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# Appeal Decision

Site visit made on 21 June 2023

**by A Tucker BA (Hons) IHBC**

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

**Decision date: 10 July 2023**

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**Appeal Ref: APP/Y9507/W/22/3304659**

**Stanmer House, Stanmer Village, Stanmer Park, BRIGHTON, BN1 9QA**

- 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 McDonnell of KSD Support Services Ltd against the decision of South Downs National Park Authority.
  - The application Ref SDNP/22/01389/FUL, dated 20 March 2022, was refused by notice dated 18 May 2022.
  - The development proposed is temporary provision for seven accessible car parking bays including the construction of a reinforced grass surface treatment.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The effect of the proposal upon the significance of Stanmer Park, including the setting of the grade 1 listed Stanmer House, the grade II registered park and garden of Stanmer Park and the Stanmer Conservation Area.

## Reasons

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The appeal site is in an area close to the southeast façade of Stanmer House, just beyond the formal fountain garden and in an area that is currently occupied by informal car parking. Stanmer House is a fine large country house dating from the early 18<sup>th</sup> century that is largely the work of the architect Nicholas Dubois. It is built in a typical Palladian style with the central three bays of its principal northeast façade projecting slightly forward and topped with a pediment. This elevation faces out over the parkland, which includes gently rising land to the east and Church to the north.
5. The similarly formal southeast façade faces towards the formal area of the fountain garden and the appeal site. It is without the pediment of the adjacent elevation, but still composed in a formal manner, and its symmetry is highlighted by the placement of downpipes and central attic extension. This elevation and the adjacent northeast façade are the principal outward faces of

the house that were designed to be seen and display high architectural value. The building's fine appearance and architectural quality are primary contributors to its special interest.

6. Stanmer House enjoys a spacious and verdant parkland setting. This includes various associated historic estate buildings. The interrelationship between the house and these other buildings is largely retained and easy to appreciate today. The principal façades of the house face out over the landscape and are highly significant components of its setting. This includes the area of the fountain garden, which is a formal garden to the front of the building's southeast elevation. This garden, although in a heavily degraded state at present, retains a central fountain and pool, which is important to the formality of the building's corresponding elevation. This is believed to be part of the original Dubois design that was subsequently extended further to the southeast for an area that was probably used as a croquet lawn.
7. Historic maps suggest that this garden, and particularly the lower part, were more open to the wider landscape and thus played a more prominent role in the appearance of the wider landscaped park in the past. The broad parkland setting, its association with other estate buildings, and the more intimate layout and relationship with the formal garden to the southeast are important aspects of the building's setting that contribute to its special interest.
8. The area is also within the grade II registered park and garden of Stanmer Park (RP&G) and the Stanmer Conservation Area (CA). Both designations are centred on Stanmer House as the centrepiece of the estate, and many of the positive attributes detailed above are also primary contributors to the significance of these designations.
9. It is suggested that the fountain garden is of limited significance to the character and appearance of the wider CA. It is well screened from the main access road to the east, due to the extent of later planting that has developed along the intervening boundary. However, whilst I can agree that views of the area are limited, there are views into the area from the parkland to the southeast and southwest through gaps in the existing vegetation. Furthermore, the garden is an intrinsic part to the historic layout of the land around the house, which, as the centrepiece of the estate, must make it highly significant to the character and appearance of the CA, and that of the RP&G.
10. The proposed parking area would introduce a row of parked cars to one side of the land that is just beyond but largely integral with the formal fountain garden. Parked cars, and the associated surfacing and marked out parking bays, would be highly intrusive to views across the garden in both directions. This would include views out from the formal southeast elevation of the house, where the presence of parked cars would detract from a designed outlook over an intimate area of formal garden and a wider area of parkland, that was part of the original Dubois design.
11. Although the trees surrounding this area would mean that views of the parked cars from the wider area would be limited, it is likely that they would still be glimpsed from the open parkland to the southeast. From here the presence of parked cars and the movement of vehicles would be particularly harmful to the formal setting of the house. It is also evident that considerable effort has recently gone into improving the park and, although the proposal would be

reversible, if permitted for five years it would prevent the full restoration of this area for that time.

12. I accept that the proposal would be less harmful than the existing informal parking, as it would occupy a smaller area, would be offset, and would allow the remaining area to be returned to lawn. The South Downs National Park Authority (SDNPA) accepted the existing layout on a temporary basis. However, it is clear on reading its officer report that a level of harm was accepted, and the proposal was permitted pending a wider masterplan approach. That masterplan is now in place, which means that the matter should be considered afresh, and this previous permission should carry little weight.
13. Owing to the overlapping significance of the building's setting with that of the RP&G and CA, the proposal would also harm the significance of these heritage assets. The appellant accepts a level of heritage harm but suggests that it is at the very low end of less than substantial, using the terminology set out in the National Planning Policy Framework (Framework). Whilst I agree that the level of harm would be less than substantial in the context of the scale and significance of the listed building and its setting, and the heritage values of the RP&G and CA, I cannot agree that it would be very low for the reasons given. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
14. It is suggested that the proposal would improve the appearance of the area by removing the remainder of the gravel associated with the existing informal parking. The current layout was permitted on a temporary basis that has now lapsed and it is a requirement of that permission that the land is restored to its former condition. Therefore, the restoration of the land is required anyway and should not be accepted as a public benefit that would solely be secured by this permission. As such, I attach little weight to this matter.
15. The proposal would provide accessible parking spaces close to the house, which would be used for those working in the house and for visitors. It would be a significant advantage to those who require accessible parking, which should be viewed as a public benefit. The proposal would solely serve persons who have a physical disability, which is a protected characteristic identified under the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010. The second aim is to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. This is an aim relevant to equality of accessibility.
16. Existing accessible parking is provided to the northwest of the house. It is further from the house than the proposed parking and is therefore less convenient for persons with a physical disability who seek access to Stanmer House than the proposed parking would be. Additionally, owing to the lack of the provision of an approved path that would give direct ramped access from the parking towards the house, it is necessary for a person to navigate the section of road alongside the old stables. This is without a dedicated footway, is narrow in places, and is not well surfaced.
17. The submissions clarify that there are people currently employed at the house who are blue badge holders. The proposal would therefore be a direct benefit to these people as well as future employees and visitors who also have a physical

disability. However, I consider that the weight I attach to this should be lessened for several reasons.

18. No explanation is provided as to why the approved pedestrian link has not been constructed. I accept that it is outside of the appellant's control, but it is part of the approved layout and would appear to be straightforward to implement. Additionally, the section of road alongside the stables is marked on the approved plan as pedestrianised, which would make the route much safer even without the approved path.
19. If these consented changes were implemented, although the distance between the accessible parking and the house would still be longer than the proposal, the route would not be unsafe or difficult to use. Furthermore, the existing accessible parking serves the whole estate, is well laid out and is an integral part of the main parking provision, whereas the proposed parking would be more isolated and would appear to only serve visitors to the house.
20. Taking these matters together, the public benefits of the proposal, which include the requirement to have due regard to persons with a protected characteristic under the PSED, carry reasonable weight. Paragraph 189 of the Framework clarifies that heritage assets are an irreplaceable resource. I have found that the proposal would cause considerable harm to primary aspects of the setting of a highly graded listed building that contribute to its significance, as well as harm to the character and appearance of the CA and RP&G. In weighing these matters, I am mindful that the harm would impact upon a highly graded heritage asset as well as other heritage designations and that paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I am not satisfied that the benefits would be sufficient to outweigh the degree of harm identified.
21. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm aspects of the setting of the listed building that contribute to its special interest, and the character and appearance of the CA. It would also harm the wider historic character and appearance of the RP&G. It would be contrary to Policies SD1, SD4, SD5, SD12, SD13 and SD15 of the South Downs Local Plan 2014-33. Together these Policies seek to ensure that proposals conserve and enhance existing landscape character including the natural beauty of the National Park, are complementary to the design principles of a designed landscape, and conserve and enhance the historic environment.

### **Other Matters**

22. The proposal seeks temporary permission for the parking area for five years. I accept that the harmful impact of the proposal would be reduced if it is limited to this period rather than being permanent. However, five years is still a considerable period for the harmful impact to remain, especially given the various designations at the site and the high level of public access.
23. Planning Practice Guidance states that a temporary permission may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of that period<sup>1</sup>. There is nothing before me to indicate when the permitted accessible access arrangement might be completed and why it has been delayed. The submissions suggest that a

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<sup>1</sup> Planning Practice Guidance Paragraph: 014 Reference ID: 21a-014-20140306

temporary solution is necessary until such a time as a new use for Stanmer House is established, although elsewhere it is suggested that the proposal benefits the continued viable use of Stanmer House. These appear to be conflicting positions and cast doubt on the need for a temporary permission. For these reasons I am not satisfied that a temporary permission is appropriate.

### **Conclusion**

24. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

*A Tucker*

INSPECTOR