



Appeal Decision

Site visit made on 8 January 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2024

Appeal Ref: APP/Y9507/W/23/3324462

Hazledene Barn, The Dene, Winchester Road, West Meon, Petersfield, Hampshire GU32 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Reuben Forrester against South Downs National Park Authority.
 - The application Ref SDNP/22/05268/FUL, is dated 9 November 2022.
 - The development proposed is described as the conversion of a disused equestrian stabling unit into a single medium sized dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been referenced in this decision.

Main Issues

3. Although the Authority have failed to issue a decision, they have submitted a comprehensive Statement of Case. In conjunction with my observations on site, the main issues are, therefore:
 - the effect of the proposed development on the South Downs National Park, including the associated Dark Sky Reserve;
 - whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to development beyond settlement boundaries and accessibility; and
 - the effect of the proposed development on the Solent Maritime Special Area of Conservation and the Solent and Southampton Water Special Protection Area.

Reasons

South Downs National Park

4. 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 in this decision, and where there is conflict greater weight should be given to purpose a).
5. The appeal site is located within the South Downs National Park (NP), just off the A272, up a narrow lane behind a small collection of houses. It shares an access drive with the adjacent property, Hazeldene, and abuts the embankment of a disused railway by a partially dismantled bridge. To the front of the site is an area of hardstanding behind which is a reasonably large, modern, metal clad barn. The rest of the site is laid to grass and has been planted with trees. The proposal seeks to convert the existing barn into a 3-bedroom house.
6. The NPs special qualities would appear to me to be the rolling and open farmland interspersed with pockets of woodland often surrounding smaller paddocks, farms, or small clusters of buildings.
7. The appeal site forms part of this quintessential landscape with some paddocks to the rear, a cluster of existing dwellings to one side partially surrounded by pockets of woodland. However, the topography of the area means the paddocks fall away from the site and the cluster of buildings are further down the slope, positioned closer to the A272. Thus, the site has the potential to have a greater impact on its surroundings than the other nearby buildings.
8. The proposal would represent a sympathetic conversion of the existing barn excepting the proposed glazed gable. This would face the most open boundary of the site, towards the paddocks, and so would be the least screened elevation of the conversion. In combination with the physical positioning of the site in the wider landscape this element would have a disproportionate impact on its surroundings. It would be clearly domestic and of a style incompatible with the rural vernacular of the barn. It would be at odds to the generally discreet nature and rural character evident within similar small pockets of development in this part of the NP. The proposed glazed gable would therefore be an incongruous element of the proposal which would have a detrimental impact on the experiential qualities of the surrounding landscape, and so fail to conserve and enhance the natural beauty of the NP.
9. The incongruity of the proposed glazed gable would be further exacerbated when lit from the inside. This would not only highlight the domesticity of its use, but also impact the immediate surroundings and potentially, via light spill, the Dark Sky Reserve. It is acknowledged some thought has gone into reducing this impact via the proposed green wall, and this would likely reduce light spill towards the railway embankment and provide an element of shading above the window. However, it would not screen any light spill towards the centre of the site or towards the rear boundary and paddocks beyond. Nor would it prevent the impact of the potentially intrusive glare emitted from the lit glazed gable on the wider landscape.

10. The proposed, site layout, material choice and landscaping show that the scheme has been considered from a landscape perspective which would likely comply with LP Policy SD5, and it is noted that the Authority's Landscape Architect did not object. However, this does not negate the harm identified in relation to the proposed glazed gable.
11. Therefore, the proposed glazed gable would fail to conserve and enhance the natural beauty of the NP. It would not comply with Policies SD4 and SD8 of the South Downs Local Plan (LP), insofar as they seek to conserve and enhance the landscape character and dark night skies, both intrinsic elements of the NP.

Location

12. The appeal site is beyond any settlement boundaries as defined within the LP. LP Policy SD25 sets the strategic parameters for development throughout the NP. Part 1 of the policy refers to development within settlement boundaries, whilst part 2 sets out 4 tests for development beyond the settlement boundaries. Test 2d) allows development where the proposal would constitute an appropriate reuse of a previously developed site, and conserve and enhance the special qualities of the NP. Notwithstanding the findings in the first main issue relating to the impact on the NP, it is necessary to assess whether the proposed residential use would be appropriate.
13. There is a substantial distance between the appeal site and any significant services and facilities that would be required for day to day living, and a lack of public transport opportunities. The closest, limited options are those at West Meon and Meon Hut. The most direct route to these is along the A272 which has no footpath and is the main road through this part of the NP, so would not be considered safe for pedestrian use. Other routes which could be utilised for cycle or pedestrian access would be along a mix of narrow country lanes and footpaths. However, these routes would not be appropriate or convenient for everyone to use due to the distances involved, a lack of lighting, and lack of refuge opportunity on the lanes should a vehicle need to pass. Therefore, the evidence before me is not so compelling as to convince me that the accessibility of the site is suitable for residential purposes.
14. It is acknowledged that the appeal site has permission for non-commercial equestrian purposes, which were it in use would require the regular attendance of the owners for the welfare of the horses kept on site. Therefore, for a singular family dwelling, there is potential the reliance on private vehicle use would not be so different. Thus, in relation to minimising the growth of private vehicle use, one of the purposes of LP Policy SD19, the proposal could be seen as acceptable.
15. Nevertheless, this does not overcome the inaccessible nature of the appeal site when considering a residential use, and along with the findings in the first main issue, the proposal would fail to comply with LP Policy SD25. The appeal site is not therefore, a suitable location for the proposed development having regard to relevant policies relating to development beyond settlement boundaries and accessibility.

Solent Maritime Special Area of Conservation and the Solent and Southampton Water Special Protection Area

16. The appeal site falls within the catchment area for the Solent Maritime Special Area of Conservation (SAC) and the Solent and Southampton Water Special Protection Area (SPA). This is an area which needs action to be taken concerning nutrient neutrality in relation to nitrates and phosphorus. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SAC and SPA. However, clause 63(1) of that regulation states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. An AA is not, therefore, necessary where there is no intention to grant permission. As I am dismissing the appeal for other reasons, I am not required to undertake an AA.
17. However even if I were to consider the appellant's case that the scheme would be nitrate neutral and that the phosphate deficit could be off set on land adjacent to the site, there is no mechanism before me to secure this. The appellant's willingness for such requirements to be conditioned is noted, but without specific details of the mitigation measures proposed nor how those measures would be actioned, there is insufficient certainty or clarity in detail to ensure the reasonable use of a condition, negatively worded or otherwise.
18. It cannot therefore be shown that that proposal would not affect the SAC and SPA, or any impact could be appropriately mitigated against. Accordingly, it would not accord with LP Policy SD10, which seeks to protect all international sites within the NP area.

Other Matters

19. It is noted that the Framework seeks to boost the supply of homes and make use of small sites. The proposal would provide a net increase of 1 home on previously developed land. Along with the proposed sustainable construction methods, this contribution to the windfall element of the Authority's five-year housing land supply would constitute a benefit of the scheme. Nevertheless, housing provision should not come at the cost of harm to the NP or the SAC and SPA, a position supported by Paragraphs 182, 186 and 187 of the Framework.
20. The appellant's personal connections to the area as well as their intentions to improve biodiversity by rewilding the wider area beyond the appeal site, protect the embankment for potential future expansion of the Meon Valley Trail and to promote cycle and electric vehicle use, are acknowledged. Whilst these elements could be considered benefits of the scheme, there is no mechanism before me to secure them.
21. The main parties agree that the proposal would not have an adverse impact on the character of the area, living conditions of neighbouring residents, biodiversity, flood risk, highway safety, and local tranquillity. There is nothing before me to conclude otherwise. However, this would be a lack of harm and thus, by definition, is incapable of weighing against the harm identified in the main issues.

22. The appellant has highlighted 2 applications¹, however with only limited details provided I am unable to ascertain whether they are comparable. Nevertheless, the existence of similar development does not mitigate the harm to the NP which would be caused by the proposed development in this instance.

Balance and Conclusion

23. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

¹ SDNP/18/06232/FUL and SDNP/18/00223/FUL