



Appeal Decision

Site visit made on 26 February 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/Y9507/W/23/3330237

Novington Manor, Plumpton Lane, Plumpton, East Sussex BN7 3AH

- 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 Mrs Henrietta Dickinson against the decision of South Downs National Park Authority.
 - The application Ref SDNP/23/02932/FUL, dated 12 July 2023, was refused by notice dated 6 September 2023.
 - The development is a holiday let.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the development has on:
 - the character and appearance of the surrounding area, which is within the South Downs National Park, and
 - biodiversity interests on or near the site.

Reasons

Character and appearance

3. The appeal site is situated outside any settlement boundary defined in the South Downs Local Plan (LP), so it is, in policy terms, in the countryside. The site is also within the National Park, which has the highest status of protection in relation to landscape and scenic beauty. The surrounding gently undulating countryside by the foot of the scarp slope of the South Downs, which lie to roughly south, is mainly characterised by irregular shaped fields partly bounded by hedgerows, and occasional trees and blocks of woodland. The site includes a mostly unsurfaced access strip and the site of the holiday let (cabin), which are situated in the north east part of the good-sized field to roughly north east of Novington Manor. That part of the field, which was not previously developed, is edged by woodland to roughly north east, and by a hedge by the public right of way (PRoW) to roughly north west. The site also includes part of the PRoW between Plumpton Lane and East Chiltington Church, which includes part of the drive to Novington Manor.
4. The development has been carried out, and the cabin is being let. No parking is shown on the plans. Other features including the tall solid timber gates and the tall fence by the access from the PRoW are not shown on the plans, but the cabin appears to be broadly in accordance with them. The cabin includes 2

polygonal section pods (one pod includes a bathroom, and the other includes a sleeping and living area), which are reached from an irregular-plan deck. The mainly glazed fronts of the black corrugated panel clad pods face roughly south and south east, and their backs include small windows. The mezzanine in the larger pod is not shown on the plans, but it would enable, say, a small family to stay in the cabin.

5. LP Policy SD25 aims, exceptionally, to permit development outside the settlement boundaries of the defined settlements where it satisfies one of several criteria, including that there is an essential need for a countryside location. The development satisfies none of the criteria. The development enables tourists to experience the special qualities of the National Park, but the PRoW is close to the cabin, so visitors do not need to stay overnight within the countryside to do so.
6. Due to its siting, domestic character and bulky man-made form, the cabin, the activity associated with it, and the spread of residential style paraphernalia on the deck and within the nearby land, including the existing garden furniture on the partly balustrade edged deck and the nearby paved seating area and fire pit, which are not shown on the plans, contrast starkly with the mainly open field and its woodland backdrop. So, the development is incongruous in its rural surroundings, to the detriment of the landscape character of the National Park. As the development and its related activity and paraphernalia is only partly screened by the intervening hedge, it erodes the rural character of the countryside in views from the PRoW, so it detracts from the experience of the PRoW's users.
7. The 'house rules' for cabin occupiers encourage respect for the National Park's special qualities including its dark skies and relative tranquillity, but due to the substantial distance between the development and Novington Manor, their effectiveness is likely to be difficult to monitor and manage. Because the site includes part of the public rights of way network, cabin users are able to walk and in some cases cycle to nearby public houses, Plumpton station and other local facilities, but the gains for the rural economy are likely to be relatively small. So, whilst LP Policy SD23 aims to permit visitor accommodation where it meets several criteria, the development is insensitive to the local character and its rural setting, and whilst it is said to be part of a farm diversification proposal, there is no wider farm diversification scheme or Whole Estate Plan before me.
8. Therefore, I consider that the development harms the character and appearance of the surrounding area, and that it fails to conserve and enhance the landscape and scenic beauty of the National Park. It is contrary to LP Policy SD1 which seeks sustainable development, LP Policy SD2 which aims to sustainably manage land, LP Policy SD4 which aims to conserve and enhance landscape character, LP Policy SD5 which seeks high quality design and respect for the local character, LP Policies SD7 and SD8 which seek to conserve and enhance relative tranquillity and the intrinsic quality of dark night skies respectively, LP Policy SD20 which seeks attractive non-motorised travel routes, and LP Policies SD23 and SD25. It is also contrary to the National Planning Policy Framework (Framework), which recognises the intrinsic character and beauty of the countryside, and which aims to achieve well-designed and beautiful places, and sympathy for local character, including the landscape setting.

Biodiversity

9. LP Policy SD9 sets out a positive strategy for the conservation and enhancement of biodiversity across the National Park and a hierarchy of designated sites. Amongst other things, the Policy aims for up-to date ecological information to be provided prior to determination, which includes compliance with the mitigation hierarchy set out in national policy.
10. The Authority says that bat habitat data exists on locations within the trees to the north of the site, and that the development is within the 500 m buffer zone of an area of ancient woodland, which is an irreplaceable habitat, and which lies to roughly north west. However, no ecological assessment has been put to me. So, there is barely any evidence to show that the development within the buffer zone needs to be there, or that matters such as visitor activity and any light spillage related to the development does not adversely affect protected species or other biodiversity interests on or near the site. Bats are said to be hibernating in the roof of the cabin but there is almost no evidence to confirm this. The development includes some nest boxes and ecosystem measures, and the nearby land, which is referred to as a private field in the promotional material, includes a rewilded area and some native planting. Even so, there is little evidence to show that the development, including its future management, does and would conserve and enhance biodiversity.
11. Thus, I consider that there is insufficient evidence to show that the development does not and would not be likely to adversely affect biodiversity interests including protected species and/or their habitats on or near the site. It is contrary to LP Policies SD1 and SD9, and the Framework which seeks to conserve and enhance the natural environment.

Other matters

12. The permission for cabins at Fourfields Farm pre-dates current Development Plan policy, no application was submitted for the cabins at the Newhaven site, and little information about the Swanborough scheme has been put to me, so these other schemes attract little weight. As the development proposed in my colleague's appeal decision ref APP/Y9507/W/22/3308885 included much needed electric vehicle charging facilities on an island site by a trunk road as well as the eco-lodges, it differs materially from the development before me. The appellant's concerns about the Authority's handling of the application are not relevant to my findings. So, whilst the appellant's personal circumstances, and the support of some interested parties have been considered, they do not outweigh the harm identified in my main issues.

Conclusion

13. I have found that the development is contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
14. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR