



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: 23 April 2024

Appeal Ref: APP/Y9507/W/23/3328005

Land North Of Waltham Park Road, Coldwaltham, West Sussex RH20 1LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Kinnear (Barlavington Estate) against the decision of South Downs National Park Authority (the Authority).
 - The application reference is SDNP/22/03837/FUL.
 - The development proposed is change of use of agricultural land to form a campsite for 30 pitches, the erection of a reception/office and facilities structures, and the siting of a shepherds hut for wardens' accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address above is taken from the application form. For completeness, I have added the county and post code.
3. The parties have had the opportunity to submit comments on a revised version of the National Planning Policy Framework (the Framework) published in December 2023. I have had regard to the Framework in my assessment.
4. The appellant has provided a completed planning agreement under the provisions of section 106 of the Act (the planning agreement). This includes planning obligations that require the appellant to gain approval from the Authority for a water neutrality offsetting strategy and to implement the approved measures. I have taken the planning agreement into account.

Main Issues

5. The main issues are (i) the effect of the development on the character, appearance, tranquillity and dark night skies of the area, having particular regard to its effect on the beauty of the South Downs National Park (the NP), and (ii) whether the development would be in a suitable location having regard to the policies of the South Downs Local Plan 2019 (the LP) and accessibility.

Reasons

Character, appearance, tranquillity and dark night skies

6. The site consists of a large, relatively flat open field served by a long access track leading off Waltham Park Road. The field and the track are surrounded by woodland. There are shooting stands and fencing on the edges of the field but

these are fairly low-key features and otherwise there are no buildings or near to the site. As such, the land has a strong rural appearance and character.

7. A public right of way runs along the first stretch of the access track from the highway and then diverts off into the woods. Waltham Park Road is a narrow lane that runs from the village of Coldwaltham through countryside consisting predominantly of fields and woodland. From my visit it would appear that the lane is lightly trafficked and its nature and attractive surroundings reinforce the rural location of the area.
8. The site is in the Rother Farmland and Heath Mosaic Character Area as defined in the South Downs National Park Integrated Landscape Character Assessment updated 2020. The locality reflects the identified key characteristics of large areas of woodland plantations and an intimate mix of semi-natural habitats and agriculture. In these respects, the site and the adjoining woodland contribute positively to the distinctive local landscape and to the rural qualities of the NP. The track, fencing and structures on the site do not meaningfully diminish the site's aesthetic and natural value.
9. Moreover, the South Downs National Park Tranquillity Study identifies the site as falling within an area with a moderate to high level of relative tranquillity. My visit can only provide a snapshot in time but when on the field the effects of distant traffic and occasional overhead aircraft noise were minor and secondary to the sound of birdsong. Also, the screening effects of the surrounding woods means the site is secluded with a sense of remoteness that adds to the feeling of calm. Agricultural and forestry activities as well as shooting events on or near the site may from time to time disrupt this quietness. Even so, the locality possesses a significant degree of tranquillity.
10. The introduction of the tents, buildings and parking would markedly change the appearance of the site. The expanse of openness currently provided by the field and the attractive views it affords of the surrounding woodlands would be interrupted and spoilt by unnatural structures and vehicles. Camping would only take place from 20 March to the end of October but during that period the sight of tents and cars would undermine the rural and open qualities of the field and would detract from views of the woodland. Moreover, the clusters of buildings would remain all year around and so they would permanently affect the visual qualities of the site. The buildings and shepherd's hut would cover only a small part of the field and they would be low-level and constructed of sensitive timber materials. Nevertheless, they would appear unusual within the remote countryside context of the appeal site.
11. To a degree, the development would be informed by the natural and verdant setting of the site as the field would be planted with wildflower seed and clusters of new trees and a hedgerow would be re-instated. Also, a buffer strip would be provided around the whole edge of the field. However, the new planting would be seen alongside the proposed buildings, tents and parking for a significant portion of the year. Consequently, the positive effects of the landscape works would not address nor entirely offset the detriment caused to the visual qualities of the field.
12. Moreover, it is likely that, when open, the campsite would lead to an increase in human activity on the site compared to the existing situation. I note the appellant's claim that the site would be managed so that visitors would appreciate and respect the natural and quiet setting. Also, the campsite would

- not be open during the winter months and is likely to be only partly occupied during off-peak times of the year. Even so, the parking and movement of vehicles as well as the presence and noise from guests would adversely affect the tranquillity of the site, particularly during the peak holiday season.
13. The campsite itself would have a fairly contained visual effect as it would not be seen from any public vantage points and screened by the surrounding woodland. However, it does not follow that the development would conserve natural beauty. The fact that there is currently no public access to the field does not diminish its current contribution to the tranquillity and landscape character of the locality and the NP as a whole.
 14. Also, it is reasonable to expect the proposal would lead to an increase in trips to and from the site compared to its current use. Vehicular movements associated with up to 30 pitches as well as the general maintenance and servicing of the campsite would be observed at times by people using the track, including walkers on the stretch that is a public right of way. Moreover, additional car movements during peak times would be noticed on Waltham Park Road. In these regards, the development would not conserve nor enhance the relative tranquillity of the area.
 15. The appellant has indicated that no alterations to the track are proposed. However, it is seemingly too narrow on most parts to let vehicles pass each other. Appendix 5 of the Reeves Transport Planning Technical Note February 2023 includes photographs of locations on the track where passing could occur. However, these suggest that vehicles would need to move onto grass verges beyond the extent of the track's hard surface in order to utilise at least some of the passing areas. As such, it is likely that the increase in vehicular use of the track as a result of the proposal would lead to minor but noticeable damage to the grassed and vegetated edges of the woodland.
 16. As an open field containing no buildings, I would envisage the site currently contributes positively to dark night skies. This assumption is supported by the fact that the site is recognised as being within an intrinsic zone of darkness under LP policy SD8. The appellant advises that no night time lighting would be provided on the campsite beyond firelight. However, as people would be staying overnight, it would seem likely that the development would lead to more lights on the site. The evidence before me fails to indicate how the potential adverse effects of additional lighting have been considered and how any harm would be mitigated. For example, the appellant has not shown how any effects from vehicular headlights and lights from within tents and the wardens' shelter would be controlled and minimised. Consequently, I find the proposal would conflict with the aim to conserve dark night skies.
 17. The Authority raises concern over the visual effects of signage but none is proposed under this current scheme. Fencing would be provided to prevent access from the campsite to the adjoining woods but a sensitive design for this barrier could reasonably be secured through the imposition of a planning condition. Notwithstanding the fencing, the Authority is concerned over the potential for guests to enter the woods and the subsequent harm to their tranquillity and natural value. However, apart from the public footpaths, I am not aware that there is a legal right for people to roam through the woods and it would be inappropriate to assume that guests would trespass. Accordingly, I attach no weight to the objections in these regards.

18. The development would not involve the removal of any trees. Indeed, the landscape scheme would increase tree coverage on the site and a buffer would be provided to the surrounding woodland. Accordingly, I consider the development would accord with LP policy SD11.
19. Nonetheless, for the above reasons I conclude the proposal would have a harmful effect on the character, appearance, tranquillity and dark night skies of the area and the natural beauty of the NP. In these regards, it would be contrary to LP policies SD1, SD4, SD5, SD7, SD8, SD23 parts 1(c) and 1(g)(i) and SD25 part 2. Amongst other things, these policies look to ensure development, including visitor accommodation, conserves and enhances the character and appearance of the area as well as the natural beauty, tranquillity and dark skies of the NP. The Authority's first refusal reason also refers to LP policies SD2, SD9 and SD40 although these contain no provisions relevant to this main issue.

Suitability of location

20. The site is set away from the nearest villages and links to public transport. Consequently, it is highly likely that visitors would need to travel to and from the development by private car. Therefore, the proposal would not accord with part 1(b) of LP policy SD23 nor part 1 of LP policy SD19.
21. Part 1(g) of LP policy SD23 allows visitor accommodation outside settlements subject to sub-paragraphs (i), (ii) and (iii). The campsite would accord with parts (ii) and (iii) as it would be close to public rights of way and is part of the endorsed Barlavington Whole Estate Plan. However, I have already found the development would not conserve the natural beauty of the NP and so it would be contrary to Part 1(g)(i) of LP policy 23.
22. For these reasons, I conclude the proposal would not be in a suitable location having regard to accessibility and LP policies SD19 and SD23. These seek to locate development where it would minimise the need to travel and promote the use of sustainable modes of transport.

Other considerations and planning balance

23. The additional traffic generated by the campsite could come into conflict with walkers on the track. However, it is likely that vehicles will be moving slowly given the nature of the access. Also, pedestrians would be able to move to the side onto verges along parts of the track to allow vehicles to pass. Therefore, the development would avoid an unacceptable effect on the safety of walkers and in these respects, it would accord with LP policy SD21. This is a neutral factor in my assessment.
24. No biodiversity metric has been provided that demonstrates the existing biodiversity value of the site and how it would be affected by the development. However, LP policy SD9 does not explicitly require a metric to be provided. The appellant's ecology report identifies the field as being of common, widespread habitats of low ecological value with little floral diversity. The development would provide an opportunity to introduce new planting that would enhance the biodiversity value of the site as well as provide a buffer to the surrounding woodlands. Therefore, the proposal would accord with LP policy SD9. The potential benefit in these regards adds support for the proposal.

25. The appellant's submissions point to evidence of a need for more visitor accommodation in the NP. The campsite would help address this need. Furthermore, it would represent a form of farm diversification as promoted under LP policy SD40. Also, it would create employment and it is likely visitors would support local businesses.
26. LP policy SD1 highlights the aim to promote opportunities for the understanding and enjoyment of the NP's special qualities by the public. LP policy SD2 promotes development that would improve people's health and wellbeing and that provides opportunities for access to natural resources. By virtue of its location within a rural area with nearby footpaths, the development would support public access to the NP as well as greater appreciation of its natural qualities. This would be of benefit to people's well-being. All of these factors add support for allowing the development.
27. However, the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks. The detriment caused by the proposal in these regards as well as its unsuitable location means the development would be contrary to LP policies when read as a whole. The benefits of the scheme are of insufficient weight to justify granting planning permission contrary to the development plan.

Other Matter

28. 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 site and so either on its own or in combination with other projects it is likely to have significant effects on the integrity of the protected areas. The requirements set out in the planning agreement seek to mitigate against the harmful effects. 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

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

Jonathan Edwards

INSPECTOR