



---

# Appeal Decision

Site visit made on 29 November 2022

**by V Simpson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 December 2022**

---

**Appeal Ref: APP/Y9507/W/22/3294999**

**The Chalkpit, Hodder Farm Lane, Peacehaven BN10 8AR**

- 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 and Mrs E Haunton against the decision of South Downs National Park Authority.
  - The application Ref SDNP/20/05776/FUL, dated 21 December 2020, was refused by notice dated 15 December 2021.
  - The development is the proposed conversion and extension of existing agricultural building to create a new dwelling.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site has been the subject of a previous appeal decision<sup>1</sup>, which I have had regard to insofar as it is relevant to the development before me.
3. Within their statement of case, the South Downs National Park Authority (the NPA) indicate that on the information provided by the appellant, compliance with the requirements of Policy SD32: New Agricultural and Forestry Workers Dwellings, of the NPA South Downs Local Plan 2019 (the Local Plan), has not been demonstrated. The appellant has had the opportunity to respond. Therefore, no party would be prejudiced by my consideration of this policy in respect of the appeal scheme.
4. The mainly flint building within the appeal site has been variously described as a building, a barn and a former cart shed. For clarity, within this appeal it is referred to as a barn.

## Policy Context

5. Policy SD1 of the Local Plan identifies the purposes of the South Down National Park (the SDNP). 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

---

<sup>1</sup> APP/Y9507/W/17/3183111

great weight to be attached to those interests, and, there is substantial compliance with other relevant policies in the development plan.

## **Main Issues**

6. The main issues in this appeal are the effect of the development on;
- the character and appearance of the area, having particular regard to the landscape and cultural heritage of the SDNP; and,
  - the rural economy, tourism and local communities, with particular regard to the development strategy contained within the development plan.

### *Character and appearance*

7. The appeal site comprises a bowl-shaped cutting within an open countryside location. It is separated from the built-up area of Peacehaven by large gardens and fields. The site is well maintained and largely grassed, with a range of scrub plants and trees located around the sides and edges of the cutting. A historic single storey barn and a series of low brick walls are located within the site. The walls of the barn are mainly constructed of flint rubble. It has a hipped corrugated metal roof. The low brick walls outside of the barn appear to have previously formed some sort of enclosure. The buildings within the site are located away from the main complex of buildings at Hodder Farm. Due to the site's location and the topography of the area, both the buildings within the site and the site itself have a secluded quality, and a pleasant tranquillity. The age, appearance and relatively modest scale of the structures within the site positively inform the rural character and appearance of the area.
8. The appellant advises that the barn was probably constructed in the late 18th or early 19th century as a cart shed, which would have been used to house carts which would carry chalk quarried from the pit. In the absence of any compelling information to the contrary, and given the location and design of the barn, I accept the appellants hypothesis on this matter, and find that the barn also has historic and cultural heritage qualities.
9. The NPA indicate that the appeal site is located within the open downland character area, as identified within the South Downs Landscape Character Assessment (the LCA). The open downland area comprises an upland landscape which the LCA advises contains some of the highest and most remote parts of the SDNP. One of the identified sensitivities within this area is that it is vulnerable to unsympathetic additions, extensions or conversions which would disrupt the intact built character, and that the distinctive isolated barns are especially vulnerable.
10. Due to both its location within a cutting and the presence of surrounding vegetation, the development subject of this appeal would not be readily visible from surrounding private land. Nor, on the information before me, would it be visible from any public vantage. However, the effects of the development upon the landscape and cultural heritage value of the site are not limited to what can be seen from external vantages.
11. A large single storey extension is proposed. It would have a lower height than the existing building, include a planted flat roof, be sited within the area of the former brick enclosure, and would occupy only a small proportion of the overall site area. Notwithstanding these considerations, it would have a footprint which is significantly larger than that of the existing building.

12. A substantial amount of the hard landscaping which is proposed to provide external pathways and seating areas around the dwelling would be located within the area enclosed by the brick walls. However, the formation of a gravel driveway, parking, turning area and path, which would extend from the site entrance down to and alongside the rear of the existing building, would have a harmful urbanising effect upon the site.
13. The distinctive shape of the roof of the barn would be retained as would the majority of the flint walls of the existing building. However, it is proposed to glaze most of the long, non-flint wall. It is also proposed to replace the roof, and to re-build large sections of the brick outer walling. The design and extent of these alterations, when taken together with the contemporary design and size of the extension and hard landscaping proposals; would cause significant harm to the rural character and appearance, historic legibility, and landscape values of both the buildings and the wider site. As such they would also fail to contribute positively towards the distinctiveness of the site and landscape characteristics.
14. That the extension has been designed and positioned so that much of it is obscured from view on entry into the site, would not prevent the identified harm.
15. Even if, from a design perspective, the scheme subject of this appeal were deemed to represent an improvement from that refused under planning application reference SNNP/19/04430/FUL, this does not lead me away from my finding of harm in respect of the appeal scheme.
16. Although there would be no unacceptable adverse landscape impact from any increased vehicle movements associated with a single dwelling, this is a neutral factor.
17. For the afore reasons, the proposal would have a harmful effect on the character and appearance of the area, with particular regard to the landscape and cultural heritage of the SDNP. Consequently, it would conflict with policies SD4 and SD5 of the Local Plan, where they require development to make a conserve and enhance landscape character and make a positive contribution to the overall character and appearance of the area. It would also conflict with the parts of paragraph 130 and 134 of the Framework which seeks to ensure that development is sympathetic to local character and history and is of a good design.

#### *Rural economy, tourism and local communities*

18. Local Plan Policy SD32 allows, in certain circumstances, for new agricultural and forestry workers dwellings. However, in accordance with this policy, it must be demonstrated that the nature and demand of the work make it essential for one or more people engaged in agricultural or forestry enterprises to live at, or very close to the site of their work.
19. Policy SD41 of the Local Plan relates to proposals for the conversion of redundant agricultural or forestry buildings outside of defined settlement limits. The stated purpose of the policy is to enable the conservation of agricultural buildings, which will in turn support the rural economy, tourism and local communities. All criteria at SD41 1. must be met for policy compliance.

20. With respect of the requirements of criterion 1.g) of Local Plan policy SD41, the appellant has submitted a signed and dated Unilateral Undertaking (UU), the effect of which is to restrict the occupation of the proposed dwelling to those who are agricultural workers. The definition provided within the UU for an agricultural worker, is a person solely or mainly working or last working, in the locality of the dwelling, in agriculture or in forestry, or a widow or widower of such a person and any resident dependents of such a person. It is further contended within the UU that the site owner (who is also the appellant) is an agricultural worker. Whilst I have no reason to doubt that the appellant operates a tree surgery business located within the SDNP, I have not been provided with full details of the distance of the business from the appeal site. Even if it is in very close proximity, then no compelling case has been made demonstrating that there is an essential need for one or more people engaged in the forestry enterprise to live within the appeal site which is close to their place of work, as required by Local Plan policy SD32.
21. At 1.g, of Local Plan policy SD41, if housing for essential agricultural or forestry workers is discounted, then other alternative uses including employment uses, visitor accommodation, and affordable housing should be considered before open market housing. On the evidence before me, I do not agree that activity and movements resulting from the use of the building for either an employment use or visitor accommodation or facilities which are related to farming or forestry diversification schemes, would necessarily unacceptably harm the living conditions of occupiers of neighbouring properties. With respect of affordable housing, and whilst such housing is not defined within policy SD41 or its accompanying text, Annex 2 of the Framework provides a definition. It also provides a definition of essential local workers.
22. Whilst the effect of the UU may be to reduce the market value of the property, it does not explicitly require that when sold, it would be at a discount of at least 20% below local market value, for both initial and future transactions. I do not therefore accept that the allowance of the scheme would result in a unit of affordable housing being created.
23. No argument has been advanced that the occupation of the dwelling would be restricted to a public sector employee who meets the Framework definition of essential local worker.
24. I accept that the appellants have local connections. However, even if they are on the NPA or other local self-build register, no cogent case has been put forward that the development would meet an identified need for housing in a countryside location. Nor that it would meet the social and economic needs of local people or support balanced communities so that people can live and work in the National Park.
25. Due to the lack of lighting or pavements along the access lane between the site and the built-up area of Peacehaven, and particularly during times of darkness or inclement weather, it is likely that any future occupiers of the development would rely on the use of private vehicles for at least some of their movements to access services and facilities within Peacehaven and beyond. However, given the distances and the quiet nature of the access road, it is feasible to walk the distance between the appeal site and the settlement of Peacehaven. I therefore find that it is sufficiently well related to services and facilities, as required by Local Plan policy SD41. However, as I have found that the

development would not comply with other criteria of this policy, it's compliance with 1.c) does not alter my overall conclusion that the development conflicts with Local Plan policy SD41.

26. For the above reasons, I consider the proposed development would not support the rural economy, tourism and the local community, with particular regard to the development strategy contained within the development plan. Consequently, it would conflict with Local Plan policies SD1, where it requires sustainable development. It would also fail to comply with the requirements of policy SD41, in respect of the conversion of agricultural or forestry buildings. In addition, it would not comply with the parts of Local Plan policy SD32, which indicate that proposals for new agricultural workers dwellings will be permitted where it has been demonstrated that it is essential for a person engaged in agricultural and forestry enterprises to live at or very close to the site of their work. In addition, I cannot conclude that it would conform with the requirements of paragraphs 78, 79 and 84 of the Framework, where they seek to promote sustainable development in rural areas, bring forward affordable housing, and support a prosperous rural economy.
27. Local Plan policy SD4 relates to landscape character. It is not determinative to this main issue.

#### *Other Matters*

28. Noting the presence of the nearby residential buildings at Hoddern Farm, and having regard to the ruling made in the Braintree<sup>2</sup> case, the appeal site is not deemed to be isolated. Therefore paragraph 80 of the Framework is not directly relevant to this appeal.
29. Although the application was initially recommended for approval, the draft delegated decision report contained no detailed evaluation of the scheme against the requirements of Local Plan policy SD41. Furthermore, a draft report and recommendation for approval, would not bind the NPA to approve the application.
30. Although the barn has historic value, no cogent case has been made demonstrating that the development proposals would represent a form of enabling development which would conform with all of the requirements identified at part 6 of Local Plan Policy SD12.
31. The structures within the site have cultural, landscape and built heritage values. During my site visit the barn was in use for informal storage purposes. On the information before me, I cannot conclude that the dismissal of this appeal is likely to lead to either the further degradation of the structures, or prevent their long term conservation.
32. The absence of unacceptable harm to the living conditions of the occupiers of neighbouring properties is a neutral consideration.

#### *Planning Balance*

33. In this case there would be a benefit from the creation of a dwelling, which is supported by paragraph 69 of the Framework. The development incorporates measures to secure energy efficiency, and it would provide housing for a family

---

<sup>2</sup> *Braintree DC v SSCLG* [2018] EWCA Civ. 610

with local connections. Furthermore, it would provide opportunities to secure enhancements to the biodiversity value of the site, and to secure greater certainty regarding the retention and future maintenance of the retained parts of the existing structures. However, given the scale of the scheme, any benefits would be small. As such, the weight that can be attributed to them is limited.

34. These benefits would be outweighed by the harms which would be caused to the character and appearance of the area and by its failure to support the rural economy, tourism and local communities, with particular regard to the development strategy contained within the development plan. I accord these harms great weight.
35. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

### **Conclusion**

36. For the reasons given above, this appeal is dismissed.

V Simpson

INSPECTOR