

---

## Appeal Decision

Site visit made on 16 November 2021

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

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

**Decision date: 02 December 2021**

---

### **Appeal A: APP/Y9507/W/21/3277840**

#### **Longmeadow, Bell Lane, Cocking, West Sussex GU29 0HU**

- 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 Simon Gruber of Vero Developments Ltd against the decision of South Downs National Park Authority.
  - The application Ref SDNP/21/00355/FUL, dated 20 January 2021, was refused by notice dated 26 May 2021.
  - The development proposed is described as erection of a single detached property with associated garaging and associated surface parking.
- 

### **Appeal B: APP/Y9507/W/21/3274485**

#### **Longmeadow, Bell Lane, Cocking, West Sussex GU29 0HU**

- 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 Simon Gruber of Vero Developments Ltd against the decision of South Downs National Park Authority.
  - The application Ref SDNP/20/03543/FUL, dated 20 August 2020, was refused by notice dated 4 December 2020.
  - The development proposed is described as erection of two detached properties with associated garaging and associated surface parking.
- 

### **Decisions**

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

### **Procedural Matters**

3. As set out above, there are 2 appeals on this site which relate to 2 different schemes. I have considered each on its individual merits, however, in order to avoid duplication, I have dealt with the appeals together, except where otherwise indicated.
4. Planning permission for the scheme subject of Appeal B was refused partly on grounds that insufficient information had been provided in relation to various matters relating to environmental sustainability. On the basis of information submitted with the appeal the Authority has withdrawn these reasons for refusal. I shall therefore consider them no further.

## **Main Issues**

5. The main issues are:

- the effect of the developments on the integrity of the Arun Valley Special Area Conservation, Special Protection Area, and Ramsar Site (collectively the Arun Valley sites);
- in relation to Appeal B, the effect of the development on the living conditions of occupants of 8 High Meadow with regard to outlook and privacy; and
- the effect of the developments on the character and appearance of the area, including the natural beauty and cultural heritage of the South Downs National Park (the National Park).

## **Reasons**

### *Arun Valley sites*

6. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) states that before deciding to grant planning permission for a project which is likely to have a significant effect on a European site, either alone, or in combination with other plans or projects, and which is not directly connected with or necessary to the management of that site, a competent authority must make an Appropriate Assessment of the implications of the plan or project for that site in view of its conservation objectives. In this context, paragraph 181 of the National Planning Policy Framework (the Framework) states that listed Ramsar sites should be given the same protection as habitats sites.
7. Following both the Authority's refusal of planning permission, and lodging of the appeals, Natural England (NE) issued advice stating that it cannot be concluded that existing groundwater abstraction within Sussex North Water Supply Zone (the Zone) is not having an adverse effect on the integrity of the Arun Valley sites. Consequently, all new development within the Zone requiring the supply of water could potentially contribute towards this adverse effect. As this applies to the appeal proposals, an Appropriate Assessment is required.
8. The proposed dwellings would not be water neutral. As use of tap water by future occupants would therefore increase the demand for abstraction, when considered either alone or in combination with other projects, likely significant effects on the integrity of the Arun Valley sites cannot be ruled out.
9. NE has confirmed that the Arun Valley sites are failing in their conservation objectives due to the adverse effects of groundwater abstraction. It follows that increased abstraction in relation to the proposed developments would be similarly at odds with these objectives.
10. No means of strategic mitigation currently exists. In the apparent absence of any other mechanism by which mitigation could be secured, likely adverse effects of the development on the integrity of the Arun Valley sites would not be mitigated.
11. Alternative solutions which would have a lesser impact on the integrity of the Arun Valley sites exist. Indeed, though NE indicates that a strategic solution is required, ways in which water neutrality can be achieved and demonstrated for new development in the interim have been outlined. As such, and in the

absence of any imperative reasons of overriding public interest for the developments to proceed, allowing either appeal would be contrary to the Habitats Regulations. It would also be contrary to paragraph 180(a) of the Framework, which states that planning permission should be refused if significant harm to biodiversity cannot be avoided, mitigated, or as a last resort compensated for.

12. In view of my findings above, I conclude that the developments subject of both Appeal A and Appeal B would have a likely adverse effect on the integrity of the Arun Valley sites. This would conflict with the Habitats Regulations and Policy SD9 of the South Downs Local Plan 2019 (the Local Plan) which seeks to secure development in accordance with them.

*Living conditions (Appeal B)*

13. The site forms part of the garden of Longmeadow and lies immediately towards the north of the modestly sized plot on which No 8 is located. The latter tapers towards its west, or back garden end, and given a steep fall in ground levels it mostly stands at a lower level than the site.
14. No 8 occupies the east end of its plot, whereas Unit 2 would be located towards the west. As such both proposed Unit 2 and its car port would stand close to the back garden boundary of No 8. Though the car port would be single storey, Unit 2 would present a long 2-storey side elevation to the boundary. The development would as such have a significant physical and visual presence when viewed from within both No 8 and its garden. This would be amplified by the tapering shape of the plot, by falling ground levels, and by the fact that built form would occupy much of the space on the north side of the boundary. The resulting effects of physical overbearing would be somewhat oppressive, and would not be meaningfully balanced by the otherwise open outlook that would continue to exist towards the south.
15. The appellant has indicated that Unit 2 would be screened by a high hedge, and part of the boundary does already feature such a hedge. However, even assuming that this hedge could be retained and rapidly supplemented by additional planting, it would not be wholly effective in concealing the height, solid mass and physical form of Unit 2. The long-term retention of such a hedge cannot in any case be wholly guaranteed. A hedge would not therefore remove or adequately mitigate the effects of overbearing identified above, which would in consequence cause unacceptable harm to the outlook of occupants of No 8.
16. Though the car port in the scheme subject of Appeal A would occupy the same position as the car port serving Unit 2 in Appeal B, the dwelling would stand further to the north. The components of the dwelling closest to the boundary with No 8 would also be single storey. The effects of the developments would therefore differ, and here I share the Authority's view that these effects would not be unacceptable in relation to Appeal A.
17. The front elevation of No 8 faces eastwards whereas that of proposed Unit 2 would face westwards. The proposed layout would thus see the rear elevations stand roughly parallel, but reasonably well offset. The distance measured between would be very modest. However, the angle would be acute enough, that when taken in combination with the difference in levels there would be little scope for easy or direct overlooking between first floor windows. No

unacceptable harm to the privacy of occupants of No 8, or for that matter Unit 2, would therefore arise.

18. For the reasons outlined above I conclude that whilst the development subject of Appeal B would not have an unacceptable effect on the privacy of occupants of No 8, its effects in relation to outlook would be unacceptable. The development would therefore conflict with Policy SD5 of the Local Plan insofar as this seeks to secure development that avoids a harmful impact upon surrounding uses and amenities.

#### *Character and appearance*

19. The site lies towards the fringe of Cocking, but it is otherwise set well within the established developed area of the settlement. Aside from the building of which Longmeadow forms part, the immediate context contains a mix of predominantly large detached dwellings whose design, layout and plot size varies. This includes a cul-de-sac development along High Meadow which partly bounds the site, and which thus helps to inform the character of the immediate setting.
20. The size of the 2 small dwellings subject of Appeal B would relate poorly to the prevailing pattern. Though the size of the plots would nonetheless be comparable with that of No 8 to the south, the close proximity of the rear elevation of Unit 2 to that of No 8 would be atypical viewed in context. The uneasy nature of the resulting relationship would be further emphasised by physical overbearing. Each would be capable of perception from Bell Lane, whether boundary hedging was in place or not. When considered in combination with the close spacing of the proposed dwellings, as too the positioning of the car port almost wholly in front of Unit 2, the development would appear unduly cramped. Its resulting incongruous appearance relative to its setting would not be altered by the use of vernacular materials.
21. The single detached dwelling subject of Appeal A would relate more directly to the prevailing pattern. Its overall dimensions and massing would appear greater than that of some other nearby dwellings, but its footprint and form would be relatively compact. The size of the plot would otherwise fall at or above the higher end of the range found within High Meadow, and would be broadly comparable with those of other detached dwellings found on the north side of Bell Lane further towards the east. Again, a car port would be positioned forward of the frontage, but it would be set to one side. Taking these points together, the development would not appear cramped when considered either individually or in relation to other nearby developments. It would indeed fit reasonably well within the broader pattern.
22. The Authority additionally states that the dwelling subject of Appeal A would compete with the building of which Longmeadow forms part. This it has identified as a non-designated heritage asset, despite any clear explanation of what it considers the significance of the building to be, or how this would be harmed.
23. In this case it is apparent that the building is of at least of C19th date and that it originated as a reasonably high status dwelling set within spacious grounds. The latter appear to have been curtailed by the development of High Meadow, which wraps around it, and the building and its plot have been subdivided. The building and its plot have therefore been partly absorbed and altered by later

residential development. The developments subject of both appeals would continue this process, and to this end the Authority raised no objection on grounds of effects on setting. The above being so, my finding that the dwelling would fit the broader pattern applies equally in relation to the building to the north, which, when taken as a whole, would furthermore remain more substantial than the dwelling proposed.

24. Dwellings located on the north side of Bell Lane generally stand at a much higher level than the lane itself. The same would be true in relation to the dwellings subject of both appeals. This would ultimately highlight the cramped nature of the scheme subject of Appeal B. However, the physical and visual presence of the dwelling subject of Appeal A would not appear unusual. Nor would the dwelling therefore be perceived as atypically 'dominant', particularly when compared to other, more visually exposed dwellings towards the east.
25. The site is located within the National Park within which there is a statutory duty to have regard to the purposes of its designation. One of these is to conserve and enhance natural beauty and cultural heritage. Paragraph 176 of the National Planning Policy Framework, further states that great weight should be given to conserving and enhancing landscape, scenic beauty, and cultural heritage within National Parks.
26. Given its location and developed context within the settlement the site currently makes no obvious contribution to the landscape and scenic beauty of the National Park. Moreover, beyond the immediate setting of the site, the proposed dwellings would have little broader exposure. It appears possible that both a distant and partial view of the developments could be obtained from land outside the settlement towards the south. However, given the limited nature of the view and the distance involved it is highly unlikely that the dwellings would stand out within their setting. The developments subject of both appeals would therefore conserve the landscape and scenic beauty of the National Park.
27. It is unclear how the natural and scenic beauty of the landscape could be enhanced by a development on the site given the above. In the absence of any explanation, I am satisfied that the developments would also be acceptable in this regard.
28. In view of my findings in relation to the non-designated heritage asset, I find that the cultural heritage of the National Park would be conserved. It is unclear how a development of the site could lead to enhancement, particularly as Longmeadow does not form part of the scheme. Again therefore, and in the absence of any explanation, I am satisfied that the developments would be acceptable in this regard.
29. For the reasons outlined above I conclude that the development subject of Appeal A would have an acceptable effect on the character and appearance of the area, including the natural beauty and cultural heritage of the National Park. It would therefore comply with Policies SD1 and SD4 of the Local Plan, which each seek to secure development that conserves and enhances landscape character, and Policy SD5 of the Local Plan, which additionally seeks to secure development that respects local character. The effects of the development subject of Appeal B on the character and appearance of the area would however be unacceptable. In this regard the scheme would again conflict with Policy SD5, as summarised above.

## **Other Matters**

30. The proposed dwellings would be constructed in an accessible location within the defined settlement. Both schemes would contribute towards the general need for new housing, Appeal B more so than Appeal A. In neither regard however would the associated social and economic benefits outweigh the harm I have identified above.

## **Conclusion**

31. The developments subject of Appeal A and Appeal B would have an unacceptable effect on the Arun Valley sites. That subject of Appeal B would also otherwise have an unacceptable effect on the living conditions of occupants of No 8 and the character and appearance of the area. In both regards the appeals conflict with development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that both Appeal A and Appeal B should be dismissed.

*Benjamin Webb*

INSPECTOR