



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: 21 June 2022

Appeal Ref: APP/Y9507/W/21/3280696

Land to the north of 21 Mill Hill, Shoreham by Sea BN43 5TG

- 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 Tim Wheele against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/05954/FUL, dated, 11 December 2019 was refused by notice dated 26 February 2021.
 - The development proposed is for the erection of a zero emissions single-storey home.
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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.
3. Annexe M of the Procedural Guide, Planning Appeals, England (2019) and the national Planning Practice Guidance (PPG) advise that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal, rather a fresh planning application should usually be made. Moreover, it is important that the evidence which is considered by the Inspector is essentially the same as that which has been considered by the Council, and on which interested parties views were sought. Nonetheless, in certain circumstances a proposal can be amended through revised plans during an appeal. However, in line with the Wheatcroft principles¹, I can see that there are differences between the proposal that was considered by the Council and the revised scheme. As such, it is my view that the appeal must be determined on the basis of the plans as originally submitted to the Council and upon which it based its decision, and have also been subject to consultation. To do otherwise would prejudice not only the interests of the Council but also interested third parties and consultees, who may have observations to make on the revised scheme. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment (JPL, 1982, P37)

Main Issues

4. The main issues are whether the proposal is:

- in a suitable location,
- the effect of the proposal on the character and appearance of the area, with particular reference to the South Downs National Park (SDNP) and;
- the living conditions of future occupiers

Reasons

Suitable location

5. The appeal site is located in the SDNP and outside the settlement boundary of Shoreham-by-Sea. The surrounding area is typified by sporadic and simple development that is set in rolling open countryside with views to the sea. The proposed development plot is an overgrown triangular parcel of land associated with the host dwelling at 21 Mill Hill that is lined by hedges, bushes and trees.
6. The proposal is to construct a single-storey, 'zero emissions' home on the appeal site with parking and landscaping.
7. Although the appellant argues that the appeal site should be located within a settlement boundary, the fact remains that the appeal site is located within the SDNP outside a recognised settlement boundary. Consequently, for planning purposes the proposal is located in the countryside. Therefore, 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.
8. The main parties agree that the proposal would not be an 'isolated' home given its proximity to the A27 and local services. I see no reason to disagree. Nonetheless, the appellant contends that Paragraph 80 (e) of the Framework applies in that the design of the proposal is of exceptional quality, that would help raise standards in the SDNP and enhance its immediate setting and be sensitive to the defining characteristics of the local area, and in addition that the site has been previously used.
9. However, I am not persuaded by the limited evidence before me that the proposed development would be of any particular merit, enhance its immediate setting or make best use of the rolling topography in spite of its contemporary appearance and 'zero emissions' approach. To the contrary, the proposal would serve to intensify the adjacent line of built form in this location. I acknowledge that there would be a new pond, a bat and bird boxes, a reptile hibernacula, new hedgerows, tree planting, a wildflower meadow and that the dwelling would be of solid construction with photovoltaic panels atop. However, in my view this does not equate to a robust and detailed 'landscape-led' approach. Indeed, the hardlines and surfaces of the proposal would be highly prominent from longer views and harm the undulating features of the surrounding countryside. This would be the case even if hedging were to be retained or enhanced. In comparison, whether landscaped with low-key leisure activities or not, the severed garden plot acts as a verdant buffer and transition space to the open countryside beyond.

10. 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 adequately proven.
11. 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

12. While the proposal is for a single-storey dwelling it would nevertheless be a structure of some scale and mass where currently there is none. Furthermore, notwithstanding the proposed use of flint and brickwork, the proposal would have a convoluted urban-style zinc roof, tall fenestration and a parking and turning area that would be seen from a range of vantage points, as well as along Mill Lane and the adjacent car-park.
13. As such, the proposed development would appear as a stark addition to the more modest built form along Mill Lane, and be at odds with the open character and spaciousness of the SDNP which is well-used in this specific location by walkers and riders. Additional hedging and planting would not provide adequate mitigation. I conclude therefore, that the scale, mass and appearance of the proposal would harm the character and appearance of the area.
14. Consequently, in respect of the character and appearance of the area, the proposal does not meet the requirement of SD4 and SD5 of the SDLP which requires that development proposals will only be permitted where they conserve and enhance landscape character.
15. For similar reasons, the proposal is contrary to Paragraph 130 (c) of the Framework which says that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

16. The host dwelling has a raised terrace area that would face onto the main patio of the proposed dwelling. The terrace is likely to be well-used as it provides views to the wider SDNP to the north and west. I do not doubt that in more urban environments that this type of spatial arrangement might be acceptable to some. However, in this rural-type location, the privacy of future occupiers is likely to be eroded when relaxing or spending extended leisure time in the open garden space that affords views to the wider countryside. Therefore, I conclude that the proposal would harm the living conditions of future occupiers.
17. It follows then, in respect of living conditions, that the proposal is contrary to SD5 of the SDLP, and Paragraph 130 (f) of the Framework which is clear that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

18. I note that there have been no objections from the Parish Council and that the Council cannot demonstrate a 5 year Housing Land Supply. However, as the proposal would be in the SDNP, Footnote 8 of the Framework applies. Hence the 'tilted-balance' is not engaged. Even if this were otherwise, the benefits of a 'windfall' proposal would not outweigh the harm I have found, including the social, environmental, economic benefits associated with the construction and occupation of one new dwelling.

Conclusions

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

J E JOLLY

INSPECTOR