



Appeal Decision

Site Visit made on 2 March 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/M1710/W/20/3257660

Land to the north of Wolfs Lane, Chawton, Alton GU34 3HJ

- 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 Elstream Management Limited against the decision of East Hampshire District Council.
 - The application Ref 35839/001, dated 21 February 2020, was refused by notice dated 15 July 2020.
 - The development proposed is the change of use of land to provide 12 pitches including storage areas, parking areas, access, landscaping and an amenity building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are
 - a) the effect of the development on the character and appearance of the countryside;
 - b) whether it would fail to preserve the setting and significance of the Chawton Conservation Area;
 - c) whether it would conserve and enhance the natural beauty, wildlife and cultural heritage of the South Downs National Park;
 - d) whether this would be a sustainable location for the development and
 - e) if harm would be caused, whether this would be outweighed by other material considerations (the planning balance).

Reasons

Character and appearance of the countryside

3. This site lies in the countryside between the village of Chawton and the larger town of Alton. It comprises 2 fields that are bounded by hedging and trees, with Wolfs Lane¹ immediately to the south and the A31 to the north. The fields currently appear to be used for the keeping of horses, and, apart from some containers and a few simple timber buildings, are open grass paddocks. While the A31 is a busy dual carriageway, Wolfs Lane has a more rural feel, being generally lined by hedging, with no pavements, street lighting or kerbs and few road markings.

¹ Also referred to as Wolf's Lane and Wolfes Lane in the submissions

4. In the *East Hampshire District Local Plan: Joint Core Strategy* (JCS) criterion (e) of Policy CP15, which specifically concerns developments such as this for occupation by travelling showpeople, says they should, amongst other things, *'be adequately screened or landscaped to blend the site into its surroundings'*.
5. Along most of the southern side of the site, in a more or less continuous row, would be the residents' 12 plots. These would broadly back onto Wolfs Lane and a condition could be imposed to require all residential accommodation to take the form of caravans. However, it would be a long, extensive line of activity in what is an undeveloped area at the moment.
6. Although it would be behind the existing hedging and trees, this currently provides an incomplete screen that would only partially conceal the proposal. Whilst the appellant has offered to bolster this with additional planting, given the inadequacy of what is there now, the length of time the new planting could take to become established, and a lack of information about how effective the additional planting would be, I cannot be confident that this would result in the proposal being adequately screened.
7. Moreover, the effectiveness and role of any planting along the north of Wolfs Lane would be very much diminished by the access. This would be a notable breach through the trees and shrubs lining this side of the road as it would be of a sufficient width, geometry and construction to allow large lorries to enter and leave. It would also allow views either into the site, or of large gates across the access. Furthermore, the formation of sight splays, while possible, would necessitate a reduction in at least some of the roadside planting.
8. Taking these factors together, I consider the scheme would have an adverse effect on the character and appearance of Wolfs Lane, by introducing an extensive level of activity that would be sufficiently prominent to mean it harmfully undermined its rural nature.
9. The eastern end of the site would be given over, in part, to the parking and maintenance of equipment. Again, this area would not be well-screened by the existing planting, and the effectiveness and timescale for additional supplementary planting is unclear. I therefore consider that when seen from the south this area too would harmfully erode the rural character and appearance of the surroundings.
10. Turning to the northern boundary, the site at the moment is visible when travelling in either direction along the A31. The plan shows that a 3m high acoustic fence is to be along the entirety of this side and while the appellant has subsequently offered to reduce its length the extent of that reduction has not been specified. Although to be constructed of timber, its scale and length mean that, visually, this would be a striking feature when seen from within the site and from the A31 that again would be notably at odds with the area's rural character. From the dual carriageway it would be behind existing planting that is to be enhanced, but again I cannot be confident that this would screen or soften the fence sufficiently.
11. In any event, the role this fence and its associated landscaping would play in screening the works from the A31 would not be total, as views into the site would be possible over the field to the west when travelling eastwards, and, quite possibly, when driving in a westerly direction on the elevated bridge over

the A339/B3006. In these positions the discordant and extensive nature of the scheme in this rural landscape would once more be apparent.

12. Under Policy C11 of the *Local Plan Second Review* the site was identified as being within a designated gap between Alton and Chawton, with the extent of the gap being defined on the inset map. This policy sought to safeguard that gap from development that would undermine the separation between the 2 settlements. However, neither the policy nor the inset map was 'saved'. Rather, they have been replaced by JCS Policy CP23, which, whilst re-affirming the principles around this gap, does not define it precisely, but leaves that to future local plans that have not yet been forthcoming. The purpose of JCS Policy CP23 is said to be to shape the pattern of settlements and maintain a sense of place. The Council has not cited a conflict with JCS Policy CP23 in its decision, but it has stated the development would fail to conserve the local gap between Alton and Chawton.
13. Although the extent of the gap is therefore not defined in the adopted development plan, I nonetheless recognise the site lies on one of the key routes between Alton and Chawton. As such, given its extent, I consider the introduction of the built form and activity associated with this proposal would erode to a notable degree the sense of separation that exists when travelling from one of these settlements to the other. It would not remove this separation totally, but to my mind the policy does not seek to resist only development that would have such an effect. Rather, the policy also aims to prevent the incremental erosion of these gaps with schemes that, although relatively small, could have an adverse effect when taken cumulatively.
14. There is a commercial site immediately to the east. I understand though that this is a long-standing use, and neither that site itself nor its surrounding fencing is of a comparable scale to what is before me now. As such, its presence does not lead me to different findings.
15. There is no basis before me to find the level of traffic associated with the site would undermine the rural character of the lane. I accept that large lorries may come and go, but the nature of the use means that would be an occasional event rather than a regular occurrence.
16. I also acknowledge that the quantum of development is low, with an extensive area of open space remaining. However, the linear arrangement of the proposed layout means it is spread along a significant length of Wolfs Lane, thereby exacerbating its impact. Although the provision of open space for the residents to enjoy is a positive aspect of the development that does not justify the adverse effects I have otherwise identified.
17. Finally, I have had regard to the housing development being built just to the north of the A31 but I am unaware as to the background to that decision and so it does not lead me to a different view.
18. Accordingly, on the evidence before me I am unable to find the scheme could be adequately screened or landscaped to blend into the surroundings, but conclude it would cause significant and unacceptable harm to the character and appearance of this area of countryside and the Alton/Chawton gap, thereby conflicting with JCS Policies CP20 and CP29, which broadly require development to respect and protect its locality, JCS Policies CP15(e) and CP23.

The effect on the conservation area

19. The significance of the Chawton Conservation Area lies partly in it being a collection of pleasing simple historic rural cottages and buildings, and partly being the home of Jane Austen in the later years of her life. The appeal site lies outside of the conservation area with a field and a further grassed area in between. To my mind the development is sufficiently distant to mean it would remain distinct and separate from the conservation area. Therefore, the works would not harm its significance as a designated heritage asset and its integrity and setting would remain unaffected. Whilst I accept that visitors coming from the junction with the A31 to the east would pass the appeal site before entering Chawton, given the separation I see no reason why that would mean their enjoyment or appreciation of the village as a designated heritage asset would be diminished.
20. It was also contended that traffic from the site would congest the village street, harm (unspecified) listed buildings and detract from Chawton's historic character. However, for the reasons discussed below I consider the heavier lorries at the site would not comprise a significant aspect of traffic flow and are unlikely to use the lane through Chawton as a link to and from the A31 to a great extent. I also have no evidence to show damage would be caused to buildings as a consequence. Moreover, the development would not harm the setting of Chawton House given the distance between the 2 and the nature of the intervening landscape.
21. Accordingly, I conclude the proposal would not fail to preserve the character or appearance of the Chawton Conservation Area, would not detract from the special architectural or historic interest of listed buildings, and would not harm the significance of these designated heritage assets. As such it would not conflict with guidance in the *National Planning Policy Framework* (the Framework) relating to this issue.

The effect on the national park

22. The boundary of the South Downs National Park runs along Wolfs Lane, and so the fields to the south are within the national park, while the appeal site is not. Various parties have contended the site should be in the national park, and I accept that the general character of the appeal site is similar to the fields and landscape immediately to the south. However, it is not for me to re-visit the drawing of the national park boundary, but rather I accept that the appeal site is outside and have considered it accordingly.
23. The *National Parks and Access to the Countryside Act 1949* (as amended) (the 1949 Act) identifies the 2 purposes of National Parks as broadly being 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 National Parks by the public. The *Planning Practice Guidance* says

[the statutory protection] is relevant in considering development proposals that are situated outside a national park ..., but which might have an impact on [its] setting or protection. (Para: 039 Reference ID: 8-039-20190721)
24. Therefore, the protection in the 1949 Act is relevant in this instance, insofar as the development of the scheme could impact the national park by affecting its

setting. However, in interpreting this one has to be mindful that the site has not been included within the park but rather lies outside of the boundary.

25. I have found that the proposal would adversely affect the character and appearance of Wolfs Lane by reason of its extent and its prominence. To my mind, eroding the countryside on the northern side of that road in that manner would, inevitably, impinge on any appreciation of the natural beauty of the rural area to the south of the lane. For this reason, the scheme would therefore also adversely affect the national park.
26. The dark sky though could be protected with a sensitive lighting scheme, while the nature of the wider landscape means I am not satisfied the proposal would intrude unacceptably into longer views out of the national park. Given my findings above in relation to the Chawton Conservation Area and its historic buildings and associations, I also find that the scheme would not damage the cultural heritage of the area whilst there is no specific evidence to show harm to wildlife in the national park.
27. Accordingly, I conclude the proposal would fail to conserve the natural beauty of the South Downs National Park, and so conflict with JCS Policies CP20 and CP29, which seek to conserve and enhance the natural beauty of the national park and its setting, and the 1949 Act.

Sustainable location

28. Although not a reason for refusal this was a concern raised by local residents and to which the appellant responded.
29. The appellant states that the site is close to Alton and Chawton and the full range of services they offer. However, the lack of pavements along Wolfs Lane or indeed for much of the way between the site and Alton, together with the absence of street lighting, mean walking to the limited services in Chawton or the greater range on offer in Alton is likely to be unattractive. This is especially so for those with mobility difficulties, those with children, or those wishing to make the journey after dark or in inclement weather.
30. Consequently, I conclude that the development is likely to offer limited transport choices for its residents, and result in a reliance on private motorised vehicles. It would therefore not be a sustainable location for such development and so would conflict with JCS Policy CP31 that encourages sustainable modes of travel, and guidance in the Framework.

Other matters

Traffic

31. While heavy lorries would be associated with the development, given the nature of the use it is reasonable to expect these would not be coming to and from the site often, but rather would be away for significant periods of time. When they did travel, I have no basis to consider the road geometry would not allow such vehicles to use the junction with the A31 to the east. In contrast using the A31 junction to the west would be much less attractive because of the sharp bends in Chawton and, I anticipate, the busy nature of that village at certain times.

32. The site entrance would be an appreciable distance from the junction with the A339/B3006 and would have adequate sight lines. A condition could ensure the gate was set sufficiently far back into the site to allow even large lorries to pull clear of the carriageway. The use of the access would therefore not cause harm to highway safety or impede the free flow of traffic on Wolfs Lane.
33. I have no reason to consider Wolfs Lane is ever particularly busy. As such, any domestic and smaller commercial traffic movements generated by the scheme would not be harmful to highway safety.

Tourism

34. Although Wolf's Lane is a sign-posted route to Jane Austen's house from the junction on the A31 to the east of the site, there is also a second, shorter approach to the village from the A31 to the west. Similarly, while some may use Wolfs Lane to enter the national park, other routes also exist. Wolfs Lane is therefore not the sole way that visitors would travel to either of these destinations. In any event, even if tourists did use this road, I consider people visiting national parks or historic sites accept that they will pass other developments on their way. I therefore have no basis to find it would discourage tourists to the village or the national park to any material extent.

Living conditions

35. The submitted sound level assessment states that with the acoustic fence along the northern boundary the accepted noise levels from traffic on the A31 would not be exceeded. At the east end the rising carriageway would quite probably be above the fence, but I nonetheless have no reason to disagree with the findings of this report. The sound level assessment was based on a different layout, but I consider the revised layout before me would not materially affect its conclusions. The appellant has offered to reduce the length of the fence, but I have not considered the scheme on that basis as I am unaware as to the implications that would have on protecting the residents from road noise.
36. Although there are dwellings to the south of Wolfs Lane and to the west, there is no basis to find that their residents would experience noise nuisance from either traffic associated with the proposal or activity on the site.

Drainage

37. This was one of the reasons for refusal initially proposed by the Council, but subsequent reports meant the Council no longer contested this issue. Having considered the reports and noted the suggested conditions, I have no reason to find that the scheme would result in flooding on the site or elsewhere, or to find that there would be contamination of any underlying aquifers.

Fear of crime

38. Although this can be a material consideration, in this case I have no sound, cogent evidential basis linking the proposed use or its occupiers with possible criminal activity. It has therefore not been a matter to which I have afforded significant weight

The planning balance

39. *Planning policy for traveller sites* (PPTS) states that the existing level of local provision and need for sites for travelling showpeople is one of the matters that

could be considered when assessing proposals of this nature. It adds that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites this should be a significant material consideration when considering proposals for temporary planning permission.

40. The *Alton Neighbourhood Plan*, which covers a small part of the east end of the site, does not identify a specific need for travelling showpeople plots, but such assessments should be undertaken over a larger geographic area. The Council confirmed there is a district-wide need for 46 plots for travelling showpeople up to 2036, but no deliverable sites are now available. There is therefore a very great shortfall and I have little to show alternative sites are or soon will be available. Mindful of the PPTS this is a significant material consideration.
41. Addressing this shortfall could be sufficient to justify, in principle, a site for travelling showpeople in the countryside and would allow their use of this land even though it produced a reliance on private motorised transport. However, even accepting its magnitude, I consider this shortfall is not sufficient justification to outweigh my concerns arising from the effect of the proposal's linear layout along Wolfs Lane on the character and appearance of the countryside or the natural beauty of the national park. Indeed, this harm significantly and demonstrably outweighs any benefit that delivering 12 plots in this manner would bring.
42. No occupiers have been cited, but given the scale of the shortfall that does not count against the proposal. However, it does mean that the personal circumstances of specific individuals are not to be taken into account.
43. In the draft version of the emerging local plan the appeal site is allocated as site SA23 for a similar use to what is now before me, namely 12 plots for Travelling Showpeople, and I note that one of the constraints given on that allocation is '*the layout should avoid a linear form through the site*'. Notwithstanding the principle of the draft allocation, I have shared some of the Council's concerns in its reason for refusing the appeal scheme now proposed. Moreover, the emerging local plan is at an early stage, and so I cannot be confident that this allocation will, in fact, be accepted and be found in the eventual adopted version. As such, the identification of this site in this way does not offer a basis for me to accept what is now proposed.
44. Economic and social benefits could also flow from the scheme, but again the harm identified to the character and appearance of the area and the natural beauty of the national park significantly and demonstrably outweigh these.
45. The scheme may not conflict unacceptably with the other criteria in JCS Policy CP15 but that does not mean the conflict with criterion (e) in that policy, or indeed the other development plan conflicts are outweighed or put aside.

Conclusions

46. Accordingly, I have found that the scheme would cause significant harm to the character and appearance of the countryside, would fail to protect the natural beauty of the national park, and would be in an unsustainable location with reliance on the private motor vehicle, thereby conflicting with the development plan when taken as a whole. Whilst the shortfall in plots for travelling showpeople in the district would outweigh the harm from the unsustainable nature of the location, the other harms significantly and demonstrably

outweigh any benefits arising from the delivery of plots or any other benefits identified. I therefore conclude that the appeal should be dismissed.

JP Sargent

INSPECTOR