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## Appeal Decision

Site visit made on 28 November 2022

**by Robert Parker BSc (Hons) Dip TP MRTPI**

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

**Decision date: 22 December 2022**

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**Appeal Ref: APP/Y9507/W/21/3285129**

**Long Furlong Farm, Long Furlong Lane, Clapham BN13 3YN**

- 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 Toby Jenkin against the decision of South Downs National Park Authority.
  - The application Ref SDNP/21/02768/FUL, dated 18 May 2021, was refused by notice dated 19 July 2021.
  - The development proposed is erection of a farm worker's dwelling and farm office.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a farm worker's dwelling and farm office at Long Furlong Farm, Long Furlong Lane, Clapham BN13 3YN in accordance with the terms of the application, Ref SDNP/21/02768/FUL, dated 18 May 2021, subject to the conditions set out in the attached schedule.

### Procedural Matter

2. The appellant has invited me to consider an alternative set of plans which have been included with the appeal. The amendments have not been the subject of consultation under this application and therefore interested parties will not have had chance to comment. To ensure fairness, my decision is made against the plans considered by the Authority and listed on the decision notice.

### Background and Main Issue

3. The appeal site forms part of Long Furlong Farm which is located within open countryside to the north of Clapham village. The farming business is extensive and comprises 84.6 hectares of arable land, 100 hectares of grassland and various agricultural and equestrian (livery) buildings. The livestock on the holding include calves and breeding ewes and goats.
4. Policy SD25 of the South Downs National Park Local Plan (2014-2033) (LP) seeks to restrict development outside of settlement boundaries to exceptional circumstances, including where there is an essential need for a countryside location. The Authority is satisfied in this case that the enterprise is established and viable, and that there is a justified need for an additional agricultural tied dwelling in the farmstead. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the location of the site within the South Downs National Park (the National Park).

## Reasons

5. The site is located in the 'Arun to Adur Open Downs' Landscape Character Area, as defined within the South Downs Landscape Character Assessment (2020) (LCA). This area is characterised as a vast open rolling upland chalk landscape, furrowed by extensive branching dry valley systems which produce deep, narrow, rounded coombes. The LCA notes that individual farmsteads are typically isolated and often prominent features in the landscape.
6. The farmstead of Long Furlong Farm is divided into two discrete areas, an upper yard and a lower yard. The former comprises Black Patch Cottage and a number of large farm buildings high on the valley side, whereas the latter lies within a woodland copse at the base of the coombe. In and around the trees there are several cattle sheds, at least one of them recently erected, together with the main farmhouse which is occupied by the appellant's father who has retired from the business. The proposal is for a farm worker's dwelling near the lower yard where it would be within sight and sound of the livestock operation.
7. The proposed dwelling would be constructed on what is presently a horse paddock to the north of the woodland copse. It would comprise a split level, contemporary style dwelling, cut into the slope of the site, with walls finished in vertical timber cladding and a series of mono-pitched roofs constructed using pre-weathered zinc sheeting. Some sections of walling would be built in brick and render but these materials would be used in relatively inconspicuous areas such as the lower ground floor which would be partially dug into the ground.
8. The Authority is concerned that the proposed extension of the farmstead onto agricultural land would fail to conserve and enhance the landscape character of the area. It contends that the scheme would result in unacceptable visual harm from public rights of way and that there would be an adverse impact on the special qualities of the National Park and in particular its relative tranquillity and dark night skies.
9. The proposal would extend the farmstead onto previously undeveloped land outside of the woodland copse. Nonetheless, the development would be closely related to the existing farmhouse and livestock buildings, as required by LP Policy SD32 on 'New Agricultural or Forestry Workers Dwellings'. The main public views of Long Furlong Farm are from Bridleway 2173 which runs adjacent to the upper yard and from the Monarch's Way which traverses east-west across the coombe to the south of the farmstead. I walked both routes during my site visit and, in both cases, found that the impacts from public vantage points would be negligible. The development would be largely screened in views from the south by the existing trees in the copse – even when those trees are not in leaf. The new dwelling would be hunkered down in the base of the coombe and any views from Bridleway 2173 would be limited to glimpses of a recessive, dark coloured roof against the backdrop of trees. Insofar as it may be visible from a distance, the development would read as a farm building due to its similarity of materials.
10. I acknowledge that the landscape and scenic beauty of the National Park is an intrinsic quality and that the impacts of new development are not restricted to an analysis of public views. Nevertheless, I am not persuaded by the argument that the proposal would harm the relative tranquillity of the area; the proximity of the site to buildings within the existing farmstead mean that this would not represent isolated development. There would be some harm to landscape character arising from development on what is presently a grazing paddock, but the impacts would

be localised and minor. The new dwelling would be dug into the slope of the ground, meaning that it would read as single-storey. Planting on the site boundaries would help to mitigate the visual impacts from surrounding farmland. The submitted plans indicate a hedgerow but there is no reason why the scheme should not incorporate some tree planting to visually integrate the site into existing copse.

11. Concerns have been raised over the impact of the proposal on the dark night skies within the National Park. The building has been designed with no roof openings and deep eaves overhangs to minimise upward light transmission and sky glow. Although some of the elevations have large, glazed openings, the position of the building in the base of the coombe means that these are unlikely to be visible from public vantage points. External lighting and glazing specification<sup>1</sup> can be controlled through planning conditions. I note that the lower yard is not in complete darkness and produces some light due to animal welfare requirements to provide artificial lighting within cattle barns. Thus, for the aforementioned reasons, I do not consider that the proposal would have a significant adverse impact on the dark night skies.
12. I note that the appellant has considered alternative locations for the dwelling, with the options appraisal having been set out in the submitted Landscape and Visual Appraisal. It is evident that siting options have been identified within the woodland copse, but these have been discounted either as being impractical due to conflicts with the agricultural function of the lower yard, or as having an unacceptable impact on living conditions of the existing farmhouse. I accept the appellant's argument that it would be unreasonable to require the loss of the existing tennis court as it is not redundant. Option A is no longer available due to the construction of a new calf shed, whilst Options B and Di – to the south and north-east of the farmstead respectively – would be more prominent from surrounding rights of way. Overall, I am satisfied that the application site is the best option of those available.
13. The lack of a coordinated approach to site planning at Long Furlong Farm is regrettable. Nonetheless, it is clear from the application submission, which was drawn up with input from a Chartered Landscape Architect, that a landscape-led approach has been adopted. This has identified the most suitable site, which is largely hidden from public view and which relates well to the existing farmstead, whilst also serving the functional needs of the farm.
14. The reason for refusal suggests that the scheme would not have a positive impact on ecosystem services. However, it attracted no objections from the Authority's ecological advisor. The submitted Ecosystems Services Statement outlines the proposed measures to protect and enhance ecosystem service provision, including the provision of bird nest boxes, integrated bat boxes, creation of wildflower meadows within marginal areas of the site and the planting of hedging and trees. Given that the site presently comprises semi-improved pasture of low ecological value, this would represent a net gain in biodiversity. Compliance with Policy SD2 of the LP would therefore be achieved.
15. Paragraph 176 of the National Planning Policy Framework (the Framework) explains that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of

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<sup>1</sup> The South Downs National Park – Dark Skies Technical Advice Note Version 2 (May 2021) sets out at p.20-22 the principles for preventing light pollution, and this includes the use of low transmittance or tinted glass.

protection in relation to these issues. In this case, there would be landscape harm arising from the extension of the farmstead outside of the woodland copse. However, the scale of the harm would be limited and it would be mitigated by the design, topography, lighting specifications and landscaping.

16. Accordingly, I conclude that the proposal would be acceptable in conserving and enhancing landscape character. There would be no material harm to relative tranquillity or dark night skies, and no loss of key views or views of key landmarks within the National Park. Subject to the imposition of appropriate conditions, the requirements of LP Policies SD4, SD5, SD6, SD7, SD8 and SD25 would be met. Furthermore, there is no conflict with Policy HD9 of the Clapham Neighbourhood Development Plan 2015-2035 (NP) insofar as it seeks to ensure that new homes are visually integrated with their surroundings. Policy HD5 of the NP is also referenced on the decision notice, but this relates to outdoor space and is not directly relevant to the matters in dispute.
17. Overall, I am satisfied that the statutory purposes of National Park designation would not be prejudiced by a decision to allow this appeal. The proposal would represent a sustainable form of development in terms of Policy SD1 of the LP and the Framework.

### **Conditions**

18. I have considered the Authority's suggested conditions against the 6 tests set out in the Planning Practice Guidance (PPG) and paragraph 56 of the Framework. The appellant has agreed to pre-commencement conditions where appropriate.
19. The site lies in a countryside location where open market housing would not be permitted under development plan policy and therefore the parties are agreed that a condition is necessary to tie occupancy of the dwelling to a person who is solely or mainly working or last working at Long Furlong Farm, a widow or widower of such a person, and to any resident dependants.
20. I have attached a condition specifying the approved plans to provide certainty. In the interests of the character and appearance of the area, conditions are necessary to secure details of site levels, materials and finishes, and hard and soft landscaping. To protect existing trees, a condition is needed to ensure that development takes place in accordance with the submitted Arboricultural Impact Assessment and Method Statement. To minimise light pollution, I have imposed a condition to require the submission of an external lighting scheme and have included a requirement for glazing specification within the materials condition.
21. To prevent flooding and ensure satisfactory sewage disposal, I have attached conditions relating to surface water and foul drainage. A condition is also necessary to secure a net gain for biodiversity. Conditions are needed in relation to reducing CO<sub>2</sub> emissions and water usage, and to require the provision of an electric vehicle charging point prior to occupation. This will address climate change in accordance with national policy.
22. The PPG explains that conditions removing permitted development rights may not pass the test of reasonableness or necessity. However, I agree with the parties that the tests are met in this particular case. A condition will ensure that the Authority retains control over future development at the site, in line with LP Policy SD32 and the objective of preserving the character and appearance of the area and the special qualities of the National Park.

## **Conclusion**

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Robert Parker*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 805/PL106 F, 805/PL107, 805/PL112 A, 805/SU100 B, LLD2003-ARB-DWG001 01 and LLD2003-ARB-DWG001 02.
- 3) Notwithstanding the details shown on the approved plans, no development shall commence until a scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include (but not be limited to):
  - a. Written specifications and planting methods;
  - b. Layout of new planting with schedules of plants and trees consistent with local landscape character and beneficial to biodiversity, noting species, planting sizes and proposed numbers/densities where appropriate;
  - c. Tree pit design, materials and size and guying/support method;
  - d. Retained areas of trees;
  - e. Details of grasses and seeding;
  - f. Layout of hard surfaces and their materials, permeability, edges, and details of steps, ramps and retaining walls;
  - g. A schedule of landscape maintenance for a minimum period of 5 years, to include details of the arrangements for its implementation, including timetable;
  - h. All means of enclosure, including fencing, walls and gates; and
  - i. The inclusion of the measures within section 3 of the submitted Ecosystems Services Statement.

The scheme of Soft and Hard Landscaping Works shall be implemented in full accordance with the approved timetable and thereafter maintained. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size.

- 4) No development shall commence until full details of the proposed foul drainage scheme and its maintenance and management have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be fully implemented prior to first occupation of the dwelling and thereafter managed in accordance with the approved details.
- 5) No development shall commence until full details of the proposed surface water drainage scheme and its maintenance and management have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be fully implemented prior to first occupation of the dwelling and thereafter managed in accordance with the approved details.

- 6) No development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved in writing by the Local Planning Authority. These shall include ordnance datum points for the building and remodelled land to show how the dwelling would be set into the topography of the site, in comparison to existing levels. The development shall be carried out in accordance with the approved details.
- 7) No development shall commence until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will achieve a minimum 19% improvement over the 2013 Building Regulations Part L Dwelling Emission Rate (DER)/Target Emission Rate (TER), and a further 20% reduction in CO<sub>2</sub> emissions through the use of renewable sources and a maximum of 110 litres/person/day internal water use in the form of a design stage SAP calculations and a water efficiency calculator. The dwelling shall thereafter be constructed in full accordance with these details.
- 8) No development shall take place above slab level until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used on the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. These details shall include, but not be limited to, the materials for walls, roofs, windows (including glazing specification, head, sill and window reveal details), doors, eaves, and rainwater goods. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.
- 9) No development shall take place above slab level until a detailed external lighting scheme that accords with the SDNPA Dark Night Skies Technical Advice Note (2021) has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall thereafter be implemented in full accordance with the approved details. Thereafter, no alterations to the external lighting shall be made and no new external lighting installed without the prior written approval of the Local Planning Authority.
- 10) The dwelling hereby permitted shall not be occupied until provision has been made for an electric vehicle charging point, in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging point shall be retained in accordance with the approved details, and in working condition.
- 11) The dwelling hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by, the Local Planning Authority to demonstrate that the dwelling has achieved the standards required in condition no.7.
- 12) The occupation of the dwelling hereby permitted shall be limited to a person(s) solely or mainly working or last working in agriculture, in connection with the farm holding known as Long Furlong Farm, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended), or a widow or widower of such a person, and to any resident dependants.

- 13) The development shall be undertaken in full accordance with the submitted Arboricultural Impact Assessment and Method Statement by Lizard Landscape Design and Ecology (reference LLD2003-ARB-REP-001. Rev.01, dated April 2021).
- 14) The development hereby approved shall proceed in accordance with the measures detailed in sections 5.0 'Assessment of effects and mitigation measures' and 6.0 'Enhancements' of the submitted Ecological Impact Assessment by Lizard Landscape Design and Ecology (dated April 2021).
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Part 1 Classes A, B, C, D, E and F, and Part 2 Class A.

\*\*\*\* END OF CONDITIONS \*\*\*