



Appeal Decision

Hearing Held on 7 and 26 November 2019

Site visits made on 7 and 26 November 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/Y9507/W/18/3210231 Land East of Pony Farm, Findon, BN14 0RS

- 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 Peter Leach against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/18/01731/FUL, dated 28 March 2018, was refused by notice dated 23 May 2018.
 - The development proposed is erection of new dwelling, landscape enhancements and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The hearing was adjourned shortly after opening on the first day. This was to enable interested parties to be given sufficient notice of the event. An unaccompanied site visit took place on the first day and a further accompanied site visit took place on the second day.
3. The South Downs National Park Authority: South Downs Local Plan was adopted on 2 July 2019 ("adopted local plan"). The policies cited in the Arun District Local Plan (2003) are no longer part of the development plan and have no weight. Accordingly, this decision is based on the policies in the adopted local plan. Following discussions at the start of the hearing I consider that the most relevant adopted local plan policies to the reasons for refusal are SD4, SD5 and SD25. I have dealt with the appeal on this basis.
4. Whilst not cited in the reasons for refusal, the Findon Neighbourhood Development Plan (2016) also forms part of the development plan ("Neighbourhood Plan"). Policy HD7 of this plan is relevant to the reason for refusal as it relates to the design of development. This was discussed at the hearing. The Neighbourhood Plan is currently undergoing revision, although this does not currently significantly affect the wording of policy HD7.
5. The Authority confirmed at the hearing that it regards the existing use of the land as being for equestrian purposes. The appellant disputes this and maintains that the existing use of the site is for open storage, as reflected on the planning application form. An application for a certificate of lawful use has been submitted to the Authority but had not been determined at the time of the hearing. In the absence of such a certificate, I have determined the appeal

based on the appearance of the site at the time of the visits carried out as part of the hearing.

6. Following the submission of this appeal, another appeal decision was issued in relation to a similar scheme on the same site following another hearing that took place in November 2018¹. I have had regard to this decision, which was discussed in the hearing and is a material planning consideration in this decision.

Costs

7. An application for an award of costs was made by Mr Peter Leach against the South Downs National Park Authority. This is the subject of a separate decision.

Main Issues

8. These are:
 - i) The effect of the proposal on the character and appearance of the area, with particular regard to the landscape character of the South Downs National Park; and
 - ii) Whether or not the principle of residential development is acceptable in this location.

Reasons

Character and Appearance

9. The site falls on the north eastern edge of Findon. This is a large village which is physically separated from the built-up area of Worthing, falling inside the South Downs National Park. It is characterised by a historic core surrounded by a mixture of suburban, estate type development and detached housing with a spacious, semi-rural character. Pony Farm is a cul-de-sac and the residential development on it, characterised by bungalows, follows this broad character.
10. The plot of land that is the subject of this proposal sits beyond the end of this road, behind the rear gardens of three residential properties. The landscape character is typified by a patchwork of paddocks separated by hedgerows and fencing which sit at the north eastern edge of Findon. This is a relatively contained landscape, which can be distinguished from the open downland which surrounds the village, comprising pastoral and arable fields at a much larger scale.
11. The extent of tree cover and hedgerows around the site mean that it is not readily visible from public views from the wider downland, including the roads and tracks that encircle this cluster of paddocks. The extent of vegetation also effectively screens the site in longer views from Cissbury Ring to the south east. However, these paddocks nonetheless read as a coherent working rural landscape, and one that is typically associated with countryside areas. Whilst not as dramatic as the surrounding downland, they nonetheless contribute to the open, rural setting of the village.

¹ APP/Y9507/W/18/3196923

Change of use

12. In terms of the site itself, this largely appears as scrubland with a stable building on one part of it. It otherwise has an overgrown and untidy appearance due to the piles of spoil and rubbish dumped on it. However, whilst partially fenced off and exhibiting trees and hedging to its eastern boundary, because of its open appearance and the stables on it, the site retains a clear visual association with the equestrian paddocks found on three of its sides.
13. Under the proposals, the residential part of Findon would expand in to the area occupied by the site. Whilst it is argued that the edge of the built-up area associated with Findon is irregular at this point, the rear building line found to the east of properties along Ivy Arch Close, Pony Farm and Stable Lane currently form a fairly consistent, relatively straight line. The expanded residential curtilage proposed here would jut out in to the surrounding fields in a similar manner to the existing residential property at Soldiers Field house, to the south of the site. The development would therefore increase the irregularity of the building line, appearing as an encroachment of residential development in to the countryside that surrounds the village.
14. The Authority refer to the site as falling within the Arun to Adur Open Downs landscape as described in the South Downs Integrated Landscape Character Assessment (2011). Whilst this emphasises that Findon falls within a vast open downland landscape, this description applies to a large area. The appellant cites several published landscape studies which consider Findon and the site itself in more detail. Of particular relevance, Historic England carried out a study in 2010², which identifies the site as falling within an area characterised by post medieval to modern settlement expansion. Furthermore, a study carried out in 2014³ on behalf of the Parish Council identified the site as falling within the village fringes, identifying that it has capacity to accommodate change. It suggests that development could come forward on the site without major adverse effects, if carefully designed and built.
15. The latter studies, together with those commissioned by the appellant in support of the appeal support the view that the change of use of this land would have a limited impact on the wider landscape. However, for the reasons set out above, at a localised level there would still be a degree of harm on the ground through the loss of part of a rural landscape which provides a setting for the village and contributes positively to its character. This would be apparent in local views from the neighbouring properties along Pony Farm, and the paddocks that surround the site. This is an important consideration in my wider assessment of the effect of the development on the character and appearance of the area.

The proposed development

16. The Authority did not specifically express concerns about the size and detailed design of the building in its appeal submissions. However, the previous planning Inspector in the 2018 appeal drew attention to harm arising from the size and scale of the building previously proposed. The matter was discussed in detail at the hearing, where the appellant had the opportunity of responding to the issues raised.

² Sussex Historic Landscape Character Types (Bannister 2010).

³ Landscape Character and Sensitivity Assessment of Findon, West Sussex (May 2014)

17. Based on discussions at the hearing the footprint of the new building would amount to just over 200 sqm and the total floor area would amount to 400 sqm. In addition to this there would be a large freestanding garage. The hardstanding associated with a driveway accessing the site would amount to around 900 sqm. Part of the building would be set at a subterranean level, but the majority of its south facing elevation would appear at 2 storeys in height in views from the south.
18. In visual terms this would primarily manifest itself in a very large, single structure that extends across much of the northern part of the site. The area of hardstanding on the southern proportion of the site would also be visually significant, along with the levelling of the site necessary to accommodate the residential development. In consequence, the size and scale of the proposed building would noticeably exceed that of the modest sized bungalows on Pony Farm. Whilst it has been set away from the site boundaries, it would nonetheless be a prominent feature in views from these properties.
19. It is argued that the simple pitched roof and use of weathered steel cladding at ground and roof level has been informed by traditional buildings, including the stable buildings in the surrounding fields. Flint, which is a locally distinctive material, would also be used in the construction process. However, the size and scale of the structure would dwarf these existing buildings and the proposal would clearly read as a different type of development. The materials would differ noticeably to those found in the existing residential buildings on Pony Farm, to which the development would share the same use and would sit in close proximity to.
20. Planting would occur, restoring grassland to part of the site and potentially improving its environmental quality. This could be secured by planning condition. However, the land around the new building would comprise a very large area of domestic curtilage which differs significantly in terms of size and appearance to the relatively compact gardens found to the residential properties at Pony Farm. In this sense the proposal would appear at odds with the existing pattern of residential development.
21. These factors would combine to create a conspicuously large residential building. Rather than providing a gradual transition between the village and the surrounding countryside, the new building would relate poorly to both the residential buildings to the west and the equestrian development to the east. Whilst the density of development, when considered across the plot, would be low, the proposed building would still appear conspicuous and out of place in relation to its surroundings. Whilst there would also be native planting on the boundaries providing a clear edge to the development and consequently the built-up area of Findon, this would not overcome the harm arising from the change of use of the land and the overall bulk, scale and mass of the proposed building.

Overall conclusions - Character and Appearance

22. Taken together, the loss of land with an open character and the poor visual relationship between the new building and its surroundings means that there would be significant harm to the character and appearance of the area. The proposal conflicts with policies SD4 and SD5 of the adopted local plan, together with policy HD7 of the Neighbourhood Plan which require, amongst other things, that new development conserves and enhances landscape character and is of a

design that ensures the valued physical qualities of the village are conserved, protected or improved. It also conflicts with the first statutory purpose of designation of the National Park, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Principle of Development

23. The site does not form part of the settlement of Findon in either the adopted local plan or the Neighbourhood Plan. Policy SD25 of the adopted local plan seeks to direct development to such settlements but makes provision for exceptions to this general principle. This includes a circumstance where a proposal comprises an appropriate re-use of a previously developed site which complies with other relevant policies in the Local Plan, as well as responding to the context of the relevant broad area and conserves and enhances the special qualities of the National Park.
24. Whilst residential development is not specifically identified as an appropriate exception in paragraph 7.10 of the supporting text of the adopted local plan, this does not read as a closed list. The Authority accepted at the hearing that the proposal comprises previously developed land as it relates to an equestrian use. In terms of other policies in the adopted local plan, policy SD26 requires that the Authority make provision for approximately 4,750 net additional homes over the plan period which can include the development of unallocated or windfall sites such as this. The proposal would comply with these policies, in addition to policy HD4 of the Neighbourhood Plan which promotes self-build houses as would be the case here.
25. However, it is clear from my findings above on the first main issue that, as a consequence of the harm to the character and appearance of the area, the proposal would not respond effectively to the relevant broad area and would also fail to conserve and enhance the special qualities of the National Park. In consequence, it has not been demonstrated that the principle of development is acceptable on this site and the proposal also conflicts with policy SD25 of the adopted local plan, the purposes of which are discussed above.

Other Matters

Other recent development

26. There are residential developments to the south of the site which appear to have taken place on former equestrian land. The building known as soldiers field house appeared to be a long-established feature which was granted permission historically, and which is now allocated for more intensive residential development. Whilst approval has been given by the Authority for development at the Soldiers Field stables site, this includes a significant equestrian element alongside residential uses, and accordingly is more sympathetic to its surroundings than the development being proposed as part of this appeal. As such, neither of these examples constitute precedents that justify the proposal before me.

Other appeal decisions

27. The proposal makes a number of design changes to the development considered in the 2018 appeal. In particular, the size and scale of the building has been reduced, although it will be clear from my reasoning above that this does not successfully overcome the harm to the character and appearance of the area. In

planning policy terms, there is a new local plan, which I have referred to above, although the statutory duties that apply where new development is proposed in the National Park continue to apply. Whilst it will be evident that I have come to similar conclusions on the two main issues as the previous planning Inspector, this follows an assessment of the proposal on its individual merits against the revised planning policy framework.

28. Two recent planning appeal decisions were provided at the hearing. In the case at Long Furlong⁴, an appeal was allowed for the construction of a bungalow partially outside the recognised settlement boundary. However, in that case the existing use of the site was described as open storage and it appears to have been common ground that the proposal would not result in significant harm to the character and appearance of the area. In the case at Alton Road⁵, the appeal was dismissed on the basis that the proposed residential development fell outside the settlement boundary and would not meet any of the criteria that supported development in such areas. For the reasons set out in detail in the second main issue, the circumstances here are different. As such, these appeal decisions are not directly comparable to the proposal before me, which I have considered on its individual merits.
29. The other appeal decisions cited by the appellant in pursuing the appeal either relate to the weight that should be given to the emerging plan or in support of the view that the development would not comprise an isolated dwelling within the description set out in paragraph 79 of the Framework. As the emerging plan has now been adopted, the question of the weight that should be attributed to it falls away for the purpose of this decision. The Authority did not advance the view in the hearing that the proposal would comprise an isolated dwelling in the countryside, so I do not regard this as a contested matter. The issue of the weight that should be given to national planning policy on the provision of rural housing will differ in each case and depends on a number of factors including any relevant landscape designations that apply to the site. It is a matter to which I will return in the planning balance section.

Other issues raised by interested parties

30. Other concerns were raised by interested parties which did not form part of the reasons for refusal, and these were also discussed at the hearing. Whilst I have found that the size and scale of the building would lead to harm to the character and appearance of the area, it would be set a sufficient distance away from nearby residential properties to avoid any unacceptable loss of privacy or outlook. Subject to appropriate conditions, the proposal would be acceptable in terms of its effect on the living conditions of neighbouring residents, in all respects.
31. I have had regard to the other concerns raised, including those relating to traffic and highway safety, noise and disturbance, light pollution and harm arising from construction works. However, these do not materially add to the harm identified in the main issues in this appeal.

Planning Balance

32. The proposed building would provide a high quality, accessible and desirable living environment. A good standard of environmental performance would be

⁴ APP/Y9507/W/19/3232116

⁵ APP/Y9507/W/19/3233714

achieved, and the existing waste that has been dumped on the site would be cleared. It is proposed as a self-build dwelling and would therefore help to meet the needs of groups with specific housing requirements. There is support for this both in the Framework and local planning policy including HD4 of the Neighbourhood Plan, as discussed previously. The grant of planning permission would also help achieve the duty set out in the Self Build and Custom Housebuilding Act 2015, which requires enough planning permissions are granted to meet the identified demand for self-build plots, together with the requirement in policy SD26 of the adopted local plan that the Authority make provision for approximately 4,750 new homes over the plan period.

33. Whilst located in a rural area, there are reasonably good public transport links including a regular bus service that runs through the village, as well as services in the village itself including a shop and pub. These would be accessible by means other than the private car. As the site would be located close to the centre of Findon, the proposed development would help enhance and maintain the vitality of this rural community. In this respect the proposal accords with policies in the Framework in relation to rural housing.
34. However, the proposal would only provide 1 additional dwelling. The overall contribution to the supply of both self-build plots and housing generally in the National Park would be minimal. These benefits, along with the economic and social benefits to this rural community from construction activity, long-term spending in the local economy and the use of community services have limited weight in the overall planning balance.
35. Furthermore, the harm to the character and appearance of the area arising from the change of use and the appearance of the proposed building in relation to its surroundings would be significant. The Framework also requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks. That objective would not be achieved here, and the proposal cannot be made acceptable through planning conditions. As such, the considerations that weigh in favour of the proposal do not outweigh the harm that would arise. The presumption in favour of sustainable development does not apply.
36. Overall, the proposal conflicts with the development plan when it is considered as a whole. There are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

APPEARANCES

For the Appellant:

R Hughes	Planning Consultant
W Perring	Architect
J Pegg	Landscape advisor
P Leach	Appellant

For the Local Planning Authority:

S New	Planning
R Ferguson	Planning
R Childs	Landscape advisor

Interested Parties:

P Edwards (Mr)	Local resident
P Edwards (Mrs)	Local resident
P Jackson	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Appeal Decision: APP/Y9507/W/19/3232116
2. Appeal Decision: APP/Y9507/W/19/3233714

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Letter from PAD Studio Design clarifying measurements provided at appeal site visit.