



Appeal Decision

Site visit made on 7 August 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2020

Appeal Ref: APP/Y9507/W/20/3248205

Rother Barn, Farnham Road, Liss GU33 6LJ

- 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 Rother Projects 2017 against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/03855/FUL, dated 23 July 2019, was refused by notice dated 8 November 2019.
 - The development is a change of use of land for storage purposes (B8 Use Class) together with lorry parking and associated welfare facilities. Re-positioning of existing entrance gates.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At my site visit I observed that the appeal site was in use with lorry parking and open-air storage. In addition, the welfare facilities had been erected. However, the existing entrance gates had not been repositioned as shown on the proposed plans. As such, I am considering this appeal on a part-retrospective basis.

Main Issues

3. The main issues are:
 - whether the proposal adheres to the Authority's strategy for forestry diversification as outlined in the adopted development plan; and
 - the effect of the development upon the character and appearance of the area, including whether or not the proposal would conserve and enhance the South Downs National Park (the 'SDNP').

Reasons

Forestry diversification

4. Rother Barn is an existing forestry operation situated within the SDNP. The site is located within the open countryside, outside of any defined settlement boundary, as set out within the South Downs National Park Local Plan 2014-2033 (the 'SDLP').

5. The land associated with the appeal site (outside of the red line, but within the appellant's control) is used for the growing and selling of Christmas trees. The forestry operation has a total land area of approximately 2.8 hectares, of which about 2 hectares of land is used for growing Christmas trees. The remainder of the land, including the appeal site, is predominately a service yard, but it also includes several ancillary buildings associated with the existing use.
6. The development comprises of a change of use of the appeal site to storage use (Use Class B8), which would be limited to two metres in height, together with lorry parking for five vehicles and the erection of a welfare hut, toilet block and a fuel store. To facilitate the change of use and lorry parking, the appeal site has been laid to hardstanding. It is also proposed to move the existing entrance gates further back from the highway.
7. The appellant acquired the forestry operation in 2015. He explains, that despite significant investment, the business is loss making. Therefore, he argues that additional income is needed to support the viability of the forestry operation.
8. Policy SD40 of the SDLP relates to farm and forestry diversification. Amongst other things, the policy explains that development proposals relating to farm and forestry diversification will be permitted where a diversification plan is submitted which demonstrates that: (i) the proposed development would contribute to the first purpose of the National Park by providing long-term benefit to the farming or forestry business as an agricultural/forestry operation; (ii) diversification activities remain subsidiary to the agricultural or forestry operation, in terms of physical scale and environmental impact; and (iii) the proposed development does not cause severance or disruption to the agricultural holding.
9. Supporting documentation¹ submitted by the appellant explains that the income derived from the storage use and lorry parking would significantly increase the farm income and enable further investment in replanting, thereby securing the future of the cultivation and sale of Christmas trees.
10. Whilst I understand that the existing business is loss making, the extent of the financial losses is unclear and no substantive evidence, such as detailed business projections, has been put forward to demonstrate how the income from the development would sustain the long-term future of the existing forestry operation.
11. In any event, even if such evidence had been submitted and I was satisfied that the development would secure the long-term future of the forestry operation, for the reasons set out below, I have found that the development would not be subsidiary to the existing forestry operation.
12. The existing forestry operation generates a limited number of vehicle movements throughout the year, with only a high number of vehicle movements occurring at the site during the Christmas period, when customers come to the site to buy Christmas trees. By contrast, the use of the appeal site for storage and lorry parking would generate daily vehicle movements throughout the year with the arrival and departure of lorries and through the collection and unloading of stored items. In addition, there would be daily vehicle movements associated with the staff who would manage the site.

¹ Assessment of the Need for Diversification by ADAS (August 2019)

13. The appellant explains that the lorry drivers would attend the site in the morning to drop off their vehicle and collect the lorry, before returning the lorry to the site at the end of the day and thus the level of traffic generation would be modest. Whilst this may be the case, no mechanism has been put forward to control the number of lorry movements to and from the site on a daily basis. Furthermore, the imposition of a planning condition to control the number of vehicle movements would be unlikely to meet the tests set out within paragraph 55 of the National Planning Policy Framework (the 'Framework').
14. I recognise that the development would not result in the loss of any land used for the growing of Christmas trees and that it would utilise a small section of the entire land holding. However, the extent of the daily vehicle movements associated with the development would result in a significant intensification of the use of the site, when compared to the existing use. Therefore, as a matter of fact and degree, based on the evidence before me, I consider that the storage and lorry parking business would be the dominant activity undertaken at Rother Barn for most of the year. Consequently, I conclude that the development would not be subsidiary to the existing forestry operation.
15. The Authority have expressed concern that the storage use and lorry parking operation could become severed from the forestry operation in the future. The appellant explains diversification would not cause severance or disruption to the existing holding. Even if I were to accept that the development would not become severed from the existing forestry operation, given my conclusions above, this is not a matter on which this appeal turns.
16. My attention has been drawn to several other non-agricultural farm diversification projects within the wider area², which include storage use, caravan storage and office accommodation. However, no plans or supporting information about the developments have been submitted and therefore I am unable to assess their relevance in respect of the current appeal.
17. In addition to the above, the appellant explains that planning permission was granted at Burryers Common Farm, Steep Marsh, Petersfield to convert a former agricultural building into an industrial use (Use Class B2), as part of a farm diversification programme. He argues the Authority did not object to the creation of an independent commercial use at Burryers Common Farm and that the same principles should apply at Rother Farm.
18. However, the Authority explain that Burryers Common Farm has a total land holding of 150 hectares and that the planning permission was granted for a one-year temporary period before the adoption of the SDLP, where different policies and material considerations applied. Therefore, I consider the development at Burryers Common Farm is not directly comparable to the appeal development. For this reason, I have given limited weight to the Authority's previous decision.
19. For the reasons given above, I conclude that the development would not accord with Policy SD40 of the SDLP, which sets out the Authority's strategy for forestry diversification within the SDNP. Consequently, the development would not accord with Policy SD25 of the SDLP which states that development will be permitted outside of settlement boundaries, where it complies with relevant policies in the Local Plan.

² As set out within a letter sent by ADAS to East Hampshire District Council, dated 30 October 2019.

Character and appearance

20. The appeal site is enclosed by mature hedging and located near to the site entrance for Rother Farm, which is accessed via Farnham Road. To the west of the appeal site is the A3 dual carriageway. To the east of the wider land holding is the London to Portsmouth/Southampton railway line. To the south of the site, there is a garden centre and a golf course.
21. Despite the proximity of the A3 dual-carriageway and the railway line, both of which are significant features within the wider landscape, the presence of high hedges, mature trees, including a copse of trees in-between the appeal site and the garden centre, and the prevalence of arable and pastureland within the local landscape, gives the immediate area an intrinsically rural character.
22. The current use of Rother Barn as a forestry operation is in-keeping with the rural landscape and thus it has a neutral impact upon the landscape and scenic beauty of the SDNP.
23. By contrast, the use of the site for storage and lorry parking, in addition to the large area of hardstanding that has been created to facilitate the development, has an industrial character and appearance, which appears stark and jarring when viewed in the context of the existing forestry operation. Consequently, the development would change the landscape and scenic qualities of the local area by introducing an out of keeping and sporadic form of development within the open countryside, which would not relate to the existing rural character.
24. Whilst the existing hedgerows screen the development from public view, this does not outweigh the harm to the character and appearance of the area. In addition, the effectiveness of the hedgerow screening cannot be guaranteed in perpetuity due to factors such as disease and accidental damage.
25. I recognise that there are other small business premises located within the wider area, all of which are located within the SDNP. The appellant explains that the operations and functions that are undertaken at these premises are of a similar nature to those undertaken as part of the development at the appeal site. Whilst this may be the case, the other developments are of a sporadic nature and the Authority explain that most of them pre-date the designation of the SDNP.
26. The presence of other commercial developments within the wider area does not provide justification to allow further harm to the landscape quality of the SDNP, which would arise from the development at the appeal site. Such development would result in further incremental change within the rural landscape, which would be an unacceptable consequence of the development within a nationally designated landscape. As such, I am not persuaded by the appellant's Landscape and Visual Statement³ conclusion that there would be a 'neutral' effect upon the local landscape.
27. In addition to the landscape harm identified above, the development would further degrade the relative tranquillity of the local area. Whilst I acknowledge that the appeal site is located within an area of poor tranquillity, with the relative tranquillity of the local area being severely impacted, both visually and aurally by the A3 dual-carriageway, the industrial nature of the development and the associated vehicle movements, which would significantly exceed the

³ Landscape and Visual Statement prepared by DB Landscape Consultancy (February 2020)

vehicle movements associated with the existing forestry operation, would neither conserve or enhance the relative tranquillity of the local area.

28. For the reasons set out above, I conclude that the proposal would cause significant harm to the character and appearance of the area, and, it would therefore fail to conserve and enhance the landscape and scenic beauty of the SDNP. As such, the development would not accord with Policy SD4 of the SDLP, which requires development proposals to conserve and enhance the landscape character of the SDNP. In addition, the development would not accord with Policy SD7 of the SDLP, which states that development proposals will only be permitted where they conserve and enhance relative tranquillity.
29. For these reasons, I also conclude that the proposal would represent an unsustainable form of development and therefore the proposal would not accord with Policy SD1 of the SDLP, which seeks to deliver sustainable development within the SDNP.
30. Accordingly, the proposal would conflict with the aims of Paragraph 172 of the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

Conclusion

31. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR