

Appeal Decision

Site visit made on 28 January 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2021

Appeal Ref: APP/Y9507/W/20/3255985

Winward, Reservoir Lane, Petersfield, Hampshire GU32 2HY

- 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 and Mrs R Smith against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/01482, dated 8 April 2020, was refused by notice dated 11 June 2020.
 - The development proposed is detached dwelling and garage revision to that approved under application SDNP/19/02810/FUL.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans submitted.
3. The Council's second reason for refusal related to the absence of a planning obligation to secure the proposal's self-build status. A Unilateral Undertaking (UU) has subsequently been provided and the Council were given opportunity comment on the document. I have dealt with this below.

Main Issue

4. The main issue is whether the proposed development would conserve or enhance the special qualities of the South Downs National Park.

Reasons

5. The appeal site sits in the South Downs National Park (National Park), partly outside of the Defined Development Boundary (DBB) of Petersfield, in the garden of the donor dwelling and partly within the DBB, in an area identified for future self-build housing (site H11) in the Petersfield Neighbourhood Plan 2013-28, 2015 (PNP). The appeal site is located behind a recently planted hedge, elevated above Reservoir lane. When seen from the lane, the land to the north, including the appeal site, appears as the edge of the countryside, rather than an urban streetscape, positively contributing to the rural character of the area and natural beauty of the National Park.
6. The purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where there is conflict between these purposes, the first

purpose takes priority. There is also a duty to foster the economic and social well-being of local communities within the National Park.

7. Paragraph 172 of the National Planning Policy Framework, 2019 (the Framework) is clear that, the scale and extent of development should be limited in National Parks. Also, 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.
8. By virtue of the site's location, straddling the DBB, it is partly situated in countryside as defined in Policy SD25 of the South Downs Local Plan 2014-2033, 2019 (SDLP). In such circumstances Policy SD25 details how development is strictly managed and only permitted in certain circumstances.
9. Whilst the appellants have sought to identify other material considerations in support of their appeal, which I have dealt with below, I have no detail before me to consider that there is an essential need for the proposed development in the countryside, as defined in the Development Plan.
10. Further to the positioning of the proposal as a whole, it would be seen in addition to, rather than part of site H11. Likewise, when seen from the lane the proposed development, would appear to fill much of the gap between the existing dwelling and site H11. In my view this would have the harmful effect of creating the appearance of a new, denser and extended urban edge to Petersfield. This effect would be amplified by the elevated nature of the site.
11. Although sitting in part of the garden of the donor dwelling, and making more efficient use of the land available, the proposal before me would result in the encroachment of development into the countryside within the National Park, in a landscape defined in the submitted Landscape Character Analysis as being sensitive to change. The positioning of the proposal would result in development that would harm, rather than evolve, the intrinsic value of the landscape, through the additional development proposed, particularly when seen from the current edge of the settlement. The appellants contend that the absence of objection from the Council's Landscape Officer justifies the proposal. However, the Landscape Officer was a consultee in the Council's decision rather than being the decision-maker.
12. The appellants currently have extant planning permission, for a dwelling and associated garage, understood to be of a similar scale, appearance, and bulk, very close-by Ref DNP/19/02810/FUL. The approved dwelling would be wholly located within the DBB and site H11. The approved scheme would therefore be seen as part of site H11, as opposed to that before me, and as such it would not result in the harm that the proposal would. The approved garage, to be located in the garden of the existing dwelling, does not in my view justify the wider development as it would appear as an outbuilding. I also accept that site H11 partly reaches behind Windward, however the current apparent gap in form would remain, particularly when seen from the lane, further to the underlying topography of the landscape. Therefore, the extant planning permission carries limited weight and does not outweigh my earlier findings.
13. Similarly, that the extant permission and the proposal are of a broadly similar appearance, and that the proposal forms part of the gardens of the donor dwelling, does not outweigh the harm identified as a result of the siting of the proposal.

14. I afford great weight to the identified harm in my determination of the appeal given the level of protection afforded to the National Park in the Framework and Development Plan.
15. The appellants explain that the conditions imposed on the extant planning permission, relating to obscured glazing in the bedrooms would diminish their future enjoyment of the approved development. However, I understand the rooms do have other, clear glazed windows, to the front elevations. Therefore, I do not consider this matter to justify the need for the proposal before me.
16. That the appeal site sits opposite the existing built form of Reservoir Lane and that the appellants have sought to use natural, matching materials in the design, does not mitigate the identified harm. The plot is clearly separate from that opposite, and is both seen as and partly defined as, countryside.
17. Notwithstanding the concerns of the appellants with regard the ways in which the DBB has been defined and the PNP formulated, I understand it has been through the requisite examination and referendum process, having been adopted in 2015. Therefore, the document carries full weight in the appeal.
18. The appellants have referred to Policy SD30 of the SDLP, arguing that two replacement dwellings would, in their view, be allowable at Windward. However, the proposal before me does not relate to the replacement of an existing dwelling, as such this does not weigh in favour of the development.
19. Policies SD4 and SD25 of the SDLP, and Policy 1 of the South Downs National Park Partnership Management Plan¹, (NPMP), have broadly similar intentions of seeking to ensure, amongst other things, that development proposals conserve and enhance the special qualities of the National Park. Therefore, for the reasons above, the proposal would not accord with these policies. Likewise, the proposal would not accord with Policy BEP6 of the PNP, which seeks to ensure future development is typically directed to sites within the DBB. For the same reasons, the proposed development would also be contrary to paragraph 172 of the Framework.

Self-build eligibility and Unilateral Undertaking

20. As the proposal sits partly in site H11, the appellants are required to meet the criteria of the Development Plan for self-build housing. These criteria, including an established local connection with the area are met. However, at the time of the Council's determination, there was no means of securing the self-build status of the proposal through a planning obligation as one was not provided. A signed and dated UU has since been provided by the appellants.
21. The Council have confirmed that the UU addresses their second reason for refusal. I am content that had the proposal been otherwise acceptable, the UU provided is necessary to secure the proposal's self-build status. It is directly related to the proposed development as it relates to the future occupancy of the dwelling and is fair and reasonable. Therefore, I am satisfied that the UU submitted, meets the tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework.
22. The proposal would add an additional self-build dwelling to the local supply and I have no reason to consider that it would compromise the future delivery of

¹ South Downs National Park, Partnership Management Plan, as amended for 2020-2025, 2019.

site H11. However, the benefit that one additional dwelling would bring would be marginal and I afford this little weight in the appeal given that extant permission already exists for such a dwelling, which I understand the proposal before me would replace.

23. The proposal would therefore accord with policies HP1 and HP7 of the PNP, which amongst other things seek to ensure adequate provision of self-build sites and that future occupants of self-build homes meet set criteria for eligibility, including a previous and future connection with the area.

Other matters and planning balance

24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision-makers to ensure the setting of listed buildings are preserved or enhanced. The site is located over 125 metres from Tilmore House, a Grade II listed building on Reservoir Lane. The parties agree that the proposal would preserve the significance of the setting of the listed building. Having considered the proposal and visited the site I have no reason to disagree. Although I have had special regard to the setting of Tilmore House, given my conclusion on the main issue, the matter has not been determinative in my consideration of the appeal.
25. The appellants have proposed a condition relating to the protection of dark night skies. However, for the reasons above this would not overcome the identified harm.
26. That the Council have not objected to the proposal on other policy grounds, including noise, biodiversity, accessibility to services, highway safety and drainage, is of neutral weight in the appeal. Likewise, I accept that given the separation distances between the proposal and future near neighbours, there would be no likely harm to living conditions, however this is of neutral weight.
27. The proposal would meet the criteria for self-build housing provision and add an energy efficient dwelling to the local supply. It would also make more efficient use of the land available and likely result in minor economic benefit during its construction. However, this is outweighed by the fact it would only be partly located on land identified for future development, with the remainder sitting outside of the DBB, harming that defined as countryside within the wider landscape of the National Park. Consequently, contrary to the Framework, the Development Plan and NPMP, the effect of the proposal would not be to enhance or conserve the special qualities of the National Park.
28. The appellants are of the view that a pragmatic approach should be taken in considering the appeal so as to enable them to downsize. However, in my view, other material considerations, as addressed above, have not been evidenced sufficient to justify a departure from the Development Plan in this instance.

Conclusion

29. Therefore, for the reasons above, having had regard to the Development Plan, the NPMP and Framework as a whole, the appeal is dismissed.

M Scriven

INSPECTOR