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# Appeal Decision

Site visit made on 11 May 2021

**by Adrian Hunter BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> June 2021**

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**Appeal Ref: APP/Y9507/W/20/3263866**

**Lower Oxenbourne Farm, Harvesting Lane, East Meon, Petersfield GU32 1QR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr and Mrs Hunt against the decision of South Downs National Park Authority.
  - The application Ref SDNP/20/03875/CND, dated 8 September 2020, was refused by notice dated 13 November 2020.
  - The application sought planning permission for re-siting of previously approved dwelling and alterations to existing barn without complying with a condition attached to planning permission Ref SDNP/19/02402/FUL, dated 19 December 2019.
  - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to consideration of this application'.
  - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr and Mrs Hunt against South Downs National Park Authority. This application is the subject of a separate Decision.

## Main Issues

3. The main issues in this appeal are:
  - The effect of the proposal upon the character, appearance and landscape beauty of the South Downs National Park; and
  - Whether the proposal would result in the provision of two dwellings on the site, and if so, whether this meets the strategy for the provision of additional dwellings in the South Downs National Park.

## Reasons

### *Character and appearance*

4. The appeal proposal seeks permission to re-locate the approved dwelling, to a position approximately 10m to the south-west of the approved location. Subsequent amendments would also be made to the proposed access

arrangements and the location of the car parking area. No other changes to the approved scheme are proposed.

5. The appeal site lies in an isolated, rural location and consists of a cluster of buildings on the northern part, which includes a detached dwelling and its garden, a large detached commercial building and associated parking and turning area, and a currently unused and partially derelict flint barn building. The remainder of the appeal site is open and undeveloped and comprises mainly mown grass, although there are a number of locations where materials have been stored. The surrounding area is open countryside and its quality very much reflects the site's location within the South Downs National Park (SDNP).
6. Paragraph 172 of the National Planning Policy Framework (the Framework) identifies that great weight should be given to conserving and enhancing the landscape and scenic beauty of the National Park. Policy SD1 of the South Downs National Park Local Plan (SDNPLP) identifies that development will be refused where it would, amongst other things, fail to conserve the landscape and natural beauty of the SNDP. Policy SD4 of the SDNPLP states that development will only be permitted if it conserves and enhances the landscape character. Policy SD5 identifies that development proposals will only be permitted, amongst other things, where they respect the local character and make a positive contribution to the overall character and appearance of the area.
7. In contrast to the location of the approved dwelling, which would be positioned on an area of existing hardstanding, immediately to the rear of the existing flint barn, it is proposed that the dwelling be sited on an area that is currently undeveloped and, as a result, appears more as open countryside. Furthermore, the location is set further away from the existing pattern of built development on the site.
8. Notwithstanding the appellant's landscape and visual assessment, I find the amended location to be a more visually prominent part of the appeal site. As a result, when seen from surrounding public viewpoints, in comparison to the approved location, the proposed dwelling would represent a substantial intrusion into the open countryside, which would harm the overall landscape and natural beauty of the area.
9. It has been put to me by the appellant that the revised location of the dwelling, under the approved scheme, due to the proposed new mixed native hedge and car parking area, would become the garden area for the approved dwelling. However, I note that the approved drawings did not specifically identify this area would become garden. Instead, a condition was attached to the planning permission, requiring the details of planting and identifying the area for a domestic garden, to be submitted to and approved by the Local Planning Authority. From the evidence before me, this has yet to be agreed.
10. In any event, even if this area was considered to be garden, the use of this land for this purpose would be in complete contrast to the harm caused to the landscape qualities through the erection of a permanent dwelling in this location. Furthermore, I note that the planning permission removed permitted development rights for any ancillary residential development to take place in this area, therefore, if it were considered to be garden, it would still retain a degree of its existing quality.

11. The proposal would deliver improvements through a substantial reduction in the overall length of the access driveway and thereby reduce the impact on the countryside. Whilst I consider this to be a benefit of the proposal, it is not of sufficient weight to outweigh the harm I have found to the landscape and scenic beauty of the area, to which I have given great weight.
12. For the reasons outlined above, I therefore conclude that the proposed development would harm the character and appearance of the area and would fail to preserve the natural beauty of the SDNP and, in this respect, is contrary to Policies SD4 and SD5 of the SDNPLP, Policies EM5 and EM6 of the East Meon Neighbourhood Development Plan (EMNP) and Policies contained within Part 12 and Paragraph 172 of the National Planning Policy Framework (the Framework).
13. The Council's reason for refusal refers to Policy SD30 (replacement dwellings), however given the proposal is seeking to amend an existing planning permission, this policy is not considered to be relevant to the proposal. Similarly, Policy EM7 (Building Materials and Detailing) of the EMNP is also cited, however as there are no design changes proposed by the appeal application, this is also considered not to be relevant.

#### *Additional dwelling*

14. The approved location of the appeal dwelling currently prohibits the implementation of the extant permission. However, should the location of the appeal dwelling be amended, then, in theory, this would leave space for the completion of the extant scheme, thereby allowing the development of two dwellings on the site.
15. Policy SD25 of the SDNPLP states that development will be supported within identified settlements. Outside of these settlements the Policy identifies a number of exceptions where new dwellings would be permitted. The appeal site lies outside of any identified settlement boundary and no evidence is before me to demonstrate that the dwelling would meet any of the identified exceptions. As a result, the provision of two dwellings on site would be contrary to Policy SD25.
16. In their appeal statement, the appellant refers to the potential for a Planning Obligation in the form of a Section 106 Agreement, to ensure only a single dwelling is constructed on the site. The Council suggest that the matter could be addressed via a Unilateral Obligation. In any event no mechanism is before me to ensure that only one dwelling is erected on the site. Therefore, whilst reference is made to a potential solution to the issue, without any evidence before me or a mechanism to overcome the objection, I give these submissions little weight.
17. For the above reasons, I therefore conclude that the proposed development would result in the provision of an additional dwelling in the countryside, for which no justification has been provided and, in this respect, the proposal would be contrary to Policy SD25 of the SDNPLP, Policy EM2 of the EMNP and Paragraph 172 of the Framework.

**Conclusion**

18. For the above reasons, I conclude that the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR