



Appeal Decision

Site visit made on 9 July 2024

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/Y9507/W/24/3339986

Woodlands, Norwood Lane, East Lavington, West Sussex, GU28 0QQ

- 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 Messrs Benjamin and William Vince against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/03553/FUL.
 - The development proposed is retention of two storage containers for the storage of equipment to use in association with woodland management.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site and surroundings are in the South Downs National Park (the SDNP). The Parties have had the opportunity to comment on the new duty under s245 of the Levelling-up and Regeneration Act 2023 requiring all relevant authorities to "seek to further" the purposes of National Parks. The first of these is to conserve and enhance the natural beauty, wildlife and cultural heritage. Comments received have been taken into account.
3. The storage containers were placed on site without planning permission. The planning application was submitted to rectify this.
4. In the last Statement for the appeal the appellants indicate that the storage containers were never intended to be permanent. However, this does not appear to be what was applied for and no timescale has been given for their removal.
5. The appellants' Grounds of Appeal indicates there was no mention in the Officer Report of the offer to clad the storage containers if this would improve the visual appearance of the containers. However, the Design and Access Statement states that cladding the units had been considered but that the utilitarian units were considered to be an honest approach to the storage requirements. The application form states both the existing and proposed materials to be green metal and the description is "retention" so I consider the application to be for the containers as they are.
6. As part of the appeal modifications to the proposals were put forward. These include the cladding of the containers and/or the re-positioning of them further from the entrance where there used to be a brick building.

7. The Procedural Guide for Planning Appeals¹ is clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and on which interested people's views were sought. The Holborn Studios judgement² refined the long-standing principles set out in *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]* on which the appellant relies.
8. Having regard to the principles established in Holborn Studios I consider each of the proposed modifications would be a substantive difference to the original application, for example, beyond what could reasonably be required by condition, and procedurally could prejudice interested parties by depriving those who should have been consulted on the changes the opportunity of such consultation. For this reason, I have determined the appeal using the plans that were considered by the Council and upon which the views of interested parties have been sought.

Main Issue

9. The main issues are: whether the need for the storage containers has been justified; and the effect on the character and appearance of the area having particular regard to the design and size of the storage containers and the location within the SDNP.

Reasons

10. The appeal site as shown on Plan Ref 1677/DP001 is immediately inside the entrance to a field. Together the field, and that smaller part of the adjacent ancient and semi-natural woodland, Parson's Copse owned by the appellants, extends to some two hectares in total. This land is some distance from any settlement and is in the countryside for planning policy purposes.
11. Vehicle access is via Norwood Lane, a long, narrow, winding lane with very little development along it. Just beyond the appeal site the metalled part of Norwood Lane terminates. Beyond the locked gate it continues as a Restricted Byway leading towards Wallace Square and Seaford College, East Lavington, to Lavington Stud, which I understand is no longer operating, and to Graffham.
12. The immediate area is characterised by large fields of arable, interspersed with pasture, hedgerows, woodland and parkland with a low density of settlement. This is a rural landscape with a strong sense of tranquillity resulting from the absence of overt human impact and a low density of settlement.

The need for the storage containers

13. I was able to see inside the containers during my site visit. They are used to securely store a variety of items of the type which can be used for the management and maintenance of grass, trees and hedges but which are of a domestic rather than forestry scale. When the current owners took over the site it was in poor condition and has been cleared of rubbish and scrub, the ditch has been cleaned and new planting has taken place.
14. However, this in itself is not sufficient to justify the permanent retention of two such storage containers for the maintenance and management of one small field and such a relatively small area of woodland, even including coppicing or

¹Procedural Guide: Planning Appeals – England 2024

²Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWCH 2823 (Admin)

removal of dead or diseased trees. No evidence has been provided to demonstrate there is a woodland management business that requires the extent of storage on a permanent basis. Nor have I been provided with a woodland management plan for long term woodland regeneration that demonstrates the need for the equipment on a long term basis.

