
Appeal Decision

Site visit made on 8 January 2021

Hearing held on 15 January 2021

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 2 March 2021

Appeal Ref: APP/Y9507/W/19/3242880

Garretts Copse, Moorhen Lane, South Harting GU31 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Ms Burnett against the decision of South Downs National Park Authority ('SDNPA').
 - The application Ref SDNP/19/01713/FUL, dated 4 April 2019, was refused by notice dated 21 August 2019.
 - The development proposed is described on the application form as 'change of use from agricultural land to site for 2 showmen's plots'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are (i) the effect of the proposal on local character, and (ii) whether or not the appeal site is an appropriate location for two travelling showpersons' plots (with particular regard to the accessibility of services and facilities). In the event that I find that the proposal would result in harm, I will thereafter gauge whether other material considerations are nevertheless sufficient to justify allowing the appeal.

Reasons

Local character

3. The appeal site is an untended irregular parcel of land of approximately 0.4ha. Access is via Moorhen Lane, a narrow and enclosed historic rural lane, across a strip of common land. Access is shared with a larger pastoral field which wraps around the appeal site. The gate to the latter is set close to a mature oak identified as 'T03' in the appellant's Arboricultural Impact Assessment ('AIA'). Sunnyside, the nearest dwelling, falls some 230 metres away beyond the neighbouring field.
4. The site is low in the topography, close to a stream running by Millhanger Copse. It falls within the 'Rother Valley Mixed Farmland and Woodland' character area as identified in the Authority's Integrated Landscape Character Assessment (updated in 2011, the 'LCA'). The LCA sets out how, historically, the site and its surroundings would have been wooded. That medieval heritage

remains appreciable from the presence of surrounding patches of woodland and rews. Garrett's Copse, immediately to the south, is Ancient Woodland.

5. The appellant's Landscape and Visual Impact Appraisal ('LVIA') describes how the fieldside boundary of the site is marked by a modest bund overgrown with self-seeded vegetation and punctuated by ornamental shrubs. There is also some immature non-native planting around the site's frontage by Moorhen Lane. I am told that the appeal site previously formed part of a nineteenth century farmstead. However the existence of such, other than assorted fields, has been obscured by the passage of time; historic footings of former buildings within the appeal site are barely appreciable.
6. Set just beyond T03 referenced above, and from certain perspectives partially screened by it, is a dilapidated blockwork structure (the history to which is unclear). However it is no longer structurally sound; the LVIA aptly describes it as a 'remnant structure'. I note that applications in 2006 for an equestrian use of the site and reconstruction of buildings were unsuccessful.¹
7. The application form refers to the extant use of the site as agricultural, although there is no evidence that the site has been actively used for such purposes for many years. At the time of my site visit the site was unkempt: miscellaneous paraphernalia and refuse was scattered about it. Given the landform and character of the landscape here, and the paucity of nearby rights of way, there is limited visibility of the appeal site from public vantage points. Such views are largely confined to around the site access and fleeting views through hedgerows bounding Moorhen Lane (views which will become more limited when hedgerows are in leaf).
8. There are very few buildings in the surroundings to the appeal site, fewer still which are visually prominent. The LCA describes the settlement pattern in this area as principally a scattering of isolated farmsteads, similar to that of neighbouring landscape character area 'J2', being 'East Meon to Bury Greensand Terrace'. That characterisation accords with my observations.
9. As set out above, the site and its surrounding have an historic, intimate and beguiling character. That character encompasses more than visual dimensions. I note that the appellant describes the site as 'isolated'.² I will address the accessibility of the site in the second main issue, however that is relevant in terms of local character; it reflects that tranquillity and natural darkness are strong features of the area. That, I saw, is true in absolute terms and relative to other more densely populated areas of the National Park.³
10. The proposal is for the use of the site for two travelling showpersons' plots. Each is intended to provide space for the stationing of a mobile home, touring caravan, storage shed, and parking for two vehicles. An area for the maintenance and repair of equipment would be located in the north-eastern corner of the site, with an acoustic fence around it. Access would be improved by laying permeable aggregate, and both plots would be gravelled. As detailed

¹ Ref 06/00945/FUL and Ref 06/03697/FUL.

² At paragraph 2.1 of her statement of case.

³ Tranquillity being one of the special qualities of the National Park, LP policy SD7, supported by the Authority's Tranquillity Study of 2017. LP policy SD8 relates to dark skies, the National Park being an international dark Sky Reserve (as referenced in SDNPA's Dark Night Skies Lighting Technical Advice Note of 2017).

in the AIA a sensitive method of construction would be taken so as to minimise damage to the roots of T03, and a buffer zone of 15 metres around Garrett's Copse would be maintained.⁴

11. Each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan includes policies of the South Downs Local Plan (adopted 2 July 2019, the 'LP'). The LP takes a landscape-led approach to managing development, with conserving and enhancing natural beauty, wildlife and cultural heritage being a statutory purpose for which National Parks are established.⁵
12. Individual LP policies stem from that overarching approach. In summary, and amongst other things, LP policies SD1, SD4, SD5, SD6 and SD7 seek to ensure development conserves and enhances landscape character, integrates sympathetically in terms of design, safeguards views, and conserves the relative tranquillity of the National Park.
13. Similarly paragraph 172 of the National Planning Policy Framework ('NPPF') explains how National Parks have the 'highest status' of protection in respect of landscape and scenic beauty. The Government's Planning policy for traveller sites ('PPTS'),⁶ sets out how it should be read 'in conjunction' with the NPPF; with that in mind PPTS paragraph 25 sets out how new traveller sites in the open countryside should be 'very strictly' limited.
14. As noted above the appeal site is a modest parcel of land nestled within an intimate landscape. The unkempt nature of the site and the dilapidated blockwork structure detract somewhat from its surroundings. In that context, and also referring to the 'reversibility' of the proposal, the appellant's LVIA indicates that the proposal would have either a negligible effect, or beneficial effect as new planting matures. For four reasons, however, I disagree.
15. Firstly the proposal would fundamentally alter the character of what is an essentially natural site consistent with prevailing landscape character. The proposal would entail the introduction of various man-made structures and surfaces. It would also result in increased pressure to maintain the site to a domestic standard, and for paraphernalia associated with occupation (over which planning may legitimately exercise only so much control). The proposal is also intended to be permanent; in practice it would be challenging to 'reverse' the laying of substantial areas of permeable surfacing and gravel and re-establish natural vegetation within a reasonable timeframe.
16. I agree with SDNPA's observation that there is generally little opportunity for travelling showpersons' plots to be designed in a context-specific manner, other than in respect of layout and landscaping. However, based on the limited design details before me of the scheme, the proposed mobile homes and storage sheds appear standardised geometric forms. They bear no relationship to the organic character of their surroundings, nor pick up any design cues

⁴ Established with reference to guidance produced by the Forestry Commission and Natural England in respect of ancient woodland, updated on 5 November 2018).

⁵ Pursuant to the National Parks and Access to the Countryside Act 1949 as amended, and with reference to the English National Parks and Broads: UK Government Vision and Circular 2010.

⁶ Wherein 'travellers' is defined as incorporating both gypsies and travellers and travelling showpeople.

from buildings in the wider area. Similarly a 2.5 metre tall acoustic fence represents a substantial artificial intervention, clearly at odds with the prevailing nature of established field boundaries here.

17. Secondly, the existing unkempt state of the site and non-native planting does not fundamentally alter the character of the site or its consistency with its surroundings. It is unclear as to what circumstances have led to the site being in its present state, and there is no evidence to indicate that the improvement of its character in that regard would be inherently reliant on the proposal before me. Existing non-native or ornamental planting is relatively limited, and there is generally little control over what planting individuals may choose to undertake.
18. I accept that views of the proposal from public vantage points would be fleeting and partial. Nevertheless site access would need to remain unobstructed, thereby enabling relatively clear views across it from Moorhen Lane. In that context I note that some degree of adverse effect on local character is accepted by the appellant, notwithstanding the findings of the LIVA.⁷ Relevant provisions of the LP and NPPF regarding ensuring that proposals integrate appropriately within their surroundings are not limited to circumstances where a scheme would be particularly prominent.
19. Fourthly, the proposal would affect tranquillity and natural darkness. Use of the site as two travelling showpersons plots will inevitably entail various comings and goings along with noise and a level of illumination associated with occupation. The appellant's supporting Noise Assessment and Lighting Assessment indicate how such effects would be relatively limited in absolute terms. Nonetheless in those respects the proposal would dilute strong characteristic features of this particular area.
20. Drawing together the reasoning above, and notwithstanding certain mitigating factors, the scheme would have a significant adverse effect on local character. That effect would arise in an area accorded the 'highest status' of protection as regards landscape and scenic beauty. I therefore conclude that the proposal would conflict with the relevant provisions of LP policies SD1, SD4, SD5, SD6 and SD7, along with relevant elements of NPPF paragraph 172.

Accessibility

21. As travelled, the site is roughly equidistant from the nearest substantial settlements of South Harting and Petersfield. Both are settlements identified in LP policy SD25 'Development Strategy' as suitable, in principle, for some level of additional development. Following on from the overarching approach in the LP referenced in paragraph 11 of this decision, policy SD25 guides development in the National Park principally towards existing settlements.
22. Section 2. of LP policy SD25 identifies exceptions to the above approach, i.e. circumstances in which development may be permissible outside of settlement boundaries. However section 2. of LP policy SD25 is broadly phrased. Exceptions are, amongst other things, conditional on proposals complying 'with relevant policies in this Local Plan'. LP policy SD33 'Gypsies, Travellers and Travelling Showpeople' is clearly relevant, and accordingly it would be

⁷ Appellant's statement of case, paragraph 6.24.

premature to reach a finding against LP policy SD25 without first having considered LP policy SD33.

23. LP policy SD33 does not expressly contain a criterion related to the acceptability of a given location for a traveller site (in terms of its intrinsic accessibility or 'sustainability'). Nevertheless reference is made in LP policy SD33 to PPTS, and supporting paragraph 7.118 to it explains that sites 'should be well related to settlements with services and facilities...'. The appellant does not dispute that sites should be thus located.
24. As referenced earlier, PPTS paragraph 25 sets out how new traveller sites in the open countryside should be 'very strictly' limited. Whilst recognising that opportunities to maximise 'sustainable transport solutions' will vary between urban and rural areas at paragraph 103, NPPF paragraph 102 nevertheless sets out that promoting accessibility and a choice of different modes of transport should be considered in decision-taking.
25. Intertwined with my reasoning in respect of the first main issue, there are occasional properties irregularly dotted about the wider area. Consequently the journey that occupants of the proposed plots would need to take to access services and facilities at South Harting or Petersfield would be comparable to that taken by other individuals nearby. With that in mind the appellant explains how 'Petersfield and the surrounding area is a rural settlement, where access to public transportation is not as readily available as it is in urban areas. This means it is common for people to use their own private vehicles'.
26. In respect of accessibility, the appellant has drawn my attention to another Inspector's decision elsewhere where the suitability of a proposed traveller site, in terms of accessibility, was in dispute (the 'Arncott appeal').⁸ There the Inspector reasoned that the location of the proposed site was acceptable, notwithstanding that the nearest primary school and satellite surgery also fell around four kilometres away from the site. On that basis the appellant contends that the site here should not be considered 'physically isolated', a phrase drawn from paragraph 16 of the Arncott appeal decision.
27. However four kilometres amounts to about a forty minute walk. That is relatively lengthy to reach day-to-day facilities. As set out above Moorhen Lane is a narrow and enclosed historic rural lane, without dedicated footpath or lighting. To reach either South Harting or Petersfield on foot from the appeal site, occupants would need to proceed along Moorhen Lane and thereafter along the B2146 or via rural footpaths.
28. Much of the B2146 nearby, aside from being greater in width, is similar in character to Moorhen Lane. Surrounding footpaths track circuitously around fields and patches of woodland. There is limited information before me in respect of the nature of the walking or cycling route between the site in the Arncott appeal and services and facilities there. Here, the length and nature of the walking and cycling route between the appeal site and South Harting or Peterfield is unwelcoming. In my view it is likely to deter most individuals from taking those routes, particularly during poor weather or outside of daylight hours.

⁸ Ref: APP/J0405/W/18/3193773.

29. There are bus stops along the B2146, the only readily-identifiable instance of services and facilities closer to the appeal site than clustered at South Harting or Petersfield. However the nearest bus stop is quite some distance away at the hamlet of Nursted. There is no indication that bus services are sufficiently frequent such that occupants of the appeal site would make use of them in preference to private modes of transport; the appellant's argument in paragraph 25 above is to the contrary.
30. Furthermore the circumstances relevant to the Arncott appeal differ significantly from those here. In that instance the Inspector explained that the appeal site fell about 850m away from the nearest substantial village, and around a kilometre away from the nearest convenience store, recreation ground and various hourly bus services to more populous areas. As reflected in my reasoning above, in this instance the appeal site is in a location remote from services and facilities catering for day-to-day needs, set in a sparsely populated area, within an intimate and tranquil landscape. Different rural areas have different degrees of accessibility.
31. Given my reasoning above, the site would not integrate well with its surroundings, visually or in terms of the proximity of nearby services and facilities. Occupants of the proposed plots would be highly, if not wholly, reliant on private modes of transport. Whilst the vehicular movements and emissions associated with two new plots would be relatively modest, there would nevertheless be some adverse environmental implications.
32. I therefore conclude that the appeal site is not a suitable location for the development proposed, in conflict with the expectations of PPTS paragraph 25 and NPPF paragraphs 102 and 103. Having identified that harm would result, I now turn to consider other matters in favour of allowing the appeal before arriving at a balanced overall conclusion.

Other matters

Plot supply relative to needs

33. Amongst other aims, PPTS paragraph 4 sets out how local planning authorities should 'develop fair and effective strategies' to meet travellers' needs, including via allocating sites. PPTS paragraph 10 sets out how local planning authorities should maintain a five year supply of 'specific deliverable sites', with paragraph 11 relating to the use of criteria-based policies for guiding decision-taking.
34. LP paragraph 7.108 explains that 'the National Park has small resident and transient communities of each group [Gypsies, Travellers and travelling showpeople]. There are currently... 4 permanent plots for travelling showpeople'. The presence of few travelling showpersons' plots reflects the history of site provision across the National Park given constraints and site availability.
35. Against that background LP policy SD33 sets out how the SDNPA intends to meet the needs of travelling showpeople. Section 3., criterion a) of LP policy SD33 is that a proposal must 'meet a need as identified in figure 7.4 below'. The rationale for the approach to travelling showpersons' needs stems from the

intricacies of administrative geography across the National Park and its surroundings.

36. As shown in LP figure 1.5, to a greater or lesser extent, the boundaries of the National Park overlap the administrative areas of several other local planning authorities. Authorities have commissioned various assessments of travellers' needs across differing geographies, as summarised in a 2018 'Background Paper' supporting the examination of the LP.
37. The Background Paper provides an overview of the studies which have informed the figure of nine plots as set out in LP figure 7.4. Those needs derive from an assessment of sites within the area of administrative overlap between the SDNPA and East Hampshire District Council,⁹ and from the need for a single plot identified in Arun District Council's Administrative Area,¹⁰ rather than from the area of administrative overlap between the SDNPA and Chichester District Council (as is the location of the appeal site).
38. Unsurprisingly studies referenced in the Background Paper refer to greater need for plots outside the SDNPA boundary. However, as set out above, the LP figure of nine travelling showpersons' plots has itself been aggregated across various local planning authorities' administrative areas. There is no substantive evidence of needs for plots arising directly in the area of administrative overlap between SDNPA and Chichester District Council, and as noted in paragraph 34 there are presently few travelling showpeople who live in the National Park.
39. However needs for plots or for other types of development rarely conform neatly to administrative boundaries. It would be unduly restrictive to consider needs purely on an individual local planning authority basis, as is acknowledged by the various studies assessing traveller needs across different geographies referenced in paragraph 36 of this decision.
40. The appeal site falls close to the administrative boundary of East Hampshire District Council, within which Petersfield is located. I note that the appellant currently lives on a plot within a larger site off Roads Hill, Catherington. The Roads Hill site is several miles south-westwards of Petersfield and also within East Hampshire District Council's administrative area. That again underscores that needs are principally generated by people rather than by geography.
41. In that context, rightly, SDNPA has brought to my attention a recent Gypsy and Traveller Accommodation Assessment commissioned by East Hampshire District Council (published July 2020, the 'GTAA2020').¹¹ The GTAA2020 identifies a substantial level of need for showpersons plots in the District of East Hampshire outside of the area of administrative overlap with the SDNPA, exceeding that as of 2018. An associated statement of common ground between East Hampshire District Council and SDNPA in respect of the GTAA2020 is also before me (the 'SOCG'). Paragraph 5.44 of the SOCG aptly summarises that 'there remains a

⁹ From a site at Warren Barn, Priors Dean for which temporary permission was granted via decision dated 9 May 2012, Ref SDNP/41451/004; appeals are in progress in respect of enforcement notices there (Ref APP/Y9507/C/19/3232150 and APP/Y9507/C/19/3232149).

¹⁰ The latter evidenced via a 'Coastal West Sussex' Gypsy and Traveller Accommodation Assessment (of October 2018, updated in April 2019, covering Chichester District Council, Arun District Council, Adur District Council and Worthing Borough Council).

¹¹ I note that the geography of that study differs to the previous assessment of traveller needs in East Hampshire referenced in the 2018 Background Paper which covered the County of Hampshire.

significant need for Travelling showpeople plots in East Hampshire...'. Evidence of wider needs is clearly relevant.

42. However, returning to the figure of nine travelling showpersons' plots referenced in LP paragraph 7.4, there is no substantive evidence before me indicating that circumstances have materially changed in the area of administrative overlap between SDNPA and Chichester District Council. Insofar as this appeal is concerned, the appellant does not challenge either the methodology that has been used for assessing traveller needs, nor the figures referenced by SDNPA at appeal.
43. It is also common ground between the main parties that a criterion-based approach to assessing the suitability of proposed plots as they come forward does not amount to evidence of deliverable travelling showpersons' plots with reference to PPTS paragraph 10. I note that footnote 36 to NPPF paragraph 73 clarifies that the supply of deliverable traveller sites should be 'assessed separately' to circumstances in respect of bricks-and-mortar housing in line with the approach in the PPTS. There is no direct parallel provision to NPPF paragraph 11. d) in PPTS, and in any event the approach taken via LP policy SD33 was found to be sound at examination.
44. The only direction given in PPTS is that the absence of a demonstrable five year supply of deliverable sites should be 'a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission'. However, and logically consistent with footnote 6 to NPPF paragraph 11. d) i., that approach does not apply in National Parks (amongst other areas).
45. Drawing together my reasoning above there is evidence before me of significant and increasing needs for travelling showpersons' plots outside of the National Park, and conditional support via LP policy SD33 to appropriately-located plots within SDNPA's administrative area. However, as also set out above, the intended occupants of the proposed plots live within the area of administrative overlap between East Hampshire District Council and the National Park (and therefore are 'additional' to the plot figure in LP figure 7.4).
46. Growing surrounding needs for traveller provision may in time lead to a reappraisal of the approach within the National Park. However the evidence before me post-dating the LP in respect of this appeal is partial, and it would be outside of my remit to indicate what level should be directed towards the National Park. That is a practical matter that the SoCG, intended to inform future plan-making, seeks to address. Nonetheless, numerically, allowing the appeal would contribute towards wider site provision and a supply of authorised plots. That weighs in favour of allowing the appeal.

Personal circumstances

47. The appellant undertakes catering at various fairs across the country. I understand that her daughter, the intended occupant of one of the plots proposed, undertakes similar work (albeit on a less frequent basis on account of childcare responsibilities). SDNPA does not contest that the appellant, or her daughter, are travelling showpeople in planning terms.

48. Whilst the proposal is for two 'showmen's plots', the appellant identifies as a Gypsy (although her daughter does not). Were I to assess whether permission should alternatively be granted for a gypsy and traveller site I would necessarily have to substantially modify the nature of the development described on the application form via some form of condition. The PPG guides that such a course of action would be inappropriate.¹²
49. I am required to have due regard to the need to advance equality of opportunity between persons who share a protected characteristic, including race, and those who do not.¹³ That duty also extends to considering differential implications in terms of the age of individuals. I am also mindful of the duty under Article 8 of the Human Rights Act 1998 to facilitate a nomadic way of life, as is inherently part of the appellant and her daughter's lifestyles. However the appellant's case is squarely that the proposal should be assessed in the terms that it has been proposed. That is also the approach SDNPA has taken in considering the proposal, and one which I do not consider would be prejudicial to any party.
50. The appellant, her daughter, and her four grandchildren aged between 3 and 11 ('intended occupants' of the proposed plots) live at the Roads Hill site referenced above. They currently occupy a single plot. The proposal has been advanced with the understandable aim of enabling the intended occupants to relocate to a site of their own. I heard how the intended occupants' current living arrangements are sub-optimal. Occupying one plot at Roads Hill is cramped, and there is limited outside space available there. I understand that there is also a level of noise and disturbance by virtue of the close proximity of other plots, the activities of other individuals there, and comings and goings associated with others travelling to and from fairs and events.
51. The husband of the appellant's daughter has made a representation attesting to anti-social activities occurring at Roads Hill, and to threatening behaviour towards the appellant and her family. I understand that the appellant's daughter reported one incident to the police. I am told that the appellant and her family, who do not own the plot at Roads Hill, have either been told to leave, or that the environment has arisen where that is implied. I am sympathetic to those circumstances, which the appellant explains have had adverse consequences for her mental wellbeing.
52. The appellant has further explained that she has undertaken a lengthy and fruitless search for alternative accommodation, a matter to which I return below. I also note that the disadvantages faced by travellers relative to the settled community are well documented. As in respect of plot supply relative to needs, those circumstances are relevant in reaching a balanced judgement (to which I now turn).

Planning balance

53. As set out above there is evidence of significant demand for travelling showpersons' plots around the National Park relative to supply, an imbalance which is likely to persist for some time as plan-making progresses in various areas. Allowing the appeal would be beneficial in addressing that imbalance,

¹² Reference ID: 21a-012-20140306.

¹³ Under section 149 of the Equality Act 2010 as amended.

albeit to a modest extent. However the proposal does not directly relate to the plot figure referenced in LP policy SD33 and figure 7.4. As set out above, there is no substantive evidence before me that circumstances in the area of administrative overlap between SDNPA and Chichester District Council have altered significantly since the adoption of the LP. The benefits arising from the proposal in respect of plot provision would therefore be limited.

54. Occupying the proposed plots would provide for more comfortable living conditions for the appellant and her extended family. The proposal would, in particular, represent an improvement in terms of spaciousness and privacy. Allowing the appeal would therefore advance equality of opportunity. I am mindful of ensuring the best interests of children, a primary consideration under Article 3(1) of the United Nations Convention on the Rights of the Child.
55. However there is relatively limited evidence before me in respect of the circumstances referenced in paragraphs 50 and 51 of this decision, including any outcomes of the incident reported to the police. I do not make those points, or any subsequent reasoning, to counter anything I have read or heard. However I must gauge the nature of present circumstances and assess how they affect the appellant and her family in order to inform the level of weight to accord the benefits of the proposal.
56. Clearly the confines of the Roads Hill site and the proximity of other plots results in a certain level of noise and disturbance. However there is no indication before me of formal complaints in respect of noise having been received by SDNPA.¹⁴ Unfortunately anti-social behaviour may arise in any location or community, and its remedy is principally a separate matter to planning processes.
57. Notwithstanding the circumstances described in paragraphs 50 and 51 above, the appellant explains that her grandchildren have integrated well locally. I am told that those of school age have excellent attendance records. Their present school, and the surgery at which the appellant is registered, are in close proximity to the Roads Hill site. That is in contrast to the appeal site, being in a location distant from services and facilities several miles away from Catherington. I also understand that the appellant and her daughter have lived at Roads Hill for the past 34 years.
58. In that context, I am not of the view that the existing circumstances in which the appellant and her extended family find themselves may reasonably be described as an 'exceptional occasion' where it would be justifiable to grant permission a personal basis.¹⁵ Moreover, the benefits identified in paragraph 54 that would result from occupation of the proposed plots may equally be true of various alternatives, rather than being intrinsically dependent on allowing the appeal.
59. In that context I note that the principal evidence before me in respect of the efforts the appellant has undertaken to identify alternative accommodation is at appendix D to her statement of case. That is a letter to an estate agent located in Petersfield dated 22 October 2019, post-dating application Ref

¹⁴ Under section 79 of the Environmental Protection Act 1990 or otherwise.

¹⁵ Noting PPG reference ID: 21a-015-20140306.

SDNP/19/01713/FUL by some six months. That demonstrates a very limited period of active search.

60. Furthermore the question posed in that letter is 'do you have any sites on your books with planning permission for two showmen sites within the administrative area of Chichester District Council?'. As set out above, Petersfield is within East Hampshire District Council's administrative area. There is no evidence before me of enquiries made in respect of East Hampshire, noting that locations in East Hampshire may be closer to existing education and healthcare provision than the appeal site (thereby enabling the intended occupants to maintain continuity and ties with the local community in Catherington).
61. Drawing together my reasoning above, the benefits that would result from allowing the appeal to the intended occupants are material, albeit insufficient in and of themselves to justify grant of a personal permission. Moreover there is little to indicate that dismissing the appeal would unduly adversely affect any intended occupants or prevent them living in a similar manner as they have done for many years.
62. Inherent in the foregoing reasoning is that although the proposal would have certain benefits, in my view those benefits are insufficient to overcome the significant harm that would result from allowing the appeal (and thereby to justify allowing the appeal in the light of clear conflict with relevant provisions of the development plan and NPPF). For comprehensiveness, I would also explain that even were I to reach a finding that the proposal would be acceptable in all other respects, such as in terms of access and drainage as raised by nearby residents, that would be effectively neutral in the overall planning balance rather than carrying weight in favour of allowing the appeal.
63. It is logical that a temporary proposal would reduce the duration for which the harm identified in respect of the main issues would persist. I also note that the PPG explains that there is no presumption that a temporary permission will become permanent in time.¹⁶ However, in my view, a time-limited permission would not reduce the planning harm arising to such an extent that my reasoning in paragraph 62 would differ.
64. I have set out in paragraph 15 of this decision how the proposal is intended to be permanent. Even were a temporary permission reasonable in that context, harm to the character of the area, accorded the highest status of landscape protection, would inevitably be present for some time (without the benefit of any new planting maturing). Similarly poor accessibility to nearby services and facilities for would entail adverse consequences for a number of years.
65. Consequently neither the reasoning in paragraphs 53 to 64 of this decision, nor any other material considerations, are sufficient to outweigh or alter my conclusions that the development proposed would be unacceptable. Whilst appraised of the need to eliminate discrimination, promote equality of opportunity, and to consider the best interests of children, accordingly the effects of dismissing the scheme in respect of the intended occupants of the plots proposed are necessary and proportionate.

¹⁶ Reference ID: 21a-01420140306.

Conclusion

66. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow
INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Joe Cunnane, MRTPI, DipTP, BA(Hons)	Senior Partner, Cunnane Town Planning LLP.
Ms Tammy Burnett	Appellant
Mrs Lena Burnett	Appellant's daughter

FOR THE LOCAL PLANNING AUTHORITY

Stella New MSc, MRTPI	Senior Development Management Officer, South Downs National Park Authority
David Easton	Development Management Lead, South Downs National Park Authority
Ruth Childs	Landscape Officer, South Downs National Park Authority

INTERESTED PERSONS

Sheila Bramley	On behalf of Harting Parish Council
Peter Caines	Local resident
Mark Stevens	Local resident
Nicholas Vergette	Local resident