
Appeal Decision

Site visit made on 9 April 2024

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2024

Appeal Ref: APP/Y9507/W/23/3328321

Land North of North Court, Gills Lane, Lodsworth, Petworth, GU28 9BY

- 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 Carol Howitt against the decision of South Downs National Park Authority.
 - The application Ref. SDNP/23/00115/FUL, dated 10 January 2023, was refused by notice dated 16 March 2023.
 - The development proposed is a boundary fence with double gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal affects the setting of a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issues are whether the proposal would preserve a Grade II listed building, Lodsworth House, and any of the features of special architectural or historic interest that it possesses; and the effect on biodiversity and geodiversity.

Reasons

Heritage

4. Lodsworth House was constructed between 1837 and 1839 as a country house within extensive gardens and parkland, a designed landscape laid out in the mid-19th century. It is a good example of the work of the architect Edward Blore and the house and gardens are an important component of the village, indicative of its evolution over time, as well as presenting significant architectural interest.
5. The appeal site is located to the north of the house, close to the former stables and coach house, with its northern boundary delineated by a historic stone wall. It is accessed via one of the main driveways serving the house through a gated entrance with substantial stone piers. The site's association with the house, associated outbuildings, curtilage structures and driveway indicate that

it is within the historic curtilage. More importantly however, the site unquestionably contributes to the setting of the listed building, being part of its original grounds and parkland, from within which the splendour of the house can be appreciated. Indeed, its tall chimney stacks are readily visible from the appeal site, notwithstanding modern interventions such as the tennis court.

6. Whilst the style of post and rail fence proposed is not uncharacteristic of the area, the arbitrary subdivision of the original gardens and parkland would detract from its former open nature and association with the house. Indeed, the Local Planning Authority has imposed an Article 4 direction specifically to avoid such harm. Although the house has now been subdivided into three separate dwellings and small parcels of land are in different ownership the form of the original house remains clearly legible and its grounds are largely intact, making a significant contribution to its significance.
7. The harm arising would be less than substantial in the terms of the National Planning Policy Framework, but great weight should be attached to conservation of the heritage asset. I have considered the purported public benefits of the scheme, but it is unclear what wildlife or ecological benefits would arise from the scheme that could not be achieved without the proposed fence. I have had regard to the benefit of demarcating the site, avoiding fly tipping and deterring trespass, particularly given the presence of beehives, but so far as this amounts to a public benefit it does not outweigh the heritage harm identified.
8. On balance, the proposal would fail to preserve the special historic interest derived from the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, and would conflict with the first statutory purpose of the national park. There would also be conflict with the Framework and policies SD1, SD4, SD5, SD12 and SD13 of the South Downs Local Plan (2019) (LP) that seek, among other things, to protect heritage assets.

Biodiversity and geodiversity

9. The proposal is for a post and rail fence. It does not include a change of use and any intensification of use amounting to development would require a separate planning application. Whilst I have had regard to the ecological interest of the area, including proximity to a nationally significant bat habitat, it is unclear how the proposed fence would result in any harm to biodiversity or geodiversity. As such, I find no conflict with policies SD2, SD9 or SD10 of the LP.

Conclusion

10. The development would harm the historic interest of the listed building and this harm would not be outweighed by public benefits. This would be in conflict with the Framework and the development plan, taken as a whole.
11. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR