



Appeal Decision

Site visit made on 15 August 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2022

Appeal Ref: APP/Y9507/W/21/3283214

Riverside Cottage, Steyning Road, Shoreham-By-Sea BN43 5FH

- 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 J Morris against the decision of South Downs National Park Authority.
 - The application Ref SDNP/20/01792/FUL, dated 5 May 2020, was refused by notice dated 24 March 2021.
 - The development proposed is described as 'the erection of three bedroom detached'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am obliged to use the description from the application form however this does not fully describe the proposal which clearly is proposing the erection of a 3 bedroom dwelling.

Main Issues

3. The main issues are i) whether the proposed development would be consistent with local and national policies relating to the location of new housing development; and ii) the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises an area of gravel hardstanding used for parking adjacent to the existing dwelling, Riverside Cottage. The application form indicates the current use of the land is garden. Vehicular access to the site, together with the existing dwelling and neighbouring water works facility is via an unmade private access drive from Steyning Road.

Location of site

5. Policy SD25 of the South Downs Local Plan 2019 (SDLP) outlines the development strategy for new development in the area. New development within the National Park is directed to settlements where growth is considered to be appropriate having regard to the future sustainability and landscape context of the settlements.
6. SD25 Part 2 sets out that development outside of settlement boundaries will be permitted exceptionally, where it complies with relevant local plan policies and responds to the site context. The proposal, for the provision of market housing

in an area of open countryside beyond a settlement boundary, does not fall within the exceptions listed and is therefore not supported. As such, it would be contrary to SDLP Policy SD25(2).

Character and appearance

7. The appeal site does not occupy a visually prominent position, being well contained by the steeply rising ground to the rear as well as the existing nearby buildings and mature trees. Nevertheless, given the existing use of the site as residential garden and parking, and the fact it is currently free from buildings and structures, the appeal site makes a positive contribution to the open rural character of both the contiguous area and the wider landscape setting. The introduction of additional built form as proposed, together with additional domestic paraphernalia, would therefore result in an encroachment into the undeveloped and open countryside. I find therefore that the proposal, which would result in the loss of the currently open area, would significantly erode the openness, which would harm the character and appearance of the area and would fail to conserve and enhance the natural beauty of the South Downs National Park.
8. Whilst I acknowledge the proposal would include the removal of the existing hard standing area and replacement, in part, with soft landscaping, this would not overcome the harm I have identified.
9. The proposed 2 storey dwelling would be of a traditional hipped roof design, with render to the walls and a slate roof. I have had regard to the Landscape Appraisal/Study submitted as part of the application. However, while it would be similar to the existing dwelling, no substantive evidence is before me to demonstrate that the proposal has been informed by an assessment of the landscape context, which is a key requirement of SDLP Policy SD4. Nor has it been shown that it is of a high quality design that integrates with and makes a positive contribution to the overall character and appearance of the area.
10. For these reasons I conclude that the proposal would have an adverse impact upon the character and appearance of the area by virtue of harm to the open character as well as the failure to adopt a landscape led approach. As such the proposal would conflict with the aims of SDLP Policy SD4 which requires development proposals to conserve and enhance landscape character and Policy SD5 which seeks, among other things, that development proposals should be of a high quality design that respects the local landscape character. It would also conflict with the design aims of the National Planning Policy Framework (the Framework) in relation to development being sympathetic to local character and maintaining a strong sense of place and advice in relation to conserving and enhancing landscape and scenic beauty in National Parks.

Other Matters

11. My attention is drawn to a planning permission (SDNP/15/03480/FUL) for a replacement building to provide a facility for nitrate treatment and associated works. While full details are not before me, as this was not a permission for a dwelling, the overall balance of considerations would likely have been different.
12. Planning permission was also refused as insufficient details were submitted to demonstrate how any indirect impacts upon the Mill Hill Local Wildlife Site would be mitigated. The appellant intends to create a woodland buffer, while

full details are not before me, there appears to be no good reason that this cannot be secured by condition. I note the Authority has confirmed that potential effects from construction could be dealt with by condition.

13. Whilst there would be no adverse effect on the living conditions of the occupiers of the neighbouring property, this is a neutral factor.
14. The Authority indicate that it is not able to demonstrate a 5 year supply of deliverable housing sites. In accordance with paragraph 11 of the Framework, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where there are specific policies in the Framework which indicate that development should be restricted, including policies relating to land designated as a National Park.
15. I have found that the proposal would conflict with the aims of the Framework insofar as it fails to conserve and enhance the landscape and scenic beauty of the National Park. As such, there are policies in the Framework which provide a clear reason for refusing permission, so the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

16. For the reasons given, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Emma Worley

INSPECTOR