



Appeal Decision

Site visit made on 20 November 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2024

Appeal Ref: APP/Y9507/W/23/3317709

Foxes Yard, Lythe Lane, Steep, Petersfield GU32 1AT

- 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 David Graver of David Graver Investment Co. Ltd against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/22/05458/FUL, dated 22 November 2022, was refused by notice dated 20 February 2023.
 - The development proposed is the erection of a building for the storage of materials.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the details that are not acts of development from the description in the banner head above.
3. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

4. The main issues are:
 - whether the appeal site would be suitable for the development, having regard to local planning policies on the location of development, the need to travel and the promotion of sustainable modes of transport; and
 - the effect of the development on the character and appearance of the area, with particular regard to the South Downs National Park (the SDNP).

Reasons

Location

5. As the appeal site is located outside a settlement policy boundary, for the purposes of the South Downs National Park Local Plan (the Local Plan) it is in the countryside where development will be permitted in exceptional circumstances only. These circumstances are set out in Policy SD25 of the Local Plan together with the requirement to comply with other relevant policies and in response to the context of the area. Concerning the proposed

development, the following exceptional circumstances are relevant: there is an essential need for a countryside location; or it is an appropriate reuse of a previously developed site and enhances the special qualities of the SDNP.

6. Limited substantive evidence has been presented verifying the need for the appellant's small development company to store building materials in a countryside location. Security concerns given the type and costs of the building materials to be stored on the site do not provide this justification, nor does the fact that the site was purchased specifically for this use by the appellant. At the time of my site visit, the site was overgrown, waterlogged in places and generally unkept. Although various materials were present on the site, these comprised primarily broken or damaged items. Furthermore, the Planning, Design and Access Statement¹ (the PDAS) submitted with the planning application confirms the site is not fully functional.
7. A Certificate of Lawful Existing Use or Development² (CLEUD) exists for outside storage of building materials on the site. However, this does not mean the existing use identified would or should be granted planning permission. Rather that, due to the time the site had been used for the storage of building materials when the CLEUD application was made, such a use of the site is deemed to be lawful and therefore immune from enforcement action. As a result, the CLEUD does not justify that there is an essential need for the proposed building in a countryside location, even if it is not unreasonable for the appellant to make the best use of the site's lawful use.
8. What constitutes previously developed land is set out in Annex 2 of the Framework, namely: land which is or was occupied by a permanent structure and any associated fixed surface infrastructure. At the time of my visit, a modestly sized covered wooden structure was located on the site, alongside a derelict caravan. There were no permanent structures, nor have I been presented with substantive evidence verifying the assertions in the PDAS that stables previously occupied the site. As such, the site does not meet the Framework's definition of previously developed land.
9. Consequently, the proposed development does not fulfil the requirements of either of the relevant exceptional circumstances identified above, set out in Policy SD25 of the Local Plan.
10. Policy 19 of the Local Plan supports development proposals provided they are located and designed to minimise the need to travel and promote the use of sustainable modes of transport. Whilst the proposed development may not increase the need to travel, in the absence of existing and proposed staff numbers and their travel patterns, including the modes of transport used to and from the site, this conclusion is unsubstantiated. Despite being located close to the settlement of Petersfield and the A3 corridor, given its countryside location, limited modes of transport are currently available to access the site. No additional transport measures have been provided as part of the appeal scheme. Therefore, it has not been demonstrated that the proposed development has been designed to minimise the need to travel or promote the use of sustainable modes of transport.

¹ Prepared by Graham J. Pretty, undated

² Authority ref: SDNP/21/02391/LDE, dated 2 July 2021

11. I conclude that the appeal site would not be suitable for the development, having regard to local planning policies on the location of development and the need to travel and use of sustainable modes of transport. It would conflict with policies SD19 and SD25 of the Local Plan which limits development in the countryside and requires proposals to minimise the need to travel and promote the use of sustainable modes of transport.

Character and appearance

12. As the site is located within the SDNP, I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. Further, the SDNP has the highest status of protection concerning these issues. The first statutory purpose of a National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. This is amplified by Policy SD1 of the Local Plan which states that development which fails to conserve the landscape, natural beauty, wildlife and cultural heritage will be refused unless benefits demonstrably outweigh the great weight.
13. The site is located on the edge of the settlement of Steep where the low-density arrangement of built form transitions into pastures interspersed with wooded areas and the undulating topography of the countryside beyond. The site has a strong sense of tranquillity and connection to the countryside, with minimal human presence or development located nearby aside from the short row of small dwellings known as Lythe Lane Cottages. On the opposite side of the unmade track which provides access to the site and the cottages, large properties known as Rustlings and Aldersnapp Dell are located. These dwellings are neither orientated towards nor visually related to the site, with existing landscape features and, in the case of the large properties, substantial grounds, between the site boundary and the built form.
14. Despite its lawful use, the proposed development would introduce a permanent building onto a currently undeveloped site. This would increase the human presence and built form within an area of low-density development, to the detriment of the SDNP. The fact that the existing landscape features adjacent to the site, in combination with additional planting, would provide some screening to the proposed building would not alter the presence of a permanent, incongruous structure in this location. Further, any enhancement to the landscape and scenic beauty of the SDNP derived from the additional planting would be limited given the scale of the site. This would not outweigh the harm to the SDNP from the proposed development as a whole.
15. Notwithstanding the temporary appearance of the existing structure on the site, the proposed building would be more than double in build area, even if it is smaller than the previously refused scheme³. The use of locally sourced natural materials would not make the siting of a building in this location acceptable. Whilst it is not unusual for buildings of this size, and larger, to be located in the countryside, these are more commonly associated with agricultural use and therefore subject to different planning policies and restrictions.
16. Although the site is located within an area defined as having a poor level of tranquillity, this is based on the context of the SDNP as a whole. Regardless,

³ Authority ref: SDNP/22/03736/FUL

the existing tranquillity designation is not a reason to permit development which would lead to a reduction in tranquillity. The imposition of conditions that restrict the use of the building to the storage of materials in association with the site's lawful use only, controlling the areas and height of outside storage and the hours of external activity would not alter this impact.

17. I conclude that the proposed development would harm the character and appearance of the area, with particular regard to the SDNP, contrary to policies SD1, SD2, SD4, SD5 and SD7 of the Local Plan. In combination, these policies, amongst other provisions, seek to conserve and enhance the landscape character of the SDNP, including the ecosystems it supports, through a landscape-led approach to design that improves relative tranquillity and is sympathetic to its setting.
18. It would also conflict with Section 15 of the Framework which protects the landscape and scenic beauty in National Parks through limiting the scale and extent of development in these designated areas.
19. While the Authority refers to Section 10 of the Framework on the decision notice, as this relates to supporting high-quality communications it is not determinative in this appeal.

Other Matters

20. The proposed development would enable the storage of building materials, which has been suggested would support the appellant's small development company. However, limited substantive details over and above the lawful use of the site have been provided to sufficiently demonstrate this is an established business and the development would secure its future resilience and protect local jobs. This is a requirement to gain support from permissive Policy SD34e) of the Local Plan. As already identified, the site does not meet the definition of previously developed land, which is required to meet the provisions of Policy SD34f).
21. Whilst the proposed building would enable materials to be stored securely inside, as the CLEUD applies to the whole site, the appeal scheme would not preclude further materials from being stored outside. Although no conditions are attached to the CLEUD restricting the location and height of the materials stored on the site, any benefits to the SDNP derived from tidying the site would be minimal. Such benefits would not outweigh the harm I have identified above, and I conclude that the proposed development would be significantly more harmful than the existing lawful use of the site.

Conclusion

22. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR