
Appeal Decision

Site visit made on 16 August 2023

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/Y9507/W/22/3312968

Olwyn, Swanborough, Lewes BN7 3PQ

- 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 Kamil Kustosz against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/03835/FUL, dated 12 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is change of use of a residential outbuilding to a holiday let.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character, appearance and amenity of the area, with particular regard to its effect on the South Downs National Park (the National Park).

Reasons

Character, appearance and amenity

3. Swanborough is a small settlement set within the open countryside of the National Park. It is not within the list of settlements identified in Policy SD25 of the South Downs Local Plan 2019 (LP) and does not have a defined settlement boundary. Policy SD25 allows, in certain circumstances, for development outside a defined settlement boundary, including for sustainable tourism as defined in LP Policy SD23.
4. Policy SD23 supports sustainable tourism and requires, amongst other things, development to not adversely affect the character, appearance and amenity of the area. Where proposals are located outside settlement policy boundaries, it also requires proposals to positively contribute to the natural beauty, wildlife and cultural heritage of the National Park, and to be closely associated with established tourism uses, including the public rights of way network.
5. The appeal site relates to Olwyn, a semi-detached dwelling that is separated from its long front garden by a shared private access road which branches off Swanborough Drove. The proposed holiday accommodation would be located within the existing one-and-a-half storey outbuilding located at the southern end of Olwyn's front garden. There is an existing vehicular access and parking area to the south of the outbuilding directly off the northern side of

Swanborough Drove. The appeal site is directly adjoined by other plots with long front gardens associated with, and separated from, the main dwellings by the shared private access. This arrangement of dwellings separated from their long front gardens by a shared private access gives this part of Swanborough a distinctive pattern of development and character.

6. Whilst there are dwellings located on the southern side of Swanborough Drove opposite the site, they are set back from the highway and are behind mature boundary hedgerows and trees. The combination of long front gardens on the northern side of Swanborough Drove, and the low density of dwellings within mature landscaped plots on the southern side, results in a tranquil rural character and appearance in the vicinity of the existing outbuilding. The combination also creates a comfortable transition between the built form of the settlement and the wider surrounding agricultural countryside. The rural character, appearance and tranquillity of the area is readily perceived by surrounding residents, and by those travelling along Swanborough Drove, a public bridleway that links in with the South Downs Way National Trail.
7. The proposed landscaping surrounding the holiday accommodation includes 1.8m high bamboo fencing, a 2m high clumping bamboo living screen boundary, stone filled gabion retaining walling, and an area for bin and bike storage. The effect of the fencing would be to provide a private outdoor area for future occupants of the holiday accommodation. It would also, however, effectively subdivide the existing front garden to Olwyn, resulting in the appearance of an independent residential unit on an uncharacteristically small plot, in a location harmfully at odds with the distinctive character of adjacent long front gardens serving set back dwellings.
8. Bamboo is not a native species, and the use of bamboo fencing would not be consistent with local materials. The landscaping proposed in the front garden retained to serve Olwyn, including fruit trees, would provide some limited benefit to the character and appearance of the area in comparison to the existing lawn. Overall, however, the proposed landscaping would fail to connect to the wider landscape and is not consistent with local character.
9. I have had regard to the submissions relating to the relative tranquillity of the site and the findings of the South Downs National Park Tranquillity Study (the Tranquillity Study) (2017). I acknowledge that the holiday accommodation is within an area identified as scoring -10.36 on the tranquillity scale within the Tranquillity Study. This score indicates an area of intermediate tranquillity. LP Policy SD7 requires that, in such areas, development should conserve and enhance, and not cause harm to, relative tranquillity.
10. The appellant advises that the outbuilding is currently used for the storage of household items, with car parking taking place on the driveway adjacent to the main dwelling. Whilst the use of the outbuilding for storage can be reasonably expected to have a limited effect on the tranquillity of the area, many other lawful uses incidental to the main dwelling could have a more harmful effect on tranquillity. Nevertheless, it is reasonable to expect that the use of the outbuilding as separate holiday accommodation would give rise to more activity over time than its continuing use incidental to the main dwelling.
11. The proposal would result in a greater expected trip generation than the existing single dwelling. Whilst there is a bus stop located on the classified road to the east, given the limited and infrequent times of the service, most trips to

and from the holiday accommodation would likely be by private motor vehicle. The arrival and departure of guests, and the effects of separate residential occupation, in terms of additional vehicles parked at the site, lighting, and noise, would harm the tranquillity of the area. In use as holiday accommodation, the propensity for outdoor activity within the site would be greater as occupiers would likely have lengthier opportunities to engage in recreational activity. Conditions restricting outdoor lighting and securing additional boundary fencing / planting would not wholly mitigate the additional visual and audible harms to tranquillity resulting from the proposal.

12. The explanatory text to LP Policy SD7 states that, 'tranquillity is considered to be a state of calm, quietude and is associated with a feeling of peace'. The explanatory text goes on to state that, 'development proposals in areas of intermediate relative tranquillity are the areas which are most vulnerable to change'. The application site and the village of Swanborough are within Landscape Character Area G2: Ouse Valley Sides, as identified by the South Downs: Landscape Character Assessment (SDLCA). The SDLCA states that the, 'combination of built development and traffic erodes the sense of tranquillity in this character area', but also that that, 'away, from the roads, the valley sides form a tranquil, rural setting to the floodplain'.
13. The negative factors affecting tranquility within Swanborough include traffic noise from the classified road to the east, agricultural and commercial livery uses, and vehicular movements along Swanborough Drove. These negative factors, are, however, generally located a sufficient distance away from the site so as to not be significantly detrimental to the tranquillity of the area surrounding the outbuilding. The tranquility of the area adjacent to the outbuilding is, however, significantly influenced by the quietude of the open fields to the west that lead to Swanborough Hill. Compared to the existing use, therefore, I find that the holiday accommodation would result in a detrimental effect on the relative tranquillity of the National Park, particularly as experienced by nearby residents and those travelling along Swanborough Drove adjacent to the site.
14. Whilst the proposal would be detrimental to the relative tranquillity of the National Park, this harm relates to the experiential and amenity qualities of the landscape. Only limited harm to the living conditions of the immediately adjoining occupiers would occur as a result of the increased activity and noise generated by the proposal. Furthermore, appropriate privacy for surrounding occupiers would be maintained given the sufficient distance to neighbouring occupiers' windows, and from first floor windows of the holiday accommodation to private outdoor spaces.
15. Overall, for the reasons given above, including the detrimental effect of the proposal on the existing distinctive sense of place, and on the relative tranquillity of the National Park, the development would have an adverse effect on the character, appearance and amenity of the area. The development would, therefore, conflict with LP Policies SD4, SD5, SD7, and SD23, which require, among other things, development to not adversely affect the character, appearance and amenity of the area, and to safeguard the experiential and amenity qualities of the landscape. The proposal would also conflict with the objectives of the National Planning Policy Framework (the Framework), which states that development should be sympathetic to the local

character, with great weight given to conserving and enhancing landscape and scenic beauty in National Parks.

Planning Balance

16. National Parks are designated for the purposes of a) conserving and enhancing natural beauty, wildlife and cultural heritage, and b) promoting opportunities for the understanding and enjoyment of their special qualities by the public. Section 11A (2) of the National Parks and Access to the Countryside Act 1949 places a duty upon me to have regard to these purposes, and where there is conflict greater weight should be given to purpose a). Additionally, there is a duty to seek to foster the economic and social well-being of the local communities within the National Park.
17. The use of the outbuilding as holiday accommodation would provide economic benefits associated with visitor spend and management of the accommodation. Furthermore, the site is near the South Downs Way National Trail, a popular public right of way, and the proposal would provide opportunities for visitors to increase their awareness, understanding and enjoyment of the National Park's special qualities. Limited weight, however, is given to these benefits given the small scale of the proposal. Subject to a condition securing details of landscape planting, a biodiversity net gain could be achieved and this benefit is afforded limited weight. The proposal also includes external insulation to the outbuilding thereby representing a limited environmental benefit.
18. Significant weight is given to the above identified policy conflicts with the development plan with regards to the adverse effect of the proposal on the character, appearance and amenity of the area. The proposal would also conflict with the first purpose of the National Park, including by virtue of harm to the experiential and amenity qualities of the landscape. Great weight is given to this identified harm in accordance with Framework paragraph 176. The limited weight given to the benefits of the proposal would not outweigh the above identified harms.
19. I have had regard to all other matters raised by interested parties. As I am dismissing the appeal on the main issue for the reasons given above, I have not addressed those matters further as the considerations are not determinative in my decision.
20. Overall, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan.

Conclusion

21. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR