
Appeal Decision

Site visit made on 5 December 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2020

Appeal Ref: APP/Y9507/D/19/3237258

Duncton Mill House, Dye House Lane, Duncton, GU28 0LF

- 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 The Barlavington Estate against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/06427/HOUS, dated 5 December 2018, was refused by notice dated 1 July 2019.
 - The development proposed is new detached domestic garaging/store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The South Downs National Park Local Plan ("Local Plan") was adopted on 2 July 2019. Following this, policies in the Chichester District Local Plan 1999 no longer form part of the development plan. This decision is therefore based on the policies in the adopted local plan, which were cited as emerging policies on the decision letter. The appellant has had the opportunity of commenting on these policies in the course of the appeal.

Main Issue

3. The effect on the character and appearance of the area, with particular regard to the South Downs National Park and the setting of the listed buildings on and around the site.

Reasons

4. The site is set within a cluster of buildings facing Dye House Lane, surrounded by countryside including paddocks, large scale fields and woodland. It falls within the South Downs National Park, where there is a statutory duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
5. To the north of Duncton Mill House there is an irregularly shaped curved wall. Beyond this, there is an informal driveway that provides vehicular access and parking, in connection with existing residential development. To the north of this informal access track is a field comprising rough grass interspersed with several mature trees.
6. The appellant maintains that this field comprises domestic curtilage associated with the residential buildings on the site, noting that it falls within the same

ownership. However, on the evidence before me there is no certificate of lawful use which endorses this position. Whilst it is not currently used for agriculture, on inspection it appears as open, undeveloped land which is clearly distinguishable from the cultivated garden curtilage visible on other parts of the site. The proposed garage would be set away from the existing access drive, well within this field. It would therefore domesticate an area of land that currently appears as countryside, detracting from the prevailing rural qualities of this field and the wider countryside in which it sits.

7. Furthermore, the proposed rooflights associated with the building would be set in a raised position facing the sky. As such, they would be more prominent in the wider landscape than open frontage. This is a remote location in the countryside, with very few existing sources of artificial light. The rooflights would be likely to appear illuminated in the hours of darkness, resulting in light pollution that diminishes the intrinsic qualities of the dark sky. There is no guarantee that the room in question would only be used on an occasional basis. Whilst blinds could be installed, a planning condition requiring this to occur every evening would be very difficult for the local planning authority to enforce.
8. The structure would also be sited near the trunk of a mature tree. The technical evidence before me does not demonstrate that the proposal could be carried out without damaging this natural landscape feature which contributes positively to the rural character of this field. The possible loss of this tree would further erode the appearance of this area of countryside.
9. A garage has previously been approved and the permission could be implemented, having also been the subject of a recently approved amendment¹. However, this sits much closer to the Cider House, in a thin wedge of land between the building, wall and field boundary. Because of its siting, the proposal before me would represent a more significant degree of visual encroachment in to the countryside than this fall-back development.
10. Considering the Grade II listed buildings, these comprise the Mill House which date back to the early 19th Century, and a cluster of structures around it. Their significance is mainly derived from their well-preserved appearance, with many of their original architectural features being retained. Whilst the proposed development would encroach in to the undeveloped, rural setting of these listed buildings, the development would be set further away from these heritage assets than the extant approval. Furthermore, the scale, form and detailed design of the proposal is such that it would appear broadly subservient to them when viewed from the surrounding area.
11. As such, the proposal would preserve the setting of these listed buildings. There is no conflict with policy SD12 of the Local Plan, nor the relevant parts of the National Planning Framework ("The Framework") which seek to conserve the historic environment. In this respect, the cultural heritage of the National Park would also be preserved.
12. However, the slight improvement in the visual relationship with the listed buildings due to the revised siting would not overcome the more significant harm that would arise to the character and appearance of this protected rural landscape. This is due to the encroachment of residential development in to an area that has the appearance of countryside, together with the possible loss of

¹ SDNP/19/04541/CND approved 4 December 2019.

a mature tree and harm to the intrinsic qualities of the dark sky. In all of these respects the proposal would detract from the natural beauty of this National Park. Whilst the proposal would consolidate existing storage functions, providing covered vehicular parking and representing a more convenient access than previously approved development, these are largely private benefits for the residential occupants of the existing buildings on the site and do not justify the proposal in the face of the unacceptable harm to the character and appearance of the area.

13. The proposal therefore conflicts with policies SD4, SD5, SD6, SD7, SD8, SD11 and SD31 of the Local Plan which seek, amongst other things, to preserve the landscape character and dark night skies of the National Park. The proposal also conflicts with the first purpose of designation of the National Park, and the relevant part of the Framework which requires great weight to be given to conserving and enhancing landscape and scenic beauty in such areas.
14. There was a previous appeal decision on the site which was dismissed for similar concerns relating regarding character and appearance². However, that was for a building with a different design being sited in a different position to the proposal now before me. As such, the comments of the previous planning Inspector, including those relating to domestic curtilage, are of little relevance to this decision as they relate to a different part of the site.
15. In conclusion, whilst the proposal would not lead to harm to the setting of listed buildings, it would still result in unacceptable harm to the character and appearance of the area, which is in the South Downs National Park. This harm cannot be mitigated through the use of planning conditions. The proposal conflicts with the development plan when considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

² APP/Y9507/W/17/3188629