



Appeal Decision

Site visit made on 11 April 2024

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/Y9507/W/23/3325818

Parcel of land at Avington Park Lane, Easton, Hampshire SO21 1ED

- 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 Ivanovic & Co Ltd against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/22/03349/FUL.
 - The development proposed is described as creation of parking space on land parcel.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form does not specify a description of development and refers incorrectly to Avington Lane, rather than Avington Park Lane. For clarity, I have used the site address and the description set out on the appeal form.
3. The appeal scheme includes development that is in situ. For the avoidance of doubt, I have determined the appeal on its own merits and the submitted plans.
4. A revised National Planning Policy Framework (the Framework) was published in December 2023. The main parties have had the opportunity to comment on the revised Framework in respect of the appeal, and I have determined the appeal in light of the updated Framework.

Main Issues

5. The main issues are:
 - whether the development would conserve and enhance the landscape character, and
 - the effect of the proposal on biodiversity.

Reasons

Landscape character

6. The appeal site comprises a small parcel of land adjacent to the River Itchen and Avington Park Lane. A public right of way runs next to the appeal site. The area sits within an undulating landscape and has a rural, unspoilt appearance which is characterised by natural features including the adjacent river and trees. These factors contribute to a high landscape sensitivity.

7. The site is within the South Downs National Park. Therefore, I have had regard to the statutory purposes of national parks set out in the Environment Act 1995. In addition, the Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The Framework also states that the scale and extent of development within all these designated areas should be limited.
8. The proposal includes the laying of a permanent hard surface to provide a single parking space, to be enclosed by low level fencing and planting. Whilst modest in scale, it would have an urbanising impact in an otherwise unspoilt environment. It would in turn detract from the natural features, including planting, which characterises the area and appear as a permanent alien feature. Whilst natural materials are proposed, these would nonetheless result in a formal appearance which would be at odds with the unspoilt rural environment. These effects would be highly visible to passing pedestrian, vehicular and other traffic. Given the site's close proximity to a public right of way as well as the highway, the effects would have a significant detrimental effect on landscape character, albeit within a localised area.
9. There are a number of trees which are covered by a Tree Preservation Order (TPO), these vary considerably in terms of their height and maturity, nonetheless, collectively they contribute positively to the rural character of the area. The laying of aggregate, and the associated clearance, have the potential to result in an adverse effect on any tree roots beneath. Given the importance of the trees and the proximity of work to them, an assessment of the effects of the proposal by an appropriately qualified person(s) is necessary and absent from the evidence before me.
10. The appellant contends that the site falls outside of any tree canopies, and as such adverse effects would be avoided. However, given the proximity of the trees to the site, together with the absence of any substantive evidence as to whether any trees existed on site prior to the works, I cannot be satisfied that the proposal has not, and would not, result in harm to protected trees.
11. The use of the parking space by the appellant would be limited to between April and October each year, with the number of uses limited to 20. Although this has the potential to reduce the adverse impacts resulting from ground compaction, it would not address the harm from the operational development which result in permanent landscape harm.
12. The appellant has indicated that the parking space would be enclosed, such to deter use by the wider public. Although there are no plans to illustrate this detail, in the event of my allowing the appeal, appropriate details could be secured by condition. Whilst enclosure of the space may limit further harm from additional ground compaction, together with inconsiderate use, this would not overcome the harm resulting from the creation of the space, and its intended use in landscape terms.
13. In light of the above, the proposal would fail to conserve or enhance the existing landscape character. The proposal would therefore conflict with policies SD4, SD5 and SD11 of the South Downs Local Plan 2019 (SDLP). These policies, insofar as relevant, require development to conserve and enhance landscape character, contribute to local distinctiveness and where they conserve and enhance trees, hedgerows and woodland.

14. The decision notice also cites policies SD20 and SD21 of the SDLP, these relate to the public realm, walking and cycling routes, and highway design. However, my attention has not been drawn to any particular conflict with these policies. Similarly, policy SD22 relates to parking provision, however, the policy is focused upon public, rather than private parking provision, and no specific conflict with this policy has been identified.

Ecology

15. In terms of ecology, the appeal site is in a sensitive location, adjacent to the river Itchen, a chalk stream and rare ecosystem, designated as a Site of Special Scientific Interest (SSSI). It is also adjacent to a Site of Importance for Nature Conservation (SINC) and trees subject of a TPO (discussed above).
16. There has been no ecological assessment provided with the proposal, and no assessment of its potential effects on the designated sites. As such, there is no substantive evidence as to the ecological value of the site.
17. Whilst new planting is proposed, detail of this is very limited. As such, it is unclear what effect the new planting would have on the ecological value of the site, or indeed on the adjacent designated areas. There is no substantive evidence to demonstrate this planting would be sufficient to mitigate any adverse effects.
18. There is no specific evidence before me about effects on the SSSI or SINC. However, as both are a finite resource and are of high value, on this basis I have adopted a precautionary approach. As such, in the absence of adequate evidence, I conclude that the appeal proposal is likely to give rise to harm to the biodiversity of the area.
19. I have been referred to a fallback position, for the clearance of the land and parking without planning permission. This would not include other aspects of the proposal such as the enclosure of the land, the laying of hardstanding and new planting. It is indicated that in the absence of surfacing works including to stabilise the land, there would be a risk of degrading the bank of the river channel and of silt entering the water course.
20. However, an area of cleared grassland, is very different to a managed, formal parking area. There is no demonstrable evidence to reasonably show that a fallback would cause additional harm over and the appeal scheme which would cause permanent, harm to a valued landscape and to ecology. As such, this does not justify the harm I have identified.
21. My attention has been drawn to a permit issued by Natural England, and the absence of any objection in relation to that permit relating to the effect on the SSSI. The permit notice is a separate application process to this appeal, and as such, it is unclear what information was before Natural England to review. As their approval did not relate to the planning application subject of this appeal, this carries negligible weight.
22. The proposal would therefore have an adverse effect on biodiversity, in conflict with the requirements of policies SD2, SD9 of the SDLP. This requires that development conserves and enhances biodiversity and geodiversity and has an overall positive impact on the ability of the natural environment to contribute to goods and services.

Other Matters

23. My attention has been drawn to several other examples of parking spaces along this stretch of the river. However, there is no indication that these benefit from any form of permission. As such, this has not altered my above findings.

Conclusion

24. For the reasons given above the appeal is dismissed.

R Lawrence

INSPECTOR