
Appeal Decision

Site visit made on 4 May 2021

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/Y9507/W/20/3256900

Manor Farm, Bignor Road, Bignor RH20 1PQ

- 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 W Tupper against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/03032/FUL, dated 21 June 2019, was refused by notice dated 12 February 2020.
 - The development proposed is change of use of agricultural land to a tourist use for the siting of 6 no. shepherds huts, camping and with a part conversion of an agricultural barn to provide ancillary facilities.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of the area within the South Downs National Park.
 - The effect of the proposal on the significance of designated heritage assets.
 - Farm diversification and the planning balance.

Reasons

Character and Appearance

3. The Authority have cited numerous policies from the South Downs Local Plan 2014- 2033; SD1 on sustainable development, SD2 on ecosystem services, SD4 on landscape character, SD5 on design, SD6 on safeguarding views, SD7 on relative tranquillity, SD8 on dark night skies, SD9 on biodiversity and geodiversity, SD19 on transport and accessibility, and SD22 on parking provision. Policy SD23 concerns sustainable tourism, while Policy SD25 sets out the development strategy, listing settlements where the principle of development will be supported, outside of which development is to accord with relevant policies and criteria listed in the policy. Policy SD40 details the requirements for farm diversification.
4. The Partnership-Management Plan 2014-2019 includes Policy 1 to conserve and enhance the natural beauty and special qualities, Policy 13 supports the financial viability of farm businesses through appropriate infrastructure and

- diversification, Policy 41 seeks to maintain visitor enjoyment and influence behaviour to reduce impacts and Policy 43 supports the development and maintenance of appropriate recreation and tourism facilities.
5. The statutory 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 Park's special qualities by the public.
 6. The National Planning Policy Framework sets out requirements in chapter 12 on achieving well-designed places and in chapter 16 on conserving and enhancing the natural environment, the latter containing paragraph 172 which states 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, and the scale and extent of development within these designated areas should be limited.
 7. Representation has been made concerning policies of the Bury Neighbourhood Plan, which was 'made' on 12 April 2018. However, the site does not fall within the Plan area, and so it is not part of the Development Plan for the appeal site. Whilst access to the main road network could pass through that Neighbourhood Plan area, the cited Policy 12 is specific to the provision of *workspace* for existing or new small-scale businesses and the particular concern in part v) is commercial vehicles. Reference to Policy 15 on dark night skies is covered by South Downs Local Plan Policy SD8.
 8. There appear to be 3 versions of the red-line site boundary;

Drawing FE01D shows a roughly rectangular site reaching to a belt of trees and encompassing a triangular field seen at the site inspection as being in use for sheep and young lambs, together with a triangular part of a larger arable field, the line extending to the road with 7 visitor parking spaces delineated to the south edge of the first field.

Drawing FE01F shows the same 2 triangular parts with the line extended to allow a further 14 car parking spaces on an existing hard standing to the east of those on drawing FE01D, and the line is extended closer to Manor Farm Courtyard around its north-east corner and noted as areas of approximately 7 and 8 overflow parking spaces.

The Landscape and Visual Impact Assessment shows a similar arrangement to drawing FE01D but the camping field is shown extending approximately halfway down the first triangular field only and not onto any of the arable field.
 9. The weight of evidence is that the full rectangular site is intended but in view of the comments of the Highway Authority, there is no need for the overflow parking and the original red-line should be used. On the assumption that the proposal is for the 6 shepherd's huts and up to 12 tent pitches referred to in the farm diversification document, the need for some of the 14 additional spaces on drawing FE01F could be secured by condition as it is presumably on blue-edged land. The appeal will proceed on that basis, but it does raise questions over the Landscape and Visual Impact Assessment supplied.
 10. Detailed topographical survey drawings have been supplied, but these have not been used to inform any detailed sectional drawings showing the ground works and re-profiling that would be required in order to accommodate the

shepherd's huts or relatively level camping pitches, together with reasonable access to each, even if only on foot as asserted. A view of the topography at the site inspection revealed a general slope away from the road and farm buildings, but heavily influenced by a gully running approximately at the boundary between the 2 triangular fields, heading south-east down towards the north-west. This results in significant cross-falls to each half of the camping field and the notation of three batters and plateaus does not provide sufficient information on the bulk earth movements that may be required.

11. However, and notwithstanding these shortcomings in the information supplied, it is reasonable to assume that such re-profiling would be required to cross the gully and provide the pitches and some level land outside the huts, and this would be an unnatural and invasive change to the topography of the landscape. The addition of the activity and structures of the huts would further harm the character and appearance of the area.
12. The Conservation Officer expressed concern over their finish, considering that a natural timber would reduce their impact. A shepherd's hut on wheels as proposed was a traditional feature of downland farming, allowing the shepherd to be on hand in the lambing season, and they were often painted. The problem in this location is their number dispersed across a far-from-natural landscape.
13. Although the site slopes away from the road and the village there is a public right of way that passes alongside part of the southern boundary and from which the full effect of the use and changes to the topography would be seen. Whilst harm would be caused as a matter of judgement whether seen or not, the existence of likely receptors seeking to enjoy the beauty and tranquillity of the National Park adds weight to the concern.
14. The rationale behind the intended use of a site that requires such alteration could well be the proximity of an existing building for use as the utility block, saving the need for a purpose-built new structure and the harm that might be caused. The lean-to projection from a Dutch Barn does appear to lend itself to the works and would not cause harm due to the building having no architectural or historic interest.
15. The building is shown to accommodate a number of toilets, showers, laundry machines and a drying room, together with an area of communal kitchen, dining and lounge areas, and a small shop is shown in addition. Whilst the total number of pitches and huts is stated, the facilities could cater for a gathering of 30 or more people, with comings and goings to and from the pitches, possibly late into the evening, although that could be controlled. Either way, that building and the arrivals by car or on foot could have an adverse effect on the occupiers of the Manor Farm Courtyard where there are windows along the east side abutting the driveway, and not far from the amenity building.
16. With regard to dark night skies, there does not appear to be any aspect of this proposal that would not manifest itself in any other camping site, and the proximity to buildings and the village would, if anything, reduce the harm caused through being associated with other light producing uses, when compared with a more isolated site.

17. There has been discussion over the extent of car usage that would be likely. The bus stop outside the site has a timetable describing the number 99 as a 'flexible service' and it is the case that whilst it links Petworth and Chichester, it deviates into Bignor from the main A285 only if pre-booked on certain journeys. Whether tent campers would tend to use a bus is doubtful, although some campers could be on hiking tours.
18. There is a public house at Sutton, but whilst the distance may not be great, the routes seen at the site inspection were not conducive to pleasant walking and whether by road or footpath would involve steep hills. The likelihood is that a reasonable number of potential users would arrive by car and would expect to have use of that car for touring while based at the site, adding further to the concern as to the effect on the rural character of the area.
19. Taking all matters into consideration; the effect on the topography and the rural character and appearance, as well as on residential amenity, the conclusion is that the proposal would cause harm. There would be benefits and these will be considered in the planning balance.

Designated Heritage Assets

20. The Authority claim that the setting of the adjacent Bignor Conservation Area would be neither preserved nor enhanced, and that the setting of adjacent listed buildings including the Grade I listed church would be harmed. Local Plan SD12 concerns the historic environment while Policy SD13 is specific to listed buildings and Policy SD15 is specific to conservation areas. Policy 9 of the Partnership-Management Plan seeks the protection of the significance of historic environment.
21. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
22. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
23. There is a slight overlap between the red-line site boundary and the boundary of the Conservation Area where it skirts Manor Farm Courtyard, that being a listed building along with The Manor House and the church. The fields in question presently provide a rural setting for these buildings and the conservation area, somewhat diluted by the presence of the Dutch Barn and the large sheds to the east, which are excluded from the designation. But, Bignor is a small tranquil village and the introduction of the likely numbers of people in this location would have an adverse effect on the character of the area and the rural setting.
24. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public

benefits of the proposal, including securing its optimum viable use. This will be considered in the planning balance which follows.

Farm Diversification, Planning Balance and Conclusion

25. The Diversification Report lists various options and it is accepted that many could cause harm to residential or environmental amenity or would be unattractive to third party users and investors due to the relatively isolated location and the nature of the connecting roads.
26. The appellant refers to the low percentage of the land that is farmed being in ownership, and the difficult trading resulting from leaving the European Union among other factors. The return on capital outlay for this project appears to be good, but it is less clear how the capital costs relate to the need for bulk earth movement. Mention has been made of some cross subsidy of the Roman Villa operation, but no mechanism is in place to secure that.
27. The use of the land at the time of the site inspection appeared to be agricultural; livestock and arable either side of the gully, and there would be the loss of that use. This does not appear to be an area of degraded land that is not of use to the farm business. With regard to Policy SD40 which is specific to farm diversification, the Report satisfies the need for a Plan under 1.a) and would re-use a building under 1.b), while 1.c) is not applicable. However, the harm found in the first main issue is such that the first purpose of the National Park is not contributed to, as the harm fails to conserve and enhance the natural beauty of the area.

28. Looking at the other cited policies:-

SD2 would be met in some regards, in j) improving opportunities for people's health and wellbeing through being close to nature and in the fresh air, but the harm caused would undermine those benefits by causing harm to the environment of the National Park which they would be seeking to experience.

SD4 is not met due to the harm identified.

SD5 on design is not well served as the approach has not been landscape led, resulting in intrusive and unattractive changes to the topography. The reuse of the building does provide well-designed spaces, but that does not overcome the failing.

SD6, the harm to the view from the right of way means that part 2.c) is not met.

SD7, the proposal would risk undermining the tranquillity of the area, but limited weight attaches in view of the proximity of farming activities and the fact that camping in any other location may well have some adverse effect.

SD8 on dark night skies results in the same comment as for SD7, any camping activity risks some adverse effect and this location is not particularly sensitive.

SD9, third party comment has drawn attention to the gully draining into the mill stream and the possibility of earth movement would need to take account of drainage changes.

SD19 as stated elsewhere in this Decision, the bus service is limited, and camping may well result in car journeys wherever it occurs. There are however opportunities for non-car journeys.

SD22 on parking can be met in part by condition, but there would remain the risk of noise and disturbance to residential occupiers.

SD23 sets out the requirements for sustainable tourism, and the proposal would meet some of the criteria. But, the important criterion c) that the development should not detract from the experience of visitors or adversely affect the character, historical significance, appearance or amenity of the area is seriously failed.

SD25 the proposal does not make appropriate use of land due to the effect on the topography and the harm to the character and appearance.

29. To conclude, the proposal fails to conserve the landscape character and appearance contrary to Policy SD1 and the first purpose of the National Park, and in the planning balance there are not benefits that demonstrably outweigh that harm, including the harm to designated heritage assets and is not sustainable development. The planning balance lies in not granting permission. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR