



Appeal Decisions

Site visit made on 18 May 2021

by **S Edwards BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal A Ref: APP/Y9507/W/21/3269531

Racton Tower, Monument Lane, Lordington, Chichester PO18 9DR

- 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 Mark Talbot (Stoutheart Limited) against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/02166/FUL, dated 1 June 2020, was refused by notice dated 27 August 2020.
 - The development proposed is change of use and alterations to existing derelict folly/viewing tower to form 1 no. private dwelling unit with integral garaging.
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Appeal B Ref: APP/Y9507/Y/21/3269529

Racton Tower, Monument Lane, Lordington, Chichester PO18 9DR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Mark Talbot (Stoutheart Limited) against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/02167/LIS, dated 1 June 2020, was refused by notice dated 27 August 2020.
 - The works proposed are change of use and alterations to existing derelict folly/viewing tower to form 1 no. private dwelling unit with integral garaging.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The proposed development and works affect a listed building, and I have therefore had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Both appeals relate to the same site and raise similar issues, and I shall therefore consider them in a single document, in the interests of brevity.

Main Issues

4. The main issues are:
 - The effect of the proposal on the rural character and appearance of the area, including the South Downs National Park;

- Whether the proposed development and works would preserve the significance of the Grade II listed building known as The Racton Monument and its setting;
- Whether the appeal site constitutes a suitable location for the proposal, having regard to local and national planning policies which seek to restrict residential development in the countryside; and
- The effect of the proposal on protected species.

Reasons

Character and appearance

5. Located within an area of rural character, the appeal site comprises the ruins of a folly which, by reason of its elevated and dramatic position on top of a hill, sits prominently in wide ranging views and has become fully integrated into the wider landscape. Additionally, the site's secluded setting, in an area where the skies remain dark at night, together with the surrounding vegetation, give it a relative sense of tranquillity.
6. The appeal scheme seeks to rebuild and extend the existing structure in order to enable its conversion to residential use, and the resulting changes to the character and appearance of the site and surrounding area would be significant. Limited information has been submitted in support of the planning application to demonstrate that the proposal would not cause harm to some of the key attributes of the South Downs National Park, including the quality of its landscape, its dark night skies and sense of tranquillity. As emphasised by paragraph 172 of the National Planning Policy Framework (the Framework), great weight should be given to conserving and enhancing the landscape, scenic beauty and cultural heritage in National Parks, which have the highest status of protection in relation to these issues.
7. The proposed works to the building, together with the construction of large, contemporary additions and the paraphernalia which would inevitably be associated with a residential use, would result in a domestication of the building and the plot, at odds with the generally undisturbed nature of the site and its wider surroundings. The resulting harm would be exacerbated by the creation of a more formal access associated with the dwellinghouse. This would lead to an intensification of use and general activity, not just within the site but also along Monument Lane, which would erode the rural character of the area and its sense of tranquillity.
8. No detailed arboricultural information has been submitted in support of the appeal scheme, and I cannot therefore be satisfied that the proposed development and works would not cause irreversible harm to the long term longevity and wellbeing of trees. I also share the concerns raised by the Authority regarding the creation of a natural swimming pond and the proposed works which would occur below ground, as these could affect the rooting systems of some of the trees.
9. Despite the level of screening provided by the trees and surrounding vegetation, the scale of the proposal would be visible to users of the adjacent byway, thus bringing human domestic activity particularly close to what is presently a tranquil, rural path. In the absence of substantive evidence to the contrary, such as a detailed landscape analysis and visual impact assessment,

there is also no certainty that the appeal scheme would conserve and enhance the wider landscape character and scenic beauty of the South Downs National Park. Whilst additional planting would be positive, this would not be sufficient to render the scheme indiscernible, especially given the scale of the proposal and the site's prominence in the landscape.

10. The appeal scheme would include extensive areas of glazing, not just within the reconstructed tower, but also within the extension, which would increase the conspicuous domestic appearance of the converted building, and introduce the potential for light spillage at night, which could cause unacceptable harm to views of the nocturnal landscape and the intrinsic quality of the dark night skies. Very little evidence has been presented to demonstrate how this could be mitigated, in a manner which could also be enforced by the Authority.
11. The proposal would therefore be contrary to Policies SD1, SD4, SD5, SD6, SD7 and SD8 of the South Downs Local Plan 2014-2033¹ (SDLP), which seek to ensure that the significance of the historic environment is protected from harm, whilst requiring that the natural beauty and special qualities of the landscape and its setting are conserved and enhanced, as well as the intrinsic quality of dark night skies and relative tranquillity of the National Park. Similarly, the proposed development and works would be contrary to Policies 1 and 9 of the South Downs Partnership Management Plan 2020-2025 (SDPMP) and the First Purpose of designation of the South Downs National Park.

Listed Building

12. The appeal building is a Grade II listed folly or landmark dating from the later part of the 18th century which was constructed for Lord Halifax. Racton Monument has been in ruins for centuries, and was therefore in that condition when it was formally listed in 1958, and is valued as such. It is built of red brick and was historically faced with flints, most of which have however disappeared. The structure comprises a triangular base with a small turret at each angle and a central four-storey circular tower.
13. Limited information has been presented to describe the significance of the heritage assets affected by the proposed development and works, including any contribution made by their setting, which paragraph 189 of the Framework requires applicants to undertake. However, from the available evidence and my own observations, I find that the significance of Racton Monument derives primarily from its historic and architectural interest as an example of a Georgian Gothic ornamental building which may have been designed as a folly with no practical purpose. Although there is no certainty regarding its original purpose, the building nevertheless acts as an important landmark, which makes a substantial contribution to the cultural heritage, landscape character and scenic quality of the South Downs National Park.
14. The proposal would require significant alterations and additions to enable the conversion of the appeal premises to residential use, which would detract from the special interest of the listed building. The side extensions, due to their excessive scale, would visually compromise the vertical emphasis and triangular shape which define the building as a piece of architecture.

¹ Adopted 2 July 2019 (2014-33).

15. Moreover, there would be a dramatic protrusion of the glazed elements which, in particular, would extend well beyond the north-eastern elevation of the building in a material that, by reason of its extensive use, would give the converted folly an overtly contemporary appearance and unduly stand out as incongruous additions. Whilst a contrasting approach may work successfully in some instances, the bulk, scale and design of the proposal would here unbalance the visual coherence of the structure and unacceptably erode the architectural and historic special interest of the listed building.
16. For these reasons, the proposed development and works would cause less than substantial harm to the significance of Racton Monument and its setting, to which I ascribe considerable importance and weight. In such circumstances, paragraph 196 of the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. The appeal scheme would make a contribution towards the area's housing supply and enable the listed building to be restored and brought back into a use, which could sustain its long-term conservation and enhancement. Other than a fairly succinct structural appraisal of the appeal building, limited information has been presented to ascertain its structural stability and capacity to sustain the works associated with the proposal. This is particularly critical, given the present condition of the building, and its national importance as a designated heritage asset.
18. Furthermore, in the absence of further evidence to the contrary and in light of the identified harm, I cannot be certain that the appeal scheme and the proposed residential use would constitute the optimum viable use for the listed building. Overall, the harm which would be caused to the special interest of Racton Monument would not be outweighed by the public benefits associated with the proposal.
19. For the foregoing reasons, the appeal scheme would fail to preserve the significance of the Grade II listed building and its setting. It would therefore conflict with Policies SD1, SD4, SD5, SD12 and SD13 of the SDLP and section 16 of the Framework. Amongst other things, these seek to ensure that proposals are only permitted where they conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting. The proposal would also be contrary to Policies 1 and 9 of the SDPMP and the First Purpose of designation of the South Downs National Park.

Location

20. The site is presently accessed via an unmade public bridleway, and lies within what can only be described as a secluded and unsustainable location. The proposal would result in the creation of an isolated dwelling in the countryside which, as clearly stated in paragraph 79 of the Framework, should be avoided. Future occupiers of the development would therefore have to travel some distance to access the local services and facilities required for day-to-day living. There is limited evidence before me suggesting that such facilities are located within relative proximity to the site and can be accessed by good quality footways and cycle lanes. By reason of its remote location, there is a greater likelihood that, for convenience purposes, residents would rely on private motor vehicles, which constitute the least sustainable mode of transport.

21. Policy SD25 of the SDLP sets out the development strategy for the area located within the National Park. The appeal site lies outside any settlement boundary where Policy SD25 acknowledges that, in exceptional circumstances, development may be considered permissible. This includes instances where the proposal is an appropriate reuse of a previously developed site, and conserves or enhances the special qualities of the National Park.
22. As detailed in the supporting text to Policy SD25, proposals on previously developed land must follow a 'landscape first' approach and have full regard to the First Purpose of designation of the National Park and the special quality of an environment which has been shaped by centuries of farming. However, and whilst the appeal scheme would entail development on previously developed land, it would fail, for the reasons detailed above, to conserve and enhance the landscape character, scenic beauty and cultural heritage of the National Park, but also preserve the significance of the listed building and its setting.
23. In the absence of further information to the contrary, the appeal premises would not constitute an appropriate re-use of this designated heritage asset and would not represent a suitable location for the proposal. The proposal would consequently fail to accord with Policies SD1, SD4, SD5, SD12, SD13 and SD25 of the SDLP, paragraph 79 of the Framework, Policies 1 and 9 of the SDPMP and the First Purpose of designation of the South Downs National Park. Amongst other things, these establish a presumption in favour of sustainable development, and aim to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Protected species

24. The appeal site lies within an area where there is a reasonable likelihood of protected species being present. The planning appeal was accompanied by a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment Survey (PRAS), which were carried out by Arbtech Consulting Ltd in May 2020. The PEA identifies the site as being particularly suitable for bats, but also birds, reptiles, dormice and hedgehogs. The Authority has recommended a number of precautionary measures to be followed to ensure that the proposal does not adversely affect the reptiles, hedgehogs, badgers and nesting birds which may be present on site. Such measures could be secured by condition.
25. However, in order to ascertain the presence of bats on site, a suite of dusk emergence and dawn re-entry surveys would need to be carried out between May and September, as noted by the PEA and PRAS. The Authority considers that further surveys for dormice would also need to be undertaken prior to the grant of planning permission.
26. Circular 06/2005 advises that it is 'essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.
27. Whilst the Circular states that surveys should only be required where there is a reasonable likelihood of species being present, it also recommends surveys being carried out before planning permission is granted. Surveys should therefore only be required by condition in exceptional circumstances. In light of the advice contained within the Circular, the site's characteristics and the

recommendations of the PEA and PRAS, I consider that this matter could not be satisfactorily addressed through the imposition of a planning condition.

28. Insufficient information has been submitted to establish the ecological significance of the site. In the absence of substantive evidence demonstrating otherwise, I cannot be satisfied that the proposal would not adversely affect protected species, with particular regard to bats and dormice, and their habitats. Accordingly, it would therefore conflict with Policies SD9, SD10 and SD11 of the SDLP and paragraph 170 of the Framework, which notably require development proposals to incorporate the necessary surveys and ensure that features of biodiversity and geodiversity interest are conserved and enhanced. The appeal scheme would also be contrary to the First Purpose of designation of the South Downs National Park, which aims to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Other Matters

29. As the appeal site lies within 5.6 km of the Solent Special Protection Areas, the Authority considers that the proposed development would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided. Such mitigation can be provided in the form of a financial contribution to the measures set out in the Solent Recreation Mitigation Strategy. The Authority is also concerned that the proposal may give rise to nutrient neutrality issues, as the site lies within the Chichester Harbour Catchment which feeds into the Solent.
30. As the appeals are being dismissed on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

31. I appreciate that planning permission has previously been granted for the conversion of the appeal building to form a private dwelling with integral garaging, but this consent is no longer extant. Furthermore, this would have occurred prior to the publication of the Framework and the adoption of the SDLP. The current proposal has to be assessed in a different planning context, both at national and local levels, and the previous approvals are therefore of limited relevance.
32. The comments in response to the suggested conditions have been given due consideration but, for the reasons detailed above, these would not overcome the identified harm. I have also had regard to the vandalism and anti-social behaviour issues affecting the appeal premises, but these need to be resolved in a manner which does not harm the significance of the listed building and the wider landscape and scenic beauty of the site's surroundings.
33. In this particular instance, there are no considerations, which indicate that the appeals should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I therefore conclude that both appeals should be dismissed.

S Edwards

INSPECTOR