



Appeal Decision

Site visit made on 24 October 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal Ref: APP/Y9507/W/23/3321224

Field to The East of Westmeston Place, Lewes Road, Westmeston, East Sussex BN6 8RH

- 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 James Collins against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/04495/FUL, dated 26 September 2022, was refused by notice dated 25 November 2022.
 - The development proposed is described as an *“enclosed, free standing shed measuring 5 metres by 4 metres to hold equipment needed to maintain a 20 tree orchard (already planted) as well as ad-hoc equipment to tend an adjacent allotment. Standing on 6 paving stands the wooden structure is made of pine and chipboard in the interior and Larch panels on the exterior. The shed has 3 windows, enclosed with larch shutters that shut flush with the exterior. Development includes free standing 2 solar panels in the adjacent allotment that provides charge to a 12 volt battery and circuit that can be used to re-charge batteries for an electric strimmer and other gardening equipment”*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The shed was constructed, and the solar panels were installed, prior to the submission of the application. I am therefore dealing with the appeal retrospectively.

Main Issue

3. The main issue is the effect of the development on the landscape character of the area, and whether there is an agricultural need that outweighs any harm.

Reasons

4. The appeal site is a roughly rectangular field with a long boundary to Lewes Road to the west. It lies to the north of the village of Westmeston, with the larger village of Ditchling a little further away to the northwest. There is a small cluster of houses on the opposite side of the road, but in the main, the site is surrounded by undeveloped agricultural land. It is, therefore, in the open countryside, and outside the settlement boundary of either of the villages. Here, Policy SD25 of the South Downs Local Plan 2014-2033 (the Local Plan) and Policy DS1 of the Ditchling, Streat and Westmeston Neighbourhood Plan (the Neighbourhood Plan) only permit development in exceptional circumstances, and where it complies with other relevant policies of the development plan.

5. The site comprises open grassland, bisected by a broken hedge line that runs diagonally through it. The north-eastern corner has been divided from the remainder by a rustic post and rail fence. The land forms an integral part of an open rural landscape, composed of a mosaic of agricultural fields, with low hedges and lines of trees, and views to the higher land of the scarp slope to the south. It is characteristic of the surrounding area, and makes a positive contribution to the distinctive landscape of this part of the National Park.
6. I have a duty, under Section 62 of the Environment Act 1995, to have regard to the purposes for which National Parks are designated. One of these is to conserve and enhance their natural beauty, wildlife, and cultural heritage. Paragraph 176 of the National Planning Policy Framework also says 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. Policy SD4 of the Local Plan says that development proposals will only be permitted where they conserve and enhance landscape character.
7. The shed is already in position, so I was readily able to judge its impact on the landscape. It is generally well-screened from Lewes Road by the high and dense roadside hedge, although my visit was at a time when most foliage was still in place, so it may be more visible in winter. However, there is a permissive footpath through the field, which runs parallel with the road, and appears to be well-used. Viewed from the stile in the southwest corner, the building is a prominent feature, intruding into a landscape that is largely devoid of other structures. It remains fully visible from this path for about 100 metres until it is screened by the diagonal hedge. Although the larch cladding has weathered to a natural shade, the somewhat domestic form and proportions of the building give it a rather jarring appearance in its rural surroundings. As a result, it does not conserve or enhance the landscape character of the area.
8. The solar panels are a low level and unobtrusive feature in the north-eastern corner of the land, where they are largely hidden by the surrounding hedgerows and planting within the site. This element of the proposal does not result in any harm to the appearance of the area. However, as the shed would fail to conserve and enhance the National Park landscape, the development as a whole, would be in conflict with Policy SD4 of the Local Plan. It would also be contrary to the general restraint on development in the countryside that is imposed by Policy SD25 of the Local Plan and Policy DS1 of the Neighbourhood Plan, unless it complies with other relevant policies of the development plan.
9. It is contended that the shed is required in connection with the use of the land as an orchard, for growing food, and for grazing sheep. Policy SD39 of the Local Plan says proposals for new buildings for the purposes of agriculture or forestry will be permitted where, amongst other things, there is an agricultural need for the development, and its scale is commensurate with that need. It is clear that some agricultural/horticultural activity takes place on the land. I saw that a small number of native trees were being propagated in a small allotment, and a modest orchard of young trees was becoming established in the north-eastern corner. However, there was no evidence that significant storage facilities would be necessary for crops, or that large items of machinery would be necessary for this limited level of production. Furthermore, the evidence indicates that the wider field is used for grazing, so a mower is not needed to keep the grass in check, or to take a hay crop.

10. I acknowledge that some on-site storage would be beneficial, to enable small tools and machinery to be left at the site, rather than being transported by car from the appellant's house nearby. However, I am not persuaded that a building of the scale proposed would be required for this purpose, and no business plan has been presented to demonstrate that such a large building would be necessary as a precursor to future agricultural or forestry activities on the land. Rather, the evidence indicates that the low-level use of the land is more for personal recreation and well-being than for an agricultural or forestry business. Indeed, the appellant advises that the building is also used for the storage of camping equipment, which indicates that the building is larger than can be justified on purely agricultural grounds. I therefore conclude that the agricultural need for a building of this scale has not been demonstrated, so the proposal is not supported by Policy SD39 of the Local Plan.
11. The Council's reason for refusal cites Policies SD6 and SD7 of the Local Plan, which seek to safeguard views and protect relative tranquillity in the National Park. Whilst I have concluded that the proposal does not conserve or enhance the landscape character of the area, I have not been provided with any evidence that it would harm any key views, or views of key landmarks within the National Park. Similarly, there is no evidence to suggest that the use of the building for storage of tools and equipment would lead to any noticeable impacts on the tranquillity of the locality. Consequently, I find there to be no conflict with Policies SD6 and SD7 of the Local Plan.
12. I am mindful of the appellant's evidence that the building is free-standing, so could be moved or reduced in size. However, I must determine the appeal on the basis of the proposal before me. I therefore conclude that the development is harmful to the landscape character of the area, and there is insufficient agricultural need to outweigh the harm. The proposal is therefore contrary to Policies SD4, SD5, SD25 and SD39 of the Local Plan and Policy DS1 of the Neighbourhood Plan. Taken together, these policies seek to limit development in the countryside and to protect landscape character, whilst allowing for necessary agricultural buildings.

Conclusion

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

Nick Davies

INSPECTOR