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# Appeal Decision

Site visit made on 16 April 2024

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 April 2024**

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**Appeal Ref: APP/Y9507/W/23/3326520**

**Amen Wood Yard, Fitzleroi Lane, Fittleworth, West Sussex RH20 1JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Payne (T A Payne Ltd) against the decision of South Downs National Park Authority (the Authority).
  - The application Ref is SDNP/21/04270/FUL.
  - The development proposed is workshop, office and associated parking.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. All interested parties have had the opportunity through the appeal process to submit comments on the revised version of the National Planning Policy Framework (the Framework), published in December 2023. I have considered the revised document in my assessment.

## Main Issues

3. The main issues are (i) the effect of the development on the character, appearance and tranquillity of the area, having particular regard to its effect on the natural and landscape qualities of the South Downs National Park (NP), and (ii) whether there is a need for the development.

## Reasons

### *Character and appearance*

4. The appeal site is a vacant wood yard in the NP with a gated access off Fitzleroi Lane. A sawmill building is towards the centre of the site with dilapidated former workshop buildings nearer to the access. The northern part of the site appears open as there is little evidence of a demolished building that once stood on this area. Trees along the road boundary partially screen the wood yard and its buildings from the highway. Also, Fitzleroi Lane is narrow and lined by vegetated banks, hedgerows and trees. As such, the area has an attractive rural feel and appearance, despite the buildings on the site and the large agricultural barns on higher land to the north. The appeal property contributes to the natural and visual qualities of the locality, particularly in terms of the tall trees on the front and rear boundaries.
5. The proposed workshop would occupy part of the site that is currently vacant of structures and so it would increase the ground coverage of buildings at the property. Boundary trees would be retained and these would ensure the

development is not widely visible. Even so, by virtue of its position close to the access, the proposed workshop would be seen from the road through the gateway. Therefore, the loss of openness as a result of the proposal would be appreciated when standing near to the site entrance.

6. Also, the building would spoil views from the road of trees towards the rear of the site. Such views are not of key landmarks and so I find no conflict with LP strategic policy SD6. Also, the workshop would not be as obvious as the agricultural buildings at Fitzleroi Farm. Nevertheless, the development would noticeably detract from the natural qualities of the northern part of the appeal property when seen from the road.
7. The appellant contends that the proposed workshop would be located in the most practical position on the site. However, there is no substantive reason why the proposed building could not be accommodated on a less obvious part of the wood yard, particularly given the open land closer to the existing buildings and to the rear of the plot. Therefore, I find a conflict with part 1(b) of LP policy SD39.
8. The workshop would be appropriate in terms of its appearance and scale to a rural wood yard context and the proposed gravel hardstanding would be a suitable surfacing. The development would not meaningfully affect the tranquillity of the area compared to the site as it exists provided it is utilised in association with the current wood yard. Through the imposition of planning conditions, external lighting could be restricted so as to ensure the development does not adversely affect dark night skies. In all of these regards, the proposal would be acceptable and so it would accord with LP policies SD5 part 1(f), SD7, SD8 and SD39 part 1(c).
9. However, for the above reasons, I conclude the development would be harmful to the character and appearance of the site and the area. In these regards, the proposal would be contrary to LP policies SD1, SD4 and SD39 when read as a whole. These policies seek to resist new development that fails to conserve the landscape and natural beauty of the NP. The Authority's first refusal reason also refers to LP policies SD2, SD9 and SD17 but these policies contain no provisions relevant to this main issue.

#### *Need for the development*

10. The appeal site is outside any village boundary as defined in the LP and it is in a countryside location. In light of part 2 of LP strategic policy SD25, the proposal would only be acceptable at the site if, amongst other things, it complies with relevant LP policies and there is an essential need for a countryside location. Part 1(a) of LP policy 39 requires a need for new forestry buildings in order for such proposals to be acceptable.
11. The existing sawmill and derelict buildings are open sided and contain no sinks or toilets. The proposed building would address the lack of washing and toilet facilities and would provide a secure workshop and storage space.
12. There is a lack of detail on the intended occupants of the site and their business activities. However, LP policy 39 does not require a business plan to be submitted. Moreover, it is fair to expect that any wood yard operator would require toilets and washing facilities for workers. Also, it is reasonable to expect machinery to be kept at the wood yard that for security reasons needs

to be locked inside a building when the site is vacated. It is likely visitors to the premises would travel by motorised vehicles or cycle and the level of parking and cycle storage proposed would be reasonable given the scale of the work facilities. The development would need to be at the appeal property in order to serve the intended purposes.

13. Therefore, irrespective as to who operates from the premises, I conclude there is a need for the development, provided it is used for purposes associated with the established wood yard use. A restriction on the use could be reasonably secured through the imposition of a planning condition. As such, I find no conflict with LP policies SD2 and SD39 in these regards.

#### *Other considerations and planning balance*

14. The Authority's first refusal reason raises concerns over the impact of the intended use on neighbouring amenity. However, the appeal property is set away from the nearest dwellings and so I envisage no unacceptable effects on living conditions. Also, the development is unlikely to lead to significant additional activities over and above those that could be carried out on the site as it stands. As such, it would not have unacceptable impacts on infrastructure. Acceptability in these regards is a neutral factor in my assessment.
15. The proposal would make a more effective use of previously developed land. Also, it would enable the use of the wood yard and so would bring employment and associated economic benefits. Such a use would help ensure the natural wooded environment contributes to goods and services as supported under LP policy SD2. These factors support the case for allowing the appeal.
16. However, at paragraph 182, the Framework states that great weight should be given to conserving and enhancing landscape beauty in National Parks. Therefore, the overriding issue is the identified harm to the natural and landscape qualities of the area and the NP. The proposal would not accord with the LP policies when read as a whole and its benefits are insufficient to justify granting permission contrary to the development plan.

#### **Other Matter**

17. The appeal site is in the Sussex North Water Resource Zone. Groundwater extraction within this area has been identified as having adverse effects on the integrity of Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site (the protected areas). The development would result in an increase of water usage at the premises as washing and toilet facilities would be introduced. Accordingly, the proposal either on its own or in combination with other projects is likely to have significant effects on the integrity of the protected areas. However, there is no need to consider this matter further as I am minded to dismiss the appeal for other reasons. A finding that the scheme would be acceptable in these regards would not affect my overall conclusion.

#### **Conclusion**

18. For the reasons given above, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR