



Appeal Decision

Site visit made on 4 April 2023

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal Ref: APP/Y9507/W/22/3298808

Broad View Farm, Blacknest Road, Binsted, Alton GU34 4PX

- 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 Cullen against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/04144/FUL, dated 6 August 2021, was refused by notice dated 12 November 2021.
 - The development proposed is change of use of agricultural land to glamping site to include 6 timber framed glamping tents for holiday accommodation all year round, with associated parking.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Cullen against South Downs National Park Authority. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant's appeal submission documents include an amended layout plan showing a reduced scheme for 4 glamping tents and a supporting Biodiversity Impact Assessment in conjunction with the amended scheme, which were submitted to the Council prior to the determination of the planning application.
4. The Council's refusal was in respect of the originally submitted 6-unit scheme. The planning appeals procedural guidance¹ (Annexe M) advises that, if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Moreover, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the council and the plans listed on the decision notice.

Main Issues

5. The main issues are:

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate (updated December 2022)

- The effect of the proposal on the character and appearance of the area, including whether or not it would conserve or enhance the landscape and scenic beauty of the South Downs National Park (SDNP); and
- Whether the proposal would provide adequate means of foul drainage to serve the development.

Reasons

Character and appearance

6. The site forms part of Broad View Farm, a circa 40 ha enterprise, sited off Blacknest Road, within open countryside within the South Downs National Park (SDNP).
7. Farm diversification has already taken place on the land holding by means of 4 timber lodges providing tourist accommodation, sited close to the farmyard. Vehicular access to the lodges, farmyard buildings and adjacent parking area is via a track from Blacknest Road. The planning permission² for the lodges also includes a new barn, adjacent to the lodges and existing parking area, which is to be used as a café, farm shop and cycle parking. At the time of my visit, this building was currently under construction. As such, the tourist-related activities are clustered close to the farmyard, which also includes several agricultural barns and stables.
8. Blacknest Industrial Estate lies adjacent to the farm, separated from it by a belt of mature trees. There are residential properties north of the site at Broad View Farm and Broad View Cottage. Opposite these properties, there is a row of dwellings fronting onto Blacknest Road.
9. A public footpath runs through Broad View Farm, from Blacknest Road, between the dwellings to the north, the farmyard and lodges, and across an old railway cutting, from where it traverses rising pasture land towards Hangar woodland.
10. The appeal site comprises a roughly rectangular-shaped field sited to the northwest of the holiday lodges, which is proposed to be used for glamping tourism, including the siting of 6 glamping tents for all year use.
11. A small parcel of land next to the existing carpark is also included within the appeal site, which would be used to extend the existing carpark to provide an additional 6 parking spaces, by means of cutting into a soft landscaped bank. The Council has raised no objection to this aspect of the proposal, due to its limited visual and landscape impact. On the basis of the information before me, and my site inspection, I have no reason to disagree with the Council, given the small-scale changes involved with this part of the scheme and its limited visual impact due to its position immediately adjacent to the existing car park and existing nucleus of built development around the farmyard.
12. The appeal site lies within the designated Landscape Character Area K1 – East Hampshire Greensand Terrace, according to the National Park Authority's *South Downs Integrated Landscape Character Assessment* (as updated in October 2020) (the SDILCA), which is used as a tool to assist in the guidance of change

² SDNP/16/03835/FUL

- and development within the National Park, so as to conserve and where possible, enhance, its landscape character.
13. According to the SDILCA, key identifying characteristics of this landscape area include *'a strong sense of rural tranquility resulting from the absence of overt human impact and a low density of settlement'* and *'fertile soils supporting large fields of arable, interspersed with pasture, woodland and orchards'* and *'distinctive hanger woodlands, remnants of ancient woodland, cling to the steepest slopes'*.
 14. Moreover, identified key landscape sensitivities in this area include *'open semi-natural grasslands...'* and *'the strong sense of tranquility as a result of its low noise levels, presence of semi-natural woodland, thick hedgerows and grassland, absence of overt human impact, and low density of settlement...'*
 15. The SDILCA guidance for integrating development into the landscape within this part of the National Park includes ensuring that development proposals respect the existing settlement pattern that is characterised by nucleated villages with low levels of dispersed development, and conserving the rural character of the landscape, particularly in the more remote areas and associated dark skies.
 16. The proposed glamping site comprises a grassed paddock, which is undeveloped apart from a small field shelter. It is bounded by low post and rail timber fencing and has an open, rural and quiet character. It is accessed via the main farm track that serves the farmyard complex. A dismantled railway cutting, a designated Site of Importance for Nature Conservation (SINC), runs alongside the paddock.
 17. The proposed glamping site would, in effect, comprise an expansion of the existing adjacent approved tourist facilities. The proposed siting of the tented structures in a line running alongside the western boundary of the paddock would enable some screening of the development in wider views from elevated land to the west, due to a row of existing mature Oaks positioned along the edge of the dismantled railway cutting.
 18. However, the proposal would introduce a sprawling layout of development that would be at odds with the existing cluster of tourism-related activities on the farm. The existing lodges and recently constructed shop/café barn form an affiliated extension to the farmyard complex of barns and stable structures and carpark, aligning the sides of a main farm track connecting the farmyard to the pasture fields to the west, as well as continuing a line of built development along the edges of the public footpath until as far as it aligns with the end of the farm track and the western boundary of the adjacent industrial park. As such, the approved tourist accommodation and associated facilities and parking and access comprise a nucleated layout of development within the landholding as a whole.
 19. Moreover, the existing lodges are laid out informally, and include variety in design, as well as in positioning in relation to each other. This ad-hoc arrangement of structures, together with their timber lodge form, means they sit comfortably on the site within the context of the farmyard setting.
 20. The glamping proposal would introduce an incongruous form of development onto the farm, which would be at odds with the existing farming and tourism

related developments. There would be a resulting obvious northwest linear expansion of development away from the existing hub of structures and activity. The new development would be orientated almost perpendicular to the adjacent complex of farm and tourism buildings, and would result in an alien layout of development which would not relate well to that which exists.

21. Notwithstanding that the appellant states that the safari tent drawings are for illustrative purposes, this is a full application whose description of development includes '6 timber framed glamping tents' and I must determine the appeal on the basis of the information before me, which includes tent elevations and floor plan drawings, which are not labelled as being submitted for illustrative purposes only, and information submitted in the appellant's supporting Planning, Design and Access Statement.
22. Although comprising tented accommodation, each 'unit' would comprise a framed construction incorporating a pitched roof rising to circa 3.5m high and would have a sizeable floorspace of around 5.4m by 9m. Moreover, the glamping pods would include internal accommodation providing for 4 bedspaces, living/cooking/dining facilities and a shower room, together with an external terrace seating/dining area. As such, each unit would be of a similar size and scale to that of a small holiday lodge.
23. The combination of the proposed size of the units, and their regular rectangular-shaped form, rigid and linear layout, regular spacing in relation to each other and identical orientation would all combine to result in an unduly regimented formal layout of development which would be strongly at odds with the adjacent sporadic and organic arrangement of structures.
24. Whilst the structures would comprise pad-mounted, non-permanent, canvas configurations, the proposal to connect to drainage and services, together with the proposed all-year-round use, would result in a degree of 'permanence' on the site.
25. In addition, increased noise and activity in connection with the proposed occupation of the tents and potential outdoor activities immediately around them, as a result of outdoor socialising, dining or children's play activities, would significantly encroach upon the tranquility of the land, one of the key identifying characteristics of this part of the National Park.
26. Moreover, it is reasonable to assume that, although not indicated on the application drawings, some form of footpath access would be required to serve each tent, given the grassed nature of the site, particularly during times of the year when the field could be liable to be wet and muddy. I saw, during my visit that hardcore footpaths have been provided to the lodges, and it is reasonable to assume that similar could be required for the proposed glamping tents, having regard to customer satisfaction/operational requirements. Such access arrangements would contribute to urbanising impacts upon this part of the landscape.
27. The proposal would notably elongate the extent of new built development and associated noise and activity away from the farmyard/car park complex, eroding the existing undeveloped gap between this group of buildings and the adjacent residential property to the north.

28. I acknowledge that, due to land topography, with the site being at a lower level than Blacknest Road, and due to intervening existing built development and trees and mature vegetation, the proposed tented development would not be obviously discernible in views from the public realm of Blacknest Road or from the public footpath when approaching the farmyard area from the road.
29. Moreover, the proposed linear arrangement of the tents, and their proposed position sited along the lowest part of the paddock land and in approximate alignment with the lodge development would result in their partial screening from parts of the public footpath that lie to the south of the site. The existing line of mature Oak trees adjacent to the SINC would also provide some screening of the glamping site from the public footpath, when approaching the site from the west/southwest, particularly from within the immediate vicinity of The Hangars.
30. However, these trees would not screen the development completely, even when in full leaf, due to the rising nature of the fields and footpath to the west, beyond the lodges, from where the development would be visible. Moreover, it would be seen within the context of the existing tourist accommodation and facilities, which are already readily visible, resulting in a view from the footpath in which tourism development would be visually dominant over and above that of the farm buildings, and would stand out as an anomaly within the surrounding rolling downland pastures. This harmful visual impact would be exacerbated during the winter months when the tree belt adjacent to the site is more sparsely leafed.
31. Moreover, the development would be visible from neighbouring residential land, and I am not persuaded that proposed tree and hedgerow planting by third parties at Broad View Cottage could be relied upon to provide a satisfactory means of providing some screening to the development, without any appropriate mechanisms in place to ensure that it would be implemented and/or thereafter retained.
32. Notwithstanding the above, in this instance, and noting the appellant's proposal to plant additional natural screening within the SINC tree belt and new hedging along the southern site boundary, even if it were possible to effectively screen the development, this would not mitigate the intrinsic harm to the landscape character that would arise from the proposal.
33. It is not appropriate to rely upon screening of development that is otherwise unacceptable. Aside from the harm to the visual amenities of this part of the SDNP, cumulatively, taken with the existing tourism development upon the site, the proposal would result in an unduly harmful erosion of the existing agricultural use of the site and an expansion of commercial activity, including structures, footpaths, supporting tourist paraphernalia and people, together with tourist associated noise and activity, which would intrinsically harm the aforesaid key characteristics of this part of the SDNP, as identified within the SDILCA. The proposal to continue sheep grazing around the development would not satisfactorily mitigate this harm.
34. There are no identified on-site ecological constraints to the proposed development, having regard to the intensively grazed nature of the paddock land, and the acceptance by both parties that it is in a poor condition.

35. I acknowledge that biodiversity enhancements are proposed, including the planting of mixed native hedging along the southern paddock boundary, the introduction of additional planting together with bat and bird boxes within the tree belt adjacent to the site, and improvements to the adjacent SINC.
36. These proposals could potentially result in a biodiversity net gain on the farm as a whole, and could be ensured by condition. However, they relate to land surrounding the proposed development, and would not be directly related to, or integrated within, the appeal scheme. In addition, the proposed continuation of the use of the land around the tents for sheep grazing would not address the matter of the poor condition of the land upon which the development would be sited.
37. Whilst noting that the proposal is intended to support the sheep farming business, there is no cogent evidence before me that biodiversity enhancements, that do not prejudice the farming operation, are not feasible on the appeal site. I find that a failure to assimilate ecological enhancements directly into the design of the appeal scheme, in combination with my aforesaid concerns in respect of the layout and form of the development, indicate that the scheme would not be sufficiently landscape led.
38. For the above reasons, notwithstanding my conclusion regarding the proposed additional parking, I therefore conclude that the proposal would materially harm the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the SDNP. As such, the proposal would be contrary to Policies SD1, SD2, SD4, SD5, SD9 and SD23 of the *South Downs Local Plan 2014-2033* (2019) (the Local Plan) and Outcome 1 of the *South Downs National Park Partnership Management Plan 2020-2025* (the PMP).
39. These policies, amongst other things, aim to conserve and enhance the landscape character, natural beauty and wildlife of the National Park, including ensuring that development proposals, including visitor accommodation, adopt a landscape-led approach and respect the local character through sensitive and high quality design, conserve and enhance biodiversity, identifying and incorporating opportunities for net gains in biodiversity, foster responsible and sustainable delivery of tourism and recreational development, and avoid or mitigate the negative impacts of development and cumulative change.
40. For similar reasons the development would be contrary to policies of the *National Planning Policy Framework 2021* (the Framework) which states that planning decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services, and minimise impacts on, and provide net gains for, biodiversity (Paragraph 174). Moreover Paragraph 176 confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues, and within which, the scale and extent of development should be limited.

Drainage

41. It is proposed to connect the new glamping units to the existing foul drainage system serving the holiday lodges, and the application drawings include a drainage layout plan in respect of the lodge development. However, no proposed glamping site drainage layout has been submitted with the

application or the appeal documents. In addition, the appellant has not submitted demonstrative evidence that the existing foul drainage facilities have sufficient capacity to accommodate the additional flows from the appeal scheme.

42. The matter of foul drainage is capable, in principle, of being dealt with by means of condition. However, I do not consider that the Council has been unreasonable in seeking a greater degree of assurance, prior to approval of the development, that there is adequate capacity to accommodate the proposal within the existing drainage scheme. In coming to this view, I have taken account of the size of the development, comprising 6 family-sized units, which would be used all year round, which would result in a significant additional amount of foul water discharge into the existing system.
43. Moreover, notwithstanding that full drainage plans were not sought by the Council prior to the determination of the lodge application, in the case of the appeal scheme, the proposed siting of the glamping units on the lower part of the paddock and in close proximity of the adjacent SINC, means that should an alternative means of foul drainage be required due to inadequate capacity of the existing system to cope with both developments, the Council would need to be satisfied that this could be achieved without harm to the nature conservation site.
44. In this respect, whilst not necessarily requiring the submission of complete details of the proposed drainage scheme at the application stage, it is reasonable for the Council to seek sufficient cogent evidence to provide reasonable assurance that, if applying a foul drainage condition, it would be capable of being satisfactorily discharged, in the interests of the amenities of the occupiers of the tourist facilities and having regard to the nature conservation interests of the SINC.
45. I am not persuaded otherwise by the inclusion of Condition 8 within the Council's suggested conditions should the appeal be allowed, since these are put forward as a matter of appeal procedure, without prejudice to the outcome of the appeal or the Council's case.
46. For the above reasons, I therefore conclude that there is insufficient evidence before me to satisfactorily demonstrate that the proposal would provide adequate means of foul drainage to serve the development. The proposal would therefore be contrary to Local Plan Policy SD5, which, amongst other things, requires development proposals to have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

Other Matters

47. Whilst the Framework gives support to a prosperous rural economy, including the development and diversification of agricultural and other land-based rural businesses, this is not unqualified, and does not negate the requirement to conserve and enhance the landscape and scenic beauty of the SDNP.
48. Moreover, the Framework is clear that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside (Paragraph 84).
49. There would be economic benefits arising from the proposal, both to the local rural economy and in respect of providing financial support to the existing site

sheep farming business, including at times when the land needs to be rested from grazing. The proposal would also lend some support to the second main purpose of the SDNP, that of promoting opportunities for the understanding and enjoyment of its special by the public. I afford moderate weight to these benefits having regard to the small-scale nature of the appeal proposal and the fact that it would supplement an existing tourism use of the farm.

50. Biodiversity enhancements are proposed. However, they are not directly related to the design of the appeal scheme, and are a requirement of planning policy in any case. Also, there is no cogent evidence before me that the appeal scheme, whilst providing additional income for the farm, is required to enable such ecological improvements to take place. As such, I give minimal weight to this in the planning balance.
51. The harm that I have identified in respect of the impact of the proposal upon the landscape and scenic beauty of the SDNP is significant. Having regard to the above, and noting that National Parks have the highest status of protection in relation to this matter, this harm would not be outweighed or justified by the above benefits.
52. The Council has raised no objection to the proposal in respect of matters including the principle of development, the impact on neighbouring living conditions and highway safety. In terms of the planning balance, a lack of identified harm is a neutral factor that does not diminish the harm that would arise from the proposal in respect of the first main issue.
53. By comparison, having regard to design and layout and the matter of whether drainage should be dealt with by means of condition, the appellant has drawn my attention to a number of other approved holiday accommodation schemes within the SDNP. On the basis of the information before me, and an absence of detailed analysis of each case by the appellant, I do not find any of these developments to be directly comparable with the current appeal scheme, including in respect of the number, type and layout of units. As such, these approvals do not alter my conclusions in respect of the current appeal, which, in any event, I must determine based on the merits of the proposal before me and the specific appeal site circumstances.
54. The appellant has referred to the Council's procedures during the determination of the planning application. This is not a matter for consideration as part of this appeal decision, which I have determined on the merits of the proposal before me.

Conclusion

55. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR