



Appeal Decision

Site visit made on 1 November 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Appeal Ref: APP/Y9507/W/22/3298243

Abesters, Quell Lane, Lurgashall GU27 3BS

- 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 Cincilla Holdings against the decision of South Downs National Park Authority (the NPA).
 - The application Ref SDNP/21/01971/FUL, dated 6 April 2021, was refused by notice dated 30 November 2021.
 - The development proposed is the erection of replacement gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the reason for refusal reference is made to a fence. Details of the fence are not indicated on the submitted plans and did not form part of the proposal as indicated on the application forms. The fencing has not therefore been considered as part of this decision.
3. Gates and gateposts are in situ between the 2 'posts' marked on plan reference 65FL550. Both parties agree that the 2 posts represent the proposed location of the gates and gateposts. However, the application forms do not indicate that the development has been completed, and I cannot be certain that the development which has taken place reflects the development as indicated on the submitted plans. Therefore, this appeal is considered as a scheme for proposed development.
4. In determining this appeal I have had regard to the relevant provisions of the South Downs National Park Partnership Management Plan (2020-2025).

Policy Context

5. Policy SD1 of the South Downs National Park Authority South Downs Local Plan 2019 (the Local Plan) identifies the purposes of the National Park. Where there is a conflict between the purposes, Policy SD1 indicates that greater weight should be attached to the purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. This policy also indicates that planning permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park. That is unless it can be demonstrated that the benefits of the proposals demonstrably outweigh the great weight to be attached to those interests, and, there is substantial compliance with other relevant policies in the development plan.

6. Paragraph 176 of the National Planning Policy Framework (the Framework) indicates that great weight should be given to conserving the landscape and scenic beauty in National Parks. Such areas have the highest status of protection in relation to these issues.

Main Issue

7. The main issue is the effect of the development upon the character and appearance of the area, having particular regard to the landscape and scenic beauty of the South Downs National Park (SDNP).

Reasons

8. The appeal site comprises land over which vehicular access from Quell Lane to a small number of residential properties on the Abesters estate is secured. Along Fernden Lane and Quell Lane there is sporadic residential and commercial development. Notwithstanding this, the appeal site occupies a tranquil and remote countryside location. The winding narrow road past the appeal site and the trees and woodland bordering the road and appeal site positively inform the intimate, secluded, shady and rural character and appearance of the area.
9. In terms of materials, the oak gates would relate well to the sites woodland setting. Furthermore, I agree that well designed and positioned gates serving an existing residential property could be appropriate in a countryside location within a National Park. However, due to the significant height of the gates and the location of the gates and gateposts close to the edge of an outside bend in the lane, they would be prominent when viewed on approach from Fernden lane and when entering or exiting the adjacent public right of way (reference LUR/2014/4).
10. Although there are existing sections of high close board and other forms of fencing nearby, the gates and gateposts would starkly contrast with the site's rural setting and natural beauty, and would have a harmful urbanising effect upon this part of the National Park. The development would not conserve or enhance the natural beauty of the area. Instead, it would be detrimental to the special qualities of the National Park, including its visual tranquillity. This harm weighs heavily against granting permission.
11. I note the incidences of crime within the area that have been drawn to my attention. From the road adjacent to the appeal site the proposed gates would obstruct views of the residential development beyond, preventing surveillance of the residential properties and increasing privacy within the estate. In this respect the proposed development could help to deter criminal activity within the site. This lends some limited weight to the argument for granting permission. The appellant has drawn my attention to a planning permission for the replacement of gates etc at Downview Cottage, Fitzhall Road (application reference SDNP/20/00890/HOUS). That property is within the SDNP. Although within the delegated report the planning officer found that the gates would aid security, it was also found that it would not be out of character. This has not been found to be the case in this appeal.
12. Other examples of planning permissions for gates within the SDNP have been cited, including gates that serve large properties. However, the gates which the appellant advises serve Upper Blackdown Park and Leverton on Fernden Lane

are visually connected and geographically closer to the houses that they serve than in the case of the development subject of this appeal. They are not therefore directly comparable with the development that is before me.

13. No cogent evidence has been submitted which demonstrates that either the site context or settings of other planning permissions referenced, are directly comparable with the appeal scheme. Furthermore, in those cases where copies of the officer report have been supplied, the design and scale of the developments were found to be appropriate having regard to nearby development and the settings of the sites. This would not be the case in this appeal.
14. That the development could increase the privacy, safety and security of property within the estate is a benefit to which limited weight is attached. The proposed construction of the gates from oak would be appropriate given the wooded setting of the appeal site. This a neutral factor.
15. I have found that the development would fail to conserve or enhance the natural beauty of the area. This would not be outweighed by the benefits of the appeal scheme that I have identified above.
16. The proposal would have a harmful effect on the character and appearance of the area having particular regard to the landscape and scenic beauty of the SDNP. It would conflict with the requirements of Local Plan Policy SD1 which seeks to ensure sustainable development. In addition, it would conflict with Local Plan Policies SD4, SD5 and SD7 which together seek to secure development which is sensitive to landscape character, and which would conserve and enhance relative tranquillity. The proposal would also conflict with the provisions of the Framework that are aimed at conserving and enhancing nationally designated landscapes. There would also be conflict with Policy 1 of the SDNP Partnership Management Plan which, amongst other things, seeks to conserve and enhance the natural beauty and special qualities of the landscape and its setting.

Other Matters

17. The appellant has indicated that the site is within the buffer zones of both the Ebernoe Common special area of conservation (SAC) and the Mans SAC. Given my findings on the main issue above, further consideration of this matter would serve little purpose.

Conclusion

18. For the reasons given, and having regard to the development plan as a whole and any other material considerations, this appeal is dismissed.

V Simpson

INSPECTOR