



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: 20th June 2022

Appeal Ref: APP/Y9507/W/21/3273249

High Stoke, Holden Lane, Beauworth, SO24 0PB

- 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 & Mrs Graham Murphy against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/02154/FUL, dated 1 June 2020, was refused by notice dated 4 February 2021.
 - The development proposed is for the demolition of the existing dwelling house and the removal of the existing tennis court. The erection of a 6 bedroom contemporary replacement dwelling house in a revised location. To include the laying of a driveway and forecourt, engineering works for the purpose of landscaping throughout the plot, the creation of a dew pond, and a new outside swimming pool to the rear with pool house.
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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 the effect of the proposal on:
 - the character and appearance of the area, having particular regard to its location within the South Downs National Park (SDNP) and;
 - protected species (bats).

Reasons

Character and appearance

4. High Stoke is a traditional style dwelling that is located in the South Downs National Park (SDNP) near to the settlement of Beauworth on an elevated plot that faces directly towards the South Downs Way (SDW). The dwelling has a disused tennis court to one side and grazing/pasture land to the rear and is surrounded by the open countryside of the SDNP where a limited number of dwellings can be seen on Holdens Lane and Beauworth Road.

5. The proposal is to demolish the host dwelling, remove the tennis court and to construct a 6 bedroom dwelling with a pool house and a swimming pool. There would also be a new driveway and forecourt. In addition there would be new landscaping and a dew pond would be created.
6. The proposed development would be located in the SDNP. As such, the development should conserve and enhance the landscape and scenic beauty of the SDNP as required by Paragraph 176 of the Framework, to which I attach great weight. Moreover, the development must comply with the relevant SDNP Policies to be permitted.
7. The appellants have brought to my attention a number of schemes¹ in support of their case, including the nearby 'Windmill Hill' which are noted. However, I have limited details of those schemes before me some of which are of relative vintage in different areas of the SDNP altogether. Therefore, I have considered the proposal before me on its own planning merits.
8. The main parties agree that following a number of changes to the proposal that the principle of a replacement dwelling on the site is accepted. Moreover, the appellant argues that the proposal would be a high quality development that would have greater architectural merits than the host dwelling and be lower in height. However, while the curved proposal is set back from the 'sunken' section of the SDW in this location, the fact remains that the development is of some scale and mass that would extend across the width of the site.
9. Indeed, while I acknowledge that changes have been made to the proposal that have resulted in a reduction to some elements of the scheme, the proposed development would nonetheless have awkward and angular elements including mono-pitch and flat roof extensions and prominent garage doors that would appear alien in the rural and open landscape character of the SDNP. These elements would not only be glimpsed from the well-used SDW through the relatively wide access and driveway but also from wider public vantage points within the SDNP. For example, but not limited to, from Viewpoint 11 shown in the appellants 'Landscape and Visual Evidence and Appraisal' and the public views towards 'Cheesefoot Head'.
10. Even so, the appellants contend that the development would be seen as a point of interest rather than an incongruous feature. However, I find to the contrary. Notwithstanding the flint and burnt-larch finishes of the proposal, in this sensitive and low-density countryside location the raised and bulky development would unnaturally draw the eye to the more urban-type features of the proposal, such as; the extensive areas of engineered hard-standing and car-parking, the separate pool house, the garage and the floor to ceiling fenestration. In addition, the family-sized proposal would have the potential to have a range of domestic paraphernalia on view, for example; garden seating, play-equipment, BBQ stands and washing lines. A wild-flower meadow, the green-roof and other landscaping would not be adequate mitigation.

¹ APP/Y9507/W/20/3254915, APP/Y9507/W/18/3202700, SDNP/18/05985/FUL, APP/Y9507/W/17/3191287, SDNP/16/00690/FUL, SDNP/15/03492/HOUS, SDNP/14/04080/FUL, SDNP/14/05632/FUL, SDNP/12/01402/FUL, F/167/1454, and 11/00042/FUL.

11. Furthermore, notwithstanding the removal of the low-lying tennis court, the development would be positioned more centrally and deeper within the site. As a consequence, the rural-type spatial arrangement with the grazing land to the rear would be eroded. This would be at odds with the older-style and mostly flat-fronted dwellings nearby, which I noticed at my site visit generally face directly onto the road with agricultural fields beyond.
12. I note that previously felled trees and hedges would be replaced by new landscaping on the appeal site in order to soften and reduce views to the development from the SDW. However, I cannot be certain if the landscaping would be retained in perpetuity by future occupiers. Indeed, even if this were to be the case, at certain times of the year when leaf coverage is less dense, it is likely that there would be ready views for walkers and passers-by to the extensive development from the adjacent SDW.
13. I conclude therefore, that the proposal would not conserve or enhance the landscape character of the SDNP. As such, in respect of the character and appearance of the area, the proposal is contrary to Policies SD1, SD4, SD5, and SD30 of the South Downs Local Plan 2019 (SDLP), Policies 1 and 50 of the South Downs National Park Partnership Management Plan and the First Purpose of designation of the South Downs National Park which say, amongst other things, that development proposals will only be permitted where they conserve and enhance landscape character.
14. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework which requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Protected species (bats)

15. Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species (Amendment) Regulations 2019. The appellants' 'Bat Activity Survey' reports make it clear that the appeal site is a 'confirmed' bat roost and set out a number of recommendations to protect bats on the site. The Framework states in Paragraph 55 that planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
16. Accordingly, without prejudice, if the planning authority's suggested condition in respect of bats were to be imposed in accordance with Paragraph 56 of the Framework the proposal would meet the aims of Policy SD9 of the SDLP, Policy 5 of the South Downs National Park Partnership Management Plan, and the Framework when read as a whole.

Other Matters

17. The appellants have drawn to my attention the potential 'fall-back' position for the erection of a number of outbuildings and an extension² under permitted development rights on the appeal site. However, as the scheme before me is for a two-storey dwelling with a pool house that would be of a very different character and nature to outbuildings in its place, I afford this very limited weight that does not outweigh the harm I have found above.

² SDNP/19/03056/HOUS

Conclusions

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

J E JOLLY

INSPECTOR