The National Planning Policy Framework notes that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. The scale and extent of development in these areas should be limited.
6. The development plan includes the South Downs Local Plan [LP], which has been recently adopted. Objectives of the LP include to conserve and enhance the landscapes of the National Park. LP Policy SD23 relates to sustainable tourism and permits development for tourist facilities where it can be demonstrated that it would not detract from the experience of visitors or adversely affect the character, appearance and amenity of the area. LP Policy SD4 relates to landscape character and notes that development proposals will only be permitted where they conserve and enhance landscape character. LP Policy SD40 relates to farm diversification which is permitted where a diversification plan has been submitted and needs to be of an appropriate scale and retain the agricultural character.
7. There is an apparently extant enforcement notice in place that relates to, amongst other things, stationing of caravans and tents for residential purposes and stops the use of the land for these purposes. However, looking at the plan

attached to the enforcement notice it does not relate to the land the subject of these appeals. It apparently relates to the land adjacent to the tennis courts which has a certified licence for some caravans and camping. The lawfulness of the current use is a matter for the Council and not the subject of this decision and for the purpose of this decision I have assumed the current use of that land to be a lawful use. I also acknowledge that some use of the appeal land may be possible under the 28 day provisions.

8. The main issue is the impact of the use on the character and appearance of the surrounding area.
9. The appellant notes that there has historically been camping use of the land in question through The Town and Country Planning (General Permitted Development) (England) Order as amended. However, there is no ground (d) appeal, which would appear to indicate that use was not consistent enough to be a material change to challenge the allegation in this appeal. However, I give a little weight to this matter. The appellant also notes that given the great size of the land in question, it is proposed to limit the area of the camping use as identified in its Appendix 2, with the remainder left for grazing.
10. The site overall is known as Pleasant View Camp Site and is affordable tourism accommodation that is popular with walkers and people seeking outdoor pursuits. The area generally is bounded by woodland to the north and south with open rising downland to the west. To the north-west is a large barn which is used for equestrian purposes with another range of smaller buildings to the south which include a toilet historically associated with the camping use. There are no sites of special scientific interest or trees with preservation orders. The wider farmland lies to the west and north west and is used for grazing and livestock.
11. The area enforced against roughly follows up the valley with gently sloping sides, going from woodland to grassland. It is a very attractive natural landscape that adds considerably to the natural beauty of the national park and is in clear public view when using the public right of way that roughly follows the valley. I attach great weight to its conservation.
12. I have taken into consideration the benefits of the proposed use in terms of tourism and employment, not only to the farm, but also surrounding tourist attractions. While tourism is encouraged, including outside of development boundaries, this is provided that the development conserves or enhances the natural beauty and wildlife of the area. Quite clearly the provision of many tents, even on the limited area suggested, results in alien and incongruous features in the landscape that cause substantial harm to the natural beauty of the area. It does not conserve or enhance the landscape and scenic beauty of the national park. I note that the use would not be for the whole year, but when it is occurring the harm is great and significantly affects the experience of the countryside of users of the right of way.
13. I note that the appellant considers this to be an extension of the existing caravan use, although the extant enforcement notice may be a factor in this. However, whether or not that enforcement notice has any effect, it is clear that even as an extension the area of camping is considerable and causes substantial harm in addition to the licenced area and the licenced use does not justify further extension and the harm that would be caused, even as proposed to be limited by the appellant.

14. Little has been provided in relation to diversification, in line with LP Policy 40, or explanation of the extent of camping in relation to the rest of the farm use. However, the appellant considers it is not a direct diversification project, but an intensification of the existing tourist use. I accept that the income from the camping will provide support to the farm, allowing maintenance and grazing of the remainder of the farm and these fields when not in use for camping, but it is not clear if the terms of SD40 would be complied with, because of the lack of information.
15. I note the ecological report and the consideration that there would be limited impact from the camping, and ecological features could be enhanced, by, amongst other things, additional planting. However, to my mind that would do little for the harm to the natural beauty, character and appearance of the area, as the appeal site is next to a public right of way and clearly visible. It is unlikely to be sufficient to screen the use with vegetation, without the screening itself becoming a harmful feature in the relatively open character of the valley.
16. I have taken into account conditions proposed. I accept that landscaping might make some improvements, but the open views up the valley are important and simply screening the site would not itself be an adequate improvement.
17. The development does not accord with LP Policy SD4, SD23 or SD40. The appeal fails on ground (a) and the deemed planning application will be refused.

Ground (f)

18. The appellant is concerned that the enforcement notice would prevent uses of land through permitted development, in particular use for 28 days of the year for camping etc. An enforcement notice does not remove uses granted through permitted development rights and there is no need to outline uses that would be permitted and not prevented by the enforcement notice. The appeal on ground (f) fails.

Appeal B

Ground (a)

19. The main issue is the effect of the development on the character and appearance of the surrounding area.
20. The building replaces a previous building that was on the appeal site. It is proposed to undertake some woodland planting to the front and side of the building that will in time screen the building and bird nesting will be encouraged along with other ecological improvements that can be the subject of conditions.
21. I have found that the use of the site is unsuitable for camping and therefore, while the building is reasonably well designed it is still an alien and obtrusive feature in the countryside and causes harm to the character and appearance of the area. While the previous structure was there to serve the permitted development use of the site, I do not consider that use for 28 days of the year for camping justifies this permanent building and the all year round harm that it causes. So, while it has been sensitively designed according with Policy SD23, it does not accord with Policy SD4 as it does not conserve or enhance the National Park.

22. The development does not accord with LP Policy SD4 or SD40. The appeal fails on ground (a) and the deemed planning application will be refused.

Graham Dudley

Planning Inspector