15. Policy SD39 of the South Downs National Park Local Plan 2019 (the LP) allows for buildings for agriculture and forestry purposes and of a scale commensurate with that need. However, the combined area of the field and the owned part of the woodland is too small to amount to agriculture or forestry in terms of the provision of food, biomass or timber. Accordingly the development garners no support from Policy SD39. Nor has any exceptional need for a location in the countryside been demonstrated. Accordingly there would be conflict with Policy SD25 of the LP which allows for development outside settlement boundaries where there is an exceptional need for a countryside location.
16. Improving the woodland, and encouraging new habitats and ecological systems is to be commended. I acknowledge that the appellants do not live close to the site and the containers were installed to securely store equipment. However, there may be other, less harmful ways, in which the necessary equipment for maintenance and management can be securely stored.
17. I conclude the need for the retention of the containers has not been satisfactorily justified. There is conflict with Policy SD39 of the LP in this respect and the purposes of the SDNP would not be furthered.

Character and appearance

18. The National Planning Policy Framework ('the Framework') confers the highest status of protection on National Parks and I am mindful of the statutory duty to seek to further the purposes of the SDNP. The storage containers are of sturdy metal construction and of the standardised industrial type usually used for the carriage and storage of goods by sea and land. As such they are not of a design and appearance which would be expected in such a rural location. At some 4m long and 1.2m wide they are of substantial size.
19. The field they are in is surrounded by trees and hedges and as such is a valuable part of the local SDNP landscape. I saw no other structures within the field or the woodland. For these reasons I do not consider the site is such that it detracts from or adds nothing to the natural beauty of the SDNP the development of which could have a neutral effect³.
20. The local topography is relatively flat. As the containers are positioned close to the tall hedge alongside Norwood Lane and are painted dark green they are visible primarily from the entrance onto Norwood Lane. Albeit not excessively intrusive in the wider landscape, particularly at times when trees and hedges are in leaf, they are a visual intrusion. The lack of wider landscape prominence does not absolve the need for the structures to meet with the policy requirements to achieve high standards of design and appearance.
21. No external lighting is proposed. Consequently there would be little impact on the dark skies of the SDNP. Vehicles attending the site for management and maintenance purposes are likely to be relatively few in number given the approximately two hectares size of the site. Noise from equipment being used

³ APP/Y9507/W/23/3322382

for management and maintenance of fields and woodland is to be expected in those parts of the SDNP where fields, woods and hedgerows are part of its natural beauty and would be likely to occur whether or not the containers are retained. For these reasons I do not consider the effect on the tranquillity of the area to be unacceptable in planning policy terms. I find no material conflict with Policies SD7 and SD8 of the SDNP in these respects.

22. However, for the above reasons I conclude the design and size of the storage containers is harmful to the character and appearance of the area and the SDNP. Their retention would not conserve or enhance the SDNP or further its purposes. There would be conflict with Policies SD1 and SD4 of the LP in these respects.

Other Matters

23. The appellants' aspirations in respect of developing an ecological hub and educational centre for country skills do not lead me to any different conclusions in respect of the appeal before me.
24. I acknowledge there have been comments both in support and against the retention of the containers. There are many reasons as to whether comments are made in response to planning applications. I have reached my own view based on the evidence including my observations during my site visit and the relevant planning policies.
25. The objectives of the three strands of sustainable development set out in the Framework should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.
26. No lighting that would impact on bats is proposed and the Ecological Impact Assessment concludes that the ecological value of the site is predominantly represented by the wooded areas on site and these areas would be retained and protected within the scheme and that there would be improvements to the grassland. Incorporation of one or more bird and invertebrate boxes would enhance on site ecology. However, these are matters to be expected of all development and weigh neither for nor against the retention of the containers.

Conclusion

27. The maintenance and management of the field and woodland for ecological gain would be of benefit to the SDNP. However, the need for the retention of the storage units has not been justified and they have a harmful effect on the character and appearance of the SDNP. I give great weight to these harms and they outweigh the benefits of management and maintenance which could be achieved in other less harmful ways.
28. The proposal conflicts with the development plan and there are insufficient material considerations to indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

S Harley

INSPECTOR