



Appeal Decision

Site visit made on 6 June 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/Y9507/W/21/3283479

Land North of Mount Way, Lancing, BN15 0QD

- 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 Robert Steele against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/02853/FUL, dated 21 May 2021, was refused by notice dated 14 September 2021.
 - The development proposed is for the erection of a single dwelling with associated landscaping, vehicle parking and improvements to existing access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues in this case are:
 - whether the proposal is in a suitable location,
 - the effect of the proposal on the character and appearance of the area, and;
 - the Lancing Ring Nature Reserve

Reasons

Suitable location

4. The appeal site is a raised parcel of land at the junction of Mount Way and Mill Road that is located in the Lancing Ring Nature Reserve (LNR) and just outside the South Downs National Park (SDNP) and the settlement boundary of Lancing. Mill Road transitions into an unnamed track that leads to the site access, as well as Lancing reservoir on the left-hand side and to the 'Lancing Ring' car-park. The nearby built-form to the south and east of the appeal site is typified by a variety of brick and tile dwellings, some of which have flint, stone or timber elevations.

5. The proposal is to construct a 4-bedroom house on the appeal site with landscaping and parking that would be accessed from the existing site entrance.
6. Whether the appeal site is to be removed from the LNR at a future date or not, the close proximity to the boundary with the SDNP is noted. Moreover, as the appeal site is beyond the settlement boundary of Lancing for planning purposes the site is located in the countryside. As such, exceptional circumstances must exist for new development on the site to be acceptable.
7. I acknowledge that the proposal would be adjacent to the residential development on Mount Way and Mill Road and that it would be in easy reach of the services and facilities of Lancing. However, while the appellant contends that the site has had previous uses, I have little convincing evidence before me to confirm that the site has been used for activities related to a property on Mount Way, or indeed for any other purpose. Therefore, having considered Policy SD25 (2) of the South Downs Local Plan 2019 (SDLP), I am not persuaded that an exception to justify development on the site has been proven.
8. I conclude therefore, that in respect of the location, the proposal would not meet the aims of Policy SD25 (2) of the SDLP which requires, amongst other things, that robust evidence will need to be provided to support application for such developments to demonstrate that an exceptional approach is justified, and the Framework when read as a whole.

Character and appearance

9. The design of the dwellings and use of construction materials found in the surrounding built environment is varied. While the proposal would have a more contemporary-type design, given the effective use of the site topography and the proposed flint and timber elevations of the development I see no reason why the proposal would not blend with the overall character and appearance of the area. Indeed, I observed at my site visit that the nearby area is typified in part by the use of similar type materials. In addition, the overall bulk and mass of the dwelling would be reduced by its relatively low position in the ground and softened by the provision of new landscaping and planting.
10. As such, I conclude that in respect of the character and appearance of the area, that the proposal would meet the requirements of Policies SD4 and SD5 of the SDLP, and Paragraph 130 (b) of the Framework which is clear that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

LNR

11. I noticed at my site visit that the appeal site has been cleared and mown. Consequently, I concur with the Council that the site has been degraded from chalk grassland to a site of low ecological value. However, in my view, in spite of this the LNR land currently acts as a valuable transition space to the SDNP boundary. Moreover, with appropriate management and intervention it is highly likely that the habitat would recover over a period of time either as a chalk grassland or at the very least as an ecological woodland/scrub buffer.

12. I note the findings of the appellants' submitted 'Ecosystem Services Statement' and 'Ecology Impact Assessment'. However, the proposal is for a permanent and substantial dwelling that would have extensive hard-standings. The proposal would also provide opportunities for a range of domestic paraphernalia on the site that could include; but is not limited to, brick-built BBQ's, sheds and seating. A wildlife pond, additional planting and trees, a green roof, a nesting box, a bat roosting box, log piles, PV panels, an air source heat pump and a southern boundary chalk grassland buffer would not provide adequate mitigation.
13. Therefore, given the scale and likely use of the proposal, an improvement to the future ecological value of the site would be very unlikely if the proposal were to succeed. Indeed, in my view the proposal would result in irreversible harm to the LNR and the potential chalk grassland habitat.
14. It follows then that the proposal is contrary to Policy SD9 of the SDLP which says that proposals should contribute to the protection, management and enhancement of biodiversity, and Chapter 15 of the Framework.

Other Matters

15. I acknowledge that the proposed development would represent a 'windfall' site. However, the provision of one new dwelling against the Council's housing supply does not outweigh the harm I have found above. My opinion remains firm even when balanced against the very limited economic, social and environmental benefits associated with the single-dwelling proposal and its construction.

Conclusions

16. Whilst I have found in favour of the appellant on the second main issue, this does not justify the harm identified in the first and third main issues. The proposed development would conflict with the adopted development plan in respect of the first and third main issues, and there are no material considerations indicating a decision otherwise than in accordance with it.
17. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR