



Appeal Decision

Site visit made on 28 February 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/Y9507/W/22/3290890

Land adjoining Sods Farm, Highstead Lane, Lickfold GU28 9EX

- 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 Chris Stanley of ISCC against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/04109/FUL, dated 5 August 2021, was refused by notice dated 21 December 2021.
 - The development proposed is erection of hardstanding area to allow vehicular access to the site.
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Decision

1. The appeal is allowed and planning permission is granted for erection of hardstanding area to allow vehicular access to the site at land adjoining Sods Farm, Highstead Lane, Lickfold GU28 9EX in accordance with the terms of the application, Ref SDNP/21/04109/FUL, dated 5 August 2021, subject to the following 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: PL-25 (P2) *Site Location Plan & Existing Site Plan*; PL-26 (P1) *Proposed Site Plan*; PL-27 *Proposed Hardstanding Field Gate Details*; PL-28 *Proposed Field Gate Elevation*.

Preliminary Matters

2. At time of my site visit the field gate and an area of hardstanding were in situ. I understand the gate and hardstanding were subject to an enforcement enquiry by the Authority which confirmed that, whilst the hardstanding requires planning permission, the gate does not require planning permission as the site access is deemed to be an existing access. I have therefore concentrated my reasoning on the effects of the proposed new hardstanding.

Main Issues

3. The main issues in this appeal are the effects of the proposal on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the South Downs National Park.

Reasons

4. The appeal site is an undeveloped, uncultivated site with areas of woodland, grassland and a watercourse. Whilst there are sporadic dwellings, within the

surrounding area, the site is outside of the settlement boundary of the village of Lickfold. The site is in a rural, countryside location, situated within the South Downs National Park and within the Landscape Character Assessment Area of Low Weald (P), specifically, the Milland Basin (P1). Paragraph 176 of the National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing the landscape and scenic beauty of National Parks.

5. The majority of the site is covered by woodland, and I understand the site is deciduous woodland priority habitat and an area of broad-leaved forest on the National Forest inventory. An area of grassland is located near the gated access and forms a natural path through the mid-section of the site. The site is therefore more open at the front and near the access point, with greater tree coverage to the rear and northern part of the site. At time of my site visit in early spring, the grassed areas were saturated and boggy. The site therefore contributes positively to the verdant character of the area, and I note deciduous woodland and marshy grassland is a key characteristic of the Low Weald Landscape Character Area.
6. Aggregate and rubble has been deposited behind the existing field gate, and has become overgrown with grass, forming a platform elevated marginally higher than surrounding ground. The proposed grasscrete hardstanding would cover the area of existing aggregate and extend to the front of the field gate across the grass verge to meet the carriageway. I understand the proposal would enable a vehicle to enter the site for reasons including land and tree management. Whilst the proposal would involve clearance of some overgrown grassed areas and cutting back of shrubs, this does not equate to habitat loss.
7. I accept hardstanding may not be typically found in woodland locations in the area. However, the extent of the proposed hardstanding would be confined to the grassed area immediately adjacent to the field gate at the site's access point and would be sited away from trees. The proposed use of grasscrete as a material for the hardstanding would enable grass and other vegetation to grow within the voids of the hardstanding's structure. Therefore, whilst the hardstanding would initially have an engineered appearance, this would be temporary as the surface would become concealed by vegetation thereby minimising its visual impact. The proposed hardstanding, once grass cover is established, would not therefore appear as an incongruous feature.
8. I understand the Authority is cautious regarding the use of grasscrete due to its unsuccessful application at a site elsewhere within the district. However, the proposed hardstanding is not extensive in area and would likely receive low traffic movement. Grasses appear to be thriving on the appeal site, having covered the existing aggregate and rubble, therefore there is no reason to indicate grass coverage would not be achieved in this location.
9. The site follows Highstead Lane, a narrow, rural lane. Bends in the road to the north and south, along with the dense tall hedge situated on the opposite steep verge enclose the appeal site and prevent long distance views. Views into the site from the lane are generally obscured by hedgerows and trees along its front boundary and by vegetation within the site. The proposed hardstanding would be visible at the site access and through the field gate. However, such views would be limited, fleeting glimpses experienced by users of the highway. The proposed hardstanding would not therefore appear prominent within the street scene or wider landscape.

10. The proposed area of hard standing would be a small area of limited visual prominence and would not result in extensive loss of boggy or marshy areas. The proposal would not therefore adversely affect the visual diversity of the Milland Basin landscape character area nor harm the area's tranquillity.
11. The Local Highways Authority indicates that relocation of the existing gated access is required to comply with current safety standards. The Authority identifies that, were the field gate relocated, the resulting loss of sections of hedgerow would adversely impact protected species and local landscape character. However, as discussed above, the Authority confirms that the existing field gate in its present location does not require planning permission. Since the proposal does not seek its relocation, the gate would remain in situ irrespective of the outcome of this appeal and therefore would have a neutral effect upon landscape character.
12. For the reasons set out above, the proposal would not have an adverse impact on the verdant, rural character of the surrounding landscape. The proposal would not therefore harm the character and appearance of the area, with particular regard to the landscape and scenic beauty of the South Downs National Park. The proposal would not conflict with the first statutory purpose of National Park designation and would comply with policies SD1, SD4, SD5, SD6, SD7 of the South Downs Local Plan 2019 (SDLP) which together require development proposals to respect and conserve local landscape character and tranquillity, including the landscape character and views of the National Park. In addition, the proposal would satisfy paragraphs 130, 134 and 174 of the Framework which require proposals be designed to be sympathetic to their landscape setting and protect valued landscapes and the intrinsic beauty of the countryside.

Other Matters

13. The Authority indicate the proposal is not appropriately located as per the tests set out in SDLP Policy SD25, which includes that the development has an essential need for a countryside location. The site does not appear to be in use for agriculture or commercial forestry purposes. However, this does not mean the site is without need of appropriate land management. I understand that providing vehicular access would enable the appellant to maintain the site and its trees, and therefore a countryside location for the proposal could be justified.
14. The site is within the 6.5km buffer of the Ebernoe Common Special Area of Conservation (SAC) and within 12km of The Mens SAC and Singleton and Cocking Tunnels SAC. The conservation objectives for those SACs seek to ensure that the integrity of each site is maintained or restored and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, including habitats of qualifying species. The Ebernoe Common SAC and The Mens SAC are designated for their habitats of Atlantic acidophilous beech forests with *Ilex* and *Taxus*, and each of the SACs supports populations of Barbastelle and Bechstein's bat.
15. The Authority undertook a SEA screening assessment which concluded that harm to The Mens SAC and Ebernoe Common SAC and Singleton & Cocking Tunnels SAC cannot be ruled out. The LPA identified likely effects on commuting, foraging and roosting bat species from use of artificial lighting during construction and through extensive loss of hedgerow to comply with

highway standards. However, this assessment appears to be based on the premise of the relocation of the gate and visibility splays, and that is not the scheme that is before me.

16. As discussed above, whilst the proposal would involve some clearance of overgrown grassed areas and cutting back of shrubs, the proposal would not involve the removal of hedgerows. Therefore, the loss of hedgerows which provide foraging areas and flightlines for protected bat species would not occur from implementation of the proposal. In addition, due to the scale of the proposal, any use of artificial lighting would be short in duration and temporary.
17. I am therefore satisfied the proposed development would not result in the loss of habitats of qualifying species and therefore the proposal would not have likely significant effects on the Ebernoe Common SAC, The Mens SAC, or the Singleton and Cocking Tunnels SAC, either alone or in combination with other plans or projects.

Conditions

18. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans. Notably, the plans indicate the proposed hardstanding would be constructed from grasscrete. The condition therefore secures use of this material.

Conclusion

19. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed and planning permission granted, subject to the conditions previously set out in the formal decision.

E Dade

INSPECTOR