



Appeal Decision

Site visit made on 16 April 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/Y9507/W/23/3329110

Selden Court, France Lane, Patching, West Sussex BN13 3UP

- 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 Mr Chris Browne against the decision of South Downs National Park Authority.
 - The application Ref SDNP/23/01451/FUL, dated 29 March 2023, was refused by notice dated 1 August 2023.
 - The development proposed is use of existing annex as self contained dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.

Main Issue

3. The main issue is whether the development is in a suitable location for a self-contained dwelling having regard to local and national policy.

Reasons

Location

4. The South Downs Local Plan 2019 (LP) spatial strategy of dispersed growth is focused on the settlements listed in Policy SD25. These are the settlements for which there are defined boundaries, and where the principle of growth is accepted. Outside settlement boundaries, land is treated as open countryside. Settlements that are more scattered or diffuse in their form are treated as open countryside for the purposes of the LP.
5. Patching is a small rural village set within the open countryside of the South Downs National Park (the National Park). It is not within the list of settlements identified within LP Policy SD25 and does not have a defined settlement boundary. The appeal site is located off the western side of France Lane within the dispersed and low-density ribbon development on the country lanes to the south of the main village.

6. The appeal relates to a large detached single-storey outbuilding located within the extensive garden associated with Selden Court. The outbuilding was granted planning permission in 2012 and the planning history describes that permission as for a 'games room/gym to replace storage.'
7. LP Policy SD25 sets out when, exceptionally, development outside of the settlement boundaries would be appropriate. The appellant asserts that the proposal complies with one of the listed exceptions, criterion (2d), in so far as it is an appropriate reuse of a previously developed site. Criterion (2d) also states, however, that it does not apply to residential gardens and that the development proposed is required to conserve and enhance the special qualities of the National Park.
8. The Authority acknowledges that the site constitutes previously developed land (PDL) as defined by the Framework. Nevertheless, the site relates to a residential garden and is therefore specifically excluded by policy SD25 (2d) when considering whether a proposed development is an appropriate reuse of a previously developed site.
9. Policy HBT1 of the Patching Neighbourhood Development Plan (PNDP) states that, in exceptional circumstances, single new dwellings may be permitted where the proposed dwelling arises from the appropriate conversion and adaptation of an existing redundant building and it leads to an enhancement to the immediate setting.
10. I note that the appellant advises that the outbuilding is currently redundant and not required by the occupants of Selden Court. At the time of my site visit, I saw some evidence of the building's continued use to some degree, both as home office space and for storage. Though the PNDP does not define 'redundant', I consider that the building's ability to be easily used for its original purpose, in addition to whether it is actively in use, are key factors in whether a building is redundant. Consequently, in the absence of substantive evidence to the contrary, I am not persuaded that the building is redundant.
11. The appellant advises that no enhancements are proposed, noting that the site is in a high-quality residential setting as existing, and that landscaping or ecological enhancements could be secured by condition. The appellant's ecosystems service statement advises that bird nesting boxes are installed in the garden and that planting in the garden has taken place to support wildlife. There is no doubt that the outbuilding is set within attractive landscaped grounds, with many surrounding mature trees, shrubs and bushes. Without detailed submissions, however, it is not clear how the proposal would enhance the immediate setting or the special qualities of the National Park against the existing baseline. The explanatory text to LP Policy SD25 advises that robust evidence is needed to demonstrate that an exceptional approach to development outside of settlement boundaries is fully justified. Consequently, it has not been satisfactorily demonstrated that the enhancements required by LP Policy SD25 and PNDP Policy HBT1 would be delivered by the development.
12. Local facilities within Patching are limited, including two pubs and a church. A bus stop, which the appellant advises connects to larger settlements such as Worthing, Horsham and Billingshurst, is located approximately 200m from the site. The nearby village of Clapham includes a greater range of services and facilities, including a primary school, village hall and sites providing employment opportunities. The pedestrian routes to the village hall and

- primary school are in excess of 1km distance from the site and are, for the most part, unlit.
13. Angmering is the nearest settlement to the appeal site that offers many of the facilities and services necessary for day-to-day living. Whilst there is a good surfaced route to Angmering, the distance to its edge from the site is approximately 1.4km. The distances to most of the services and facilities in Angmering are significantly further. I note that the future development of Angmering will expand the edge of the settlement closer to the appeal site. Nevertheless, the pedestrian route to the edge of the expanded settlement would continue to be more than 1km from the site and is, for the most part, unlit.
 14. The Government's National Design Guide advises that local facilities are within walking distance when no more than a 10-minute (800m) walk away. As such, the distances from the site to most of the day-to-day facilities and services would discourage walking to access them. The unlit nature of the routes would likely deter some cyclists and pedestrians at certain times of day. Although there is a bus stop close to the site, I have received no substantive evidence as to the frequency of that service in terms of whether it would be sufficiently reliable and regular as to provide a realistic alternative to private car use in most instances.
 15. Consequently, I am not persuaded that the location of the proposal would enable or promote a range of sustainable transport modes and the development is, therefore, likely to result in high car dependency for future occupants of the dwelling. The appeal location is therefore not suitable in relation to the accessibility of services and facilities. In reaching this view, I have had regard to the appeal decision at Pookbourne Lane¹ drawn to my attention by the appellant. I do not, however, have full details of the circumstances that led to the Pookbourne Lane proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have considered the appeal proposal on its own merits with regard to its specific circumstances.
 16. The development would not be appropriate development for an open countryside location regarding local and national policy. Specifically, the development conflicts with LP Policy SD25 and PNDP Policy HBT1 in so far as they seek to accommodate dispersed growth of a scale and nature appropriate to the open countryside. Furthermore, the development conflicts with the Framework's support for actively managing patterns of growth to maximise opportunities for facilities to be accessed using sustainable travel modes.

Planning Balance

17. The proposal would make a limited contribution to the Government's objective of significantly boosting the supply of homes and would contribute to the vitality of the rural area, representing both social and economic benefits. However, as the proposal is for only a single dwelling, the benefits identified attract limited weight.
18. There would, however, be environmental and social harms arising from the poor accessibility to necessary day-to-day facilities by sustainable transport

¹ APP/D3830/W/20/3246048

modes. This would not promote sustainable development in rural areas or encourage the healthy lifestyles and community building supported by the Framework. Furthermore, the proposal would not comply with the spatial strategy of the development plan. I give these harms and the identified conflicts with development plan policies significant weight.

19. Overall, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan.

Conclusion

20. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR