



Appeal Decision

Site visit made on 3 July 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/Z3825/W/22/3295983

Sussex Topiary, Naldretts Lane, Rudgwick, Horsham RH12 3BU

- 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 Tim Bloxham against the decision of Horsham District Council.
 - The application Ref DC/21/2102, dated 10 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is change of use of land for caravan and camping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed change of use on:
 - the character and appearance of the area;
 - the living conditions of nearby residential occupiers, with particular regard to noise and disturbance; and
 - highway safety, including the safety of vulnerable road users.

Reasons

Character and appearance

3. The appeal site primarily consists of paddock land, situated adjacent to an existing gypsy site. As noted in the extracts provided from appeal decision Ref APP/Z3825/A/14/2220591, the site is in the countryside, albeit that it is in close proximity to Rudgwick, and the wider pastoral landscape has a well-wooded character with small farms and cottages concentrated along lanes.
4. A cluster of residential properties are present near the junction between Haven Road and Naldretts Lane. Aside from this, development along Naldretts Lane is sporadic and fairly limited in scale and extent. Local residents have described the local area, including Naldretts Lane, as offering a peaceful and tranquil environment, in keeping with the rural character of the wider area. This is consistent with my observations.
5. Sussex Topiary benefits from planning permissions relating to the stationing of caravans for residential purposes for gypsy pitches. The appellant mentioned that for a couple of years a caravan and camping facility has been operating at the site. However, the appellant has stated that this operation is in its infancy. Accordingly, it appears that in recent years Sussex Topiary as a whole has not

- been used on a particularly intensive basis. I have not been informed of any other campsites along Naldretts Lane.
6. Local residents have raised a number of concerns regarding the caravan and camping operations previously undertaken on site. Of relevance to this main issue are the concerns raised with respect to increased noise and traffic levels, and disturbance caused by increased levels of activity. In particular, I note that local residents noticed a substantial uplift in vehicle movements arising from the temporary use.
 7. The appeal proposal relates to up to 85 camping / caravanning pitches. However, few details have been provided to illustrate the likely numbers of visitors which would occupy the site over a typical season. Similarly, no information has been submitted providing estimates of the quantum of vehicle movements which would likely be generated for the maximum number of pitches proposed.
 8. Taking account of the paucity of information provided with respect to the overall level of activity that the proposal would generate in the context of the largely undeveloped and informal character of the locality, and noting the concerns expressed by local residents relating to the previous operations on site, I must take a precautionary approach. It follows that in the absence of adequate evidence to demonstrate otherwise, I find that the proposal would likely result in harm to the rural character of the area by way of a significant intensification of activity over-and-above the permitted uses at Sussex Topiary.
 9. I accept that, in principle, it might be possible to define a specific number of pitches which would avoid harm to the rural character of the area. However, it is not my role to speculate on the likely numbers of visitors or the quantum of vehicle movements which would likely be generated by any given number of pitches.
 10. In any event, the submitted information falls far short of adequately demonstrating what an acceptable number of pitches would be. Given this uncertainty, based on the information before me it would not be reasonable for planning conditions to be imposed to limit the number of pitches or to limit the use of the site for caravan and camping to certain parts of the year only (such as for the summer months), or to limit visitors' stay to a certain number of weeks in a year.
 11. I therefore find that it has not been demonstrated that the proposal would not have an unacceptable and harmful effect on the character of the area. The proposal would conflict with part 1. of Policy 25 of the Horsham District Planning Framework (excluding South Downs National Park) (adopted November 2015) (HDPF) which provides that, amongst other things, the Council will support development proposals which protects, conserves and enhances the landscape and townscape character.
 12. The proposal would conflict with part 1. of the second paragraph of Policy 26 of the HDPF which provides that, amongst other things, development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including its tranquillity and sensitivity to change.

13. The proposal would conflict with part 3. of Policy 32 of the HDPF which provides that, amongst other things, development will be expected to contribute to a sense of place. The proposal would conflict with part 4. of Policy 33 of the HDPF which provides that, amongst other things, in order to conserve and enhance the natural and built environment developments shall be required to respect the character of the surrounding area.
14. The proposal would also conflict with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Living conditions

15. Residential development along Naldretts Lane is sporadic near the site, and ordinarily the immediate vicinity is peaceful and quiet, in keeping with its rural character.
16. The appellant has stated that no noise complaints have been made to date. Nevertheless, as mentioned on the first main issue above, local residents have raised a number of concerns in their representations regarding the caravan and camping operations previously undertaken on site. These include increased noise, caused by campers on site and from noticeably increased levels of traffic along Naldretts Lane.
17. Figures have not been provided in terms of the numbers of visitors or vehicle movements which would likely occur over any given period for the proposed caravan and camping use. Considering this, and the rural character of the locality and local residents' reasonable expectations to be free from undue disturbance in this tranquil countryside setting, I must take a precautionary approach.
18. Thus, in the absence of adequate evidence to demonstrate otherwise, and taking account of the distance of the site from nearby residential properties and the set-back of the paddocks from Naldretts Lane, it has not been shown that the proposed intensification of activity over-and-above the permitted uses at Sussex Topiary would not result in harm to the living conditions of nearby residential occupiers.
19. As mentioned on the first main issue above, it is not my role to speculate on the likely numbers of visitors or the quantum of vehicle movements which would likely be generated by any given number of pitches. As the effect of the proposal on noise levels in the vicinity is unclear irrespective of the numbers of pitches involved, and taking account of the concerns expressed by local residents with respect to the previous caravan and camping operations on site, it would not be reasonable for planning conditions to be imposed to limit the number of pitches or to limit the use of the site for caravan and camping to certain parts of the year only (such as for the summer months), or to limit visitors' stay to a certain number of weeks in a year.
20. Although the site is currently mostly surrounded by hedgerows and trees and a planning condition could potentially be imposed to further increase the amount of screening around the site, as figures have not been provided in terms of the numbers of visitors or vehicle movements which would likely occur over any given period, there is no certainty that such a condition would be effective in

reducing noise impacts to a level which would avoid harm to the living conditions of local residents.

21. For the same reasons, it has not been demonstrated that conditions requiring compliance with a Site Management Plan, and prohibiting amplified music on site, would be adequate in terms of mitigating noise and disturbance from the site to acceptable levels.
22. I therefore find that it has not been demonstrated that the proposal would not have an unacceptable and harmful effect on living conditions of nearby residential occupiers, with particular regard to noise and disturbance. The proposal would conflict with part 3. of the first paragraph of Policy 26 of the HDPF which provides that, amongst other things, any proposal must be essential to its countryside location, and in addition provide for quiet informal recreational use. The proposal would also conflict with part 2. of Policy 33 of the HDPF which provides that, amongst other things, in order to conserve and enhance the natural and built environment developments shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
23. Although the Council made reference to Policies 2, 25, and 32 of the HDPF, these policies are not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Highway safety

24. Naldretts Lane is a narrow single track road. Local residents indicate that it is regularly used by cyclists, horse riders, and pedestrians, including older people and children.
25. Whilst I have not been referred to any official accident sources, local residents have described a number of near-miss incidents and at least one incident of a child being knocked off their bike along Naldretts Lane. I observed that Naldretts Lane is difficult to navigate for both pedestrians and drivers of vehicles, due to the lack of a footway and its narrow nature, with limited passing places for vehicles. A sharp bend exists not far from the entrance to Sussex Topiary. Damage to the verges along Naldretts Lane caused by vehicles was evident on my site visit.
26. The appellant has stated that Naldretts Lane is lightly-trafficked. In this regard, the proposal for a change of use of land for caravan and camping would in all likelihood entail an uplift in the numbers of vehicles accessing the site. However, few details have been provided to quantify how many vehicles are anticipated over any given period, either for the maximum number of pitches proposed (85), or for a lower amount.
27. Hence, on the basis of the limited information before me, and considering the nature of Naldretts Lane described above and its usage by vulnerable road users, I must take a precautionary approach, meaning that in the absence of adequate information to indicate otherwise, it has not been demonstrated that the proposal for 85 pitches would not pose a real threat to the safety of the users of Naldretts Lane, including pedestrians.
28. Planning conditions could potentially be imposed to limit the number of pitches or to limit the use of the site for caravan and camping to certain parts of the

year only (such as for the summer months), or to limit visitors' stay to a certain number of weeks in a year, but due to the limited information provided with respect to the likely numbers of visitors and vehicle movements over any given period, it has not been demonstrated that such conditions would successfully avoid harm to highway safety. As mentioned on the first main issue above, it is not my role to speculate on the likely numbers of visitors or the quantum of vehicle movements which would likely be generated by any given number of pitches.

29. The proposal is intended to operate so that entry to the site for new campers and caravans would be after 1PM and existing campers and caravans would have to depart the site before 11AM. As the risks to highway safety primarily arise due to the quantum of vehicles potentially using Naldretts Lane and considering that vulnerable road users could be using the lane at any time during the day, this matter would not adequately mitigate the harm that would be likely to arise via the proposal, identified above.
30. Therefore, whilst access to the site would remain as existing and the site offers a vehicular turning space, I find that it has not been demonstrated that the proposal would not have an unacceptable effect on highway safety, including the safety of vulnerable road users. The proposal would conflict with part 9. of Policy 40 of the HDPF which provides that, amongst other things, development will be supported if it provides safe and suitable access for all vehicles, pedestrians, cyclists, and horse riders.
31. The proposal would conflict with paragraph 110 b) of the Framework which provides that, amongst other things, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. The proposal would also conflict with paragraph 111 of the Framework which provides that, amongst other things, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters and Planning Balance

32. I have carefully considered the planning applications referred to for Blacklands Farm¹ and Slaughterford Farm². From the information provided, it has not been shown that those sites are directly comparable with the appeal proposal in terms of the nature of the local highway network. Given that the nature of Naldretts Lane and its usage by vulnerable road users is a key consideration in this appeal, those grants of planning permission do not change my findings on the main issues in this appeal.
33. The proposal would promote tourism in the area, which is encouraged by Policy 11 of the HDPF. I have no reason to doubt that there is a demand for caravan and camping sites in the locality, given the scenic beauty of the wider area and the abundance of nearby attractions. However, given my findings on the first main issue above, the proposal would not reinforce local distinctiveness, which is a requirement of part 1. of Policy 11. This limits the weight which can be given to the promotion of tourism in support of the proposal.
34. Policy 7 of the HDPF refers to the formation and development of small businesses and the promotion of the district as an attractive place to stay and

¹ DC/16/2915

² DC/09/0579

visit to increase the value of the tourism economy. In this regard, limited details have been provided to quantify the economic benefits that the proposal would provide to the local and wider area.

35. Reference has been made to the improvement of landscaping and the addition of native planting which would enhance biodiversity and ecology, but limited details have been provided to quantify the degree of biodiversity net gain that would accrue.
36. Considering the above, and the size of the site and the maximum number of pitches proposed, the evidence does not demonstrate that the economic and social benefits of the proposal would be significant to either the local or the wider area.
37. Whilst all these matters, taken in combination, have been afforded moderate weight, in my view they are not sufficient to outweigh the considerable planning harm arising from my findings on the main issues in this appeal. Therefore, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.
38. A recent appeal decision has been cited in relation to a planning balance undertaken. As no copy of that decision has been provided the circumstances of that appeal are unknown. Hence, it has not been demonstrated that the specific circumstances involved in that appeal are directly comparable to the proposal before me. In any event, I have taken full account of the underlying objectives of all of the relevant planning policies in undertaking the planning balance in this appeal. Accordingly, that appeal decision does not alter my findings.
39. As mentioned in the fourth reason for refusal given in the Council's decision notice, the Council considers that the proposal has the potential to contribute to an existing adverse effect upon the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites. However, as I am dismissing the appeal for other reasons, there is no need to consider the potential implications of the proposal in this respect. I therefore make no further comments on this matter.

Conclusion

40. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR