



Appeal Decision

Site visit made on 12 December 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/Y9507/W/23/3315295

Land West of Glynde Station, Station Road, Glynde BN8 6RU

- 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 Ms MP Bryant on behalf of Harringtons Acquisitions against the decision of South Downs National Park Authority.
 - The application Ref SDNP/22/02384/FUL, dated 16 May 2022, was refused by notice dated 8 August 2022.
 - The development proposed is the erection of a detached dwelling (Re submission of withdrawn application SDNP/20/05164/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Decision Notice did not refer to the relationship of the appeal proposals to the nearby listed buildings. However, while the Council does not refer to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in their Decision Notice, the Council's view that there is harm to the setting is clearly stated within the officer report. In any event, I have a statutory duty in considering whether to grant planning permission to have special regard to the desirability of preserving the listed building or its setting and I have therefore had regard to this in framing the main issues.

Main Issues

3. The main issues are:
 - whether the proposed development is an appropriate reuse of a previously developed site and conserves and enhances the special qualities of the National Park,
 - the effect of the proposed development on the character or appearance of the Glynde Conservation Area (CA) and on the setting of a nearby listed building, Glynde Mill; and
 - whether the proposal would harm the intrinsic qualities of the South Downs National Park Dark Night Skies.

Reasons

Whether the proposed development is an appropriate reuse of a previously developed site and conserves and enhances the special qualities of the National Park

4. The appeal site is a parcel of land located next to a railway track and is accessed from the car parking area for Glynde Railway Station. The appeal site is currently covered with vegetation and trees and is located between the train station building and an electricity substation. It is also located within the CA.
5. Glynde is not identified as a settlement for housing growth. Policy SD25 of the LP permits development outside of settlement boundaries subject to certain criteria including if it is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
6. The main parties do not dispute that the vast majority of the site constitutes previously developed land. However, the Council consider that not all of the site should be considered previously developed land. Nonetheless, even if the appeal site is considered to be previously developed land, an assessment of whether the proposal conserves and enhances the special qualities of the National Park is required.
7. 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. Paragraph 182 of the Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park.
8. The proposed development would include the removal and clearance of the trees and vegetation within the site. The trees and vegetation form an important part of the landscape character and soften the buildings nearby and the more built up areas further afield.
9. The proposed dwelling's design is to appear as a single storey scale, through the eaves being at ground floor level which would overhang the window headers. However, it would be raised to take account of flood risk which increases its bulk. Therefore, the raised design combined with the removal of the vegetation would result in a bulky and dominant feature within the landscape that would not conserve or enhance the special qualities of the National Park.
10. The proposed development would therefore be contrary to Policies SD4, SD5 and SD25 of the LP. Amongst other things, these seek to ensure development conserves and enhances the landscape and, through a landscape-led approach, respect local character through high quality design.

Heritage assets

11. The CA comprises the central core of the town focusing on the linear development of buildings along the main roads running through it. The town has medieval origins and the settlement developed along the east west axis, now the High Street. It has historically grown from the centre. The High Street

comprises a mix of two and three storey Georgian and Victorian buildings, some remodelled from their original timber framed form, built to the back of pavement. The significance of the conservation area lies in its architectural interest of the buildings and historic interest visible on the ground.

12. The nearest property to the appeal site other than the station building is the grade II listed Glynde Mill. That property is a three-storey, early nineteenth century building of hung-tile construction. It forms a large, attractive building which is most clearly viewed from the front, Lacys Hill and the wider open landscape. Insofar as this appeal is concerned, its significance lies in its traditional form, craftsmanship and rural setting. The building can be viewed within the context of the appeal site, set within an open and rural setting which allows its significance to be appreciated.

The effect of the proposal on the CA

13. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties on decision makers to have special regard to preserving or enhancing the character or appearance of a conservation area, when considering development proposals.
14. The appeal site is largely open and consists of trees and vegetation which allows views of the town's architectural and historic interest to be appreciated. The appeal site consequently contributes positively to the character, but also the appearance of the CA as a whole.
15. The proposed development would remove the trees and vegetation within the site and introduce built form which would be experienced within the CA. The loss of this vegetation, coupled with the overall height and bulk of the proposed dwelling, despite the design and planting proposed, would result in a bulky feature that would erode the views of the older part of the CA and so detract from its character and appearance by reducing wider views of the historic buildings.

The effect of the proposal on the setting of Listed Building

16. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting, when considering relevant development proposals.
17. I am required to have special regard to the desirability of preserving the setting of listed buildings, Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
18. The proposed development would be set some distance away from Glynde Mill. However, the proposed development and Glynde Mill would be seen in conjunction from the train station car park, Lacys Hill and longer distance views from nearby open areas and would form part of and encroach into its setting. While it is only for a single dwelling, by increasing the bulk of built form it would reduce the open and rural setting which would undermine the significance of Glynde Mill.

19. I therefore conclude that the proposed development would fail to enhance or preserve the character or appearance of the CA and fail to preserve the setting of Glynde Mill. As a result it would cause harm, albeit less than substantial, to the significance of both of these designated heritage assets.

Dark skies

20. In respect of natural darkness, LP Policy SD8 seeks to conserve and enhance the intrinsic quality of dark night skies and requires that development proposals demonstrate that all opportunities to reduce light pollution have been taken.
21. The proposal includes windows that extend from the ground floor to first floor on the north and west elevations as well as several rooflights. The presence of these windows will inevitably lead to an increase in light pollution.
22. Artificial lighting already exists in the area, including from houses nearby, street lighting and lighting columns on the adjacent railway. However, the proposal would add to this and increase the amount of light pollution in the area. There is also no development on the land subject to the appeal and as such, there will be a materially obvious change which will be visible from the surrounding open areas.
23. Mitigation measures are proposed, including overhanging eaves, no external lighting, tinted glass and black out blinds these would not sufficiently mitigate the harm.
24. I therefore conclude that the proposal would harm the intrinsic qualities of the South Downs National Park Dark Night Skies. It would be contrary to Policy SD8 of the LP which amongst other things, seeks to conserve and enhance the intrinsic quality of dark night skies in the National Park.

Other Matters

25. The Council raise no concern over the use of materials, including flint/brick walls and slate roof and consider the proposal to be within a sustainable location. I have no reason to conclude against the Council, however, this does not outweigh the harm I have identified.

Planning Balance and Conclusion

26. I have found that the proposal would not conserve or enhance the special qualities of the National Park and would harm the intrinsic qualities of the night skies. It would also not preserve the special architectural and historic interest of the listed building and it would fail to preserve the character and appearance of the CA.
27. In respect of the heritage matters, I have found that the proposed development would attract less than substantial harm. Nevertheless, I must attach great weight to this identified harm. The Framework requires that where less than substantial harm is found, the harm must be weighed against any public benefits.
28. The proposal would result in the provision of housing and also some economic benefits during construction and occupation. However, these benefits would be tempered by the small scale of the proposal. I therefore do not consider any public benefits provide clear and convincing justification that would outweigh

the harm in accordance with Paragraph 208 of the Framework. It would therefore be contrary to Policies SD13 and SD15 of the LP. Amongst other things, these seek to ensure proposals preserve or enhance the special architectural or historic interest, character or appearance of the Conservation Area and the setting of the listed building.

29. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR