



Appeal Decision

Site visit made on 25 January 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/Y9507/W/20/3260442

Copyhold, Copyhold Lane, Fernhurst GU27 3DZ

- 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 & Mrs P Sellers against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/05392/FUL, dated 8 November 2019, was refused by notice dated 29 June 2020.
 - The development proposed is described as 'construction of replacement dwelling and linked self-contained ancillary accommodation following demolition of existing dwelling and detached self-contained ancillary accommodation'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the submitted plans, planning statement and appeal statement, that the intention is to retain part of the southern and eastern walls of Copyhold in the new build. The Council dealt with the proposal on this basis and so shall I.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having regard to its location within the South Downs National Park, and the effect of the proposal on the experiential qualities of the South Downs National Park in regard to dark night skies, relative tranquillity and landscape character.

Reasons

4. The appeal site comprises Copyhold, a detached dwelling, and Copyhold Cottage, a detached building sited some distance away from the main house that has been in use as self-contained ancillary accommodation for many years. The site is located at the northern end of Copyhold Lane, a no through road that extends into common land in front of the site, beyond which lies a Restricted Byway. There are public footpaths that lead off the Byway and Copyhold Lane in the vicinity of the appeal site.
5. The site lies within the South Downs National Park (SDNP) and the area is unmistakably rural and remote in character. It lies within the Dark Night Sky Zones: 2km Buffer Zone (E1a), which is an area within the National Park classified as a 'dark sky'. Additionally, the site lies within landscape character

area N1: Blackdown to Petworth Greensands Hills, as described in the South Downs Integrated Landscape Character Assessment.

6. The character of the area includes hills which are highly tranquil and have a high level of perceived naturalness, lack of visible overt human activity, low density of settlement, and associated dark skies and low noise levels. Although the hills are highly rural, there is generally good access to the countryside provided by an extensive network of public rights of way. The hills provide contrasting experiences, with extensive panoramic views from open hill tops but areas of tree cover contribute to the sense of mystery and remoteness. Landscape management considerations of the character area include the need to conserve the sense of remoteness and tranquillity, which is particularly valued in close proximity to areas of dense settlement. In terms of development considerations there is a requirement to ensure any built development reflects the local vernacular and conserves the remote rural character of the landscape. Moreover, there is a requirement to limit the further spread of small-holdings and detached houses with gardens, particularly in the north of the character area (where the appeal site is situated), in order to avoid eroding the sense of tranquillity and remoteness associated with the area.
7. The development plan includes the South Downs Local Plan (adopted 2 July 2019) (LP) which is a landscape led local plan that looks at the South Downs as a whole and is based on the statutory purposes of national parks, the first of which is the requirement to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
8. Copyhold is a two storey property, with accommodation in the roof served by dormer windows. It is finished in a mix of brick and stone work to the elevations under a tiled roof and occupies an elevated position above Copyhold Lane with expansive views out to Black Down. Copyhold is substantial, so by virtue of its mass and height has presence, especially in views approaching from the south along Copyhold Lane. Even so, the use of materials, modest detailing and generally small openings, along with the natural undulating landscape, combine to soften the appearance of the dwelling and so it relates well to the picturesque valley and immediate grounds within which it sits. Overall, as a result of its position within the landscape and traditional appearance Copyhold makes a positive contribution to the character and appearance of this part of the SDNP.
9. Although the property has been heavily altered through subsequent phases of extensions and alterations, the remnants of the original late seventeenth century / early eighteenth century farmhouse is still visible in the centre of the south elevation of the building. The widened south elevation takes the form of blank walling, but in irregularly coursed stone to match the earlier part of the farmhouse which retains its eighteenth century looking window openings. The Heritage Statement confirms that while the east elevation facing Copyhold Lane is entirely new (i.e. 1895-1910) and the stone is regularly coursed, formed of much smaller blocks and with galletting to the joints, this treatment is characteristic of domestic revival buildings of this date. Moreover, many such buildings involved the partial retention, refurbishment and enlargement of vernacular buildings such as farmhouses. Thus, these façades, which are visible from the public domain, are important both in terms of the historical significance and the high perception of local distinctiveness and

local vernacular, which is considered to be an asset contributing to the historical richness of the SDNP.

10. The proposal is for a replacement dwelling and linked self-contained ancillary accommodation following the partial demolition of Copyhold and the full demolition of Copyhold Cottage. As noted above, the intention is to retain part of the southern and eastern walls of Copyhold in the new build. With the exception of the large picture window in the east elevation of the building, the existing fenestration in the south and east elevations proposed to be retained is generally small in scale and positioned in such a way that enhances the rural vernacular. The proposal would introduce vertically emphasised multi-pane sash windows which would significantly change the appearance of these elevations and in doing so erode the historical significance and rural character and appearance of Copyhold.
11. Historically, in large farmsteads the mass of buildings was broken up between the main house and ancillary buildings. This relationship is a key part of the character and appearance of the immediate vicinity, the wider landscape and special character of the SDNP. It is acknowledged that the proposal would consolidate the built form within the site. However, the proposed large northern extension to the main house, which would in effect subsume the built form of the ancillary accommodation, would result in a dramatic increase in the footprint, mass and overall size of Copyhold. Within the context of the location of the site within the SDNP, the development would result in a dominant structure that would visually upset the existing proportional relationship between the built and natural environments. Moreover, it would not be representative of how, historically, rural buildings such as Copyhold developed.
12. The core of the main dwelling would be designed to reflect the Georgian period of architecture and so have a classical mansion appearance, with vertically emphasised windows and a hipped roof form. However, the design of the western side of the house and the ancillary accommodation would step away from the Georgian styling. It would have pitched roof slopes of varying heights and openings of varying styles and sizes. Thus, in terms of appearance, the design would result in a building lacking in cohesion across its elevations and generally unsympathetic to the existing built form. Moreover, the high level of classical detailing would make the dwelling conspicuously anachronistic within a setting that lends itself far more readily to the rural vernacular of the SDNP.
13. The proposed dwelling would appear incongruous and jarring within a setting visible from the public realm. Consequently, taking into account that tranquillity is considered to be a state of calm and is a perceptual quality of the landscape influenced by things that people can see in the landscape around them, the perception of relative tranquillity or an 'expected' form of development would be diminished. Furthermore, the impact of the proposal would be exacerbated given that users of the adjacent public rights of way would be at a lower level to that of the built form, although the set back position of the extension and the intention to introduce replacement native hedgerow planting on top of the eastern boundary wall would help to reduce its dominance. Even if long views of the proposed dwelling would be limited due to woodland cover, the proposal would be unacceptable in design and conservation terms, because it would have a visually harmful effect on the immediate surrounding area and therefore fail to conserve the remote rural character of the landscape.

14. It is acknowledged that there are dormer windows within Copyhold, rooflights within Copyhold Cottage and a variety of existing external lights, the majority of which would be removed. Furthermore, no external lighting is proposed. However, taking into account the size and large number of windows, especially in the south and east elevations which would face towards open countryside, I have not been presented with any substantive evidence to clearly demonstrate that the proposed building would not be more prominent within the landscape than the existing built form during the hours of darkness.
15. The appellants suggest that measures such as electronically timed blinds/shutters/blackout blinds, low transmittance or tinted glass could be used to attenuate light spill from glazing, and this could be provided by way of condition. However, I have not been presented with any further information about the mitigation measures nor their effectiveness in reducing light spill to acceptable levels. Whilst blinds could be installed, such measures would be very difficult for the Authority to enforce. Thus, based on the evidence before me, I cannot be certain that this issue could be satisfactorily addressed by way of the imposition of a planning condition and so a precautionary approach is preferable in this case. Consequently, it has not been demonstrated that the proposal would not have an adverse effect upon dark night skies.
16. For the reasons outlined above, the design approach of the proposal cannot be described as landscape led. It would lead to a largely unsympathetic development which would cause harm to the character and appearance of the area and, in regard to dark night skies, relative tranquillity and landscape character, cause harm to the experiential qualities of the SDNP.
17. The proposed development therefore conflicts with Policies SD1, SD4, SD5, SD6, SD7, SD8 and SD12 of the LP. These policies collectively, amongst other things, seek to ensure development proposals within the National Park adopt a landscape led approach that respects and visually preserves local character; and, conserve and enhance landscape character, relative tranquillity, the intrinsic quality of dark night skies and the historic environment. The proposal also conflicts with the first statutory purpose of the SDNP and the National Planning Policy Framework which indicates 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.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR