



Appeal Decisions

Site visit made on 25 September 2024

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal A Ref: APP/Y9507/W/23/3333607

Hoyle Lane Stables, Hoyle Lane, Heyshott, West Sussex GU29 0DX

- 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 J D Baillieu against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/01045/FUL.
 - The development proposed is the conversion and alteration of equestrian stables to create to 2 self-contained dwelling units for holiday let use.
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Appeal B Ref: APP/Y9507/W/24/3343032

Hoyle Lane Stables, Hoyle Lane, Heyshott, West Sussex GU29 0DX

- 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 J D Baillieu against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/04296/FUL.
 - The development proposed is the conversion and alteration of equestrian stables to create one x four bedroom dwelling unit, and demolition of a modern stable building.
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Decision

Appeal A Ref: APP/Y9507/W/23/3333607

1. The appeal is dismissed.

Appeal B Ref: APP/Y9507/W/24/3343032

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are 2 appeals on this site, both relating to the re-use of the same existing building. They have been refused for similar reasons and the main parties have submitted similar evidence for each. As such I have dealt with each appeal on its own merits but to avoid duplication, I have considered the proposals together in this decision. For ease of reference, I have referred to the different cases as Appeal A and Appeal B, as set out in the headers.
4. For Appeal A the appellant has submitted a Sustainable Travel Options document (STO) and amended plans which remove the proposed rooflights and show the location of rainwater and greywater harvesting systems. These have been submitted as a response to the reasons for refusal and the STO does not alter the proposed development but rather seeks to support the proposal. The amended plans remove a minor element of the scheme and in my mind, do not fundamentally change the development. As they were submitted at the

beginning of the appeal prior to consultation taking place, I am content that no parties would be unfairly disadvantaged by my acceptance of the STO and amended plans.

Main Issues

5. The main issues are:

- the effect of the proposed developments on the South Downs National Park's special qualities;
- whether the appeal site is a suitable location for the proposed developments having regard to relevant local policies relating to the countryside;
- the effect of the proposed developments on heritage assets; and
- the effect of the proposed developments on the Arun Valley designated sites with specific regard to the Sussex North Water Resource (supply) Zone.

Reasons

6. The appeal site constitutes 2 'L' shaped buildings, the larger being historically an extended barn and made of brick (the appeal building) and the smaller being a purpose built wooden stable block (the stable block). Both of the buildings are surrounded by hardstanding and used for equestrian purposes. It along with the adjacent paddock are located centrally within the hamlet of Hoyle which is within the South Downs National Park (SDNP). Hoyle is a small collection of residential dwellings, with the appeal site the only non-residential use, set within a rolling landscape of a patchwork of fields and woodland.
7. Both Appeal A and Appeal B would reuse the appeal building and would not alter its overall size, shape, and general design. Appeal A proposes to convert the appeal building into 2 tourist accommodation units, whilst retaining the stable block. Appeal B proposes to demolish the stable block and convert the appeal building into a singular residential dwelling. Both proposals would create parking to the side of the appeal building and provide a formalised garden space within the courtyard created by the appeal building's 'L' shape.

South Downs National Park

8. National Parks are designated for the purposes of a) conserving and enhancing natural beauty, wildlife and cultural heritage, and b) promoting opportunities for the understanding and enjoyment of their special qualities by the public. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 places a duty upon me to have regard to these purposes in this decision. Paragraph 182 of the Framework also requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park.
9. This level of protection is reflected in the South Downs National Park Local Plan (LP) Policy SD1. This is supported by Policies SD4 and SD5 which require that the design of new development be focused on landscape character. Two of the key qualities of the SDNP are its relative tranquillity and dark night skies, controlled by LP Policies SD7 and SD8.

10. The patchwork of farmland and woodland around Hoyle, according to the Authority's Landscape Character Assessment, is informed by the medieval landscape of scattered hamlets and isolated farmsteads. These generally provide open views through and across the wider landscape and define the qualities and character of this part of the SDNP.
11. The location of the appeal site along with the adjacent paddock, and their open character provide relief to the otherwise enclosed nature of the residential properties in the hamlet. This allows glimpses of the surrounding countryside and provides context to Hoyle's location within the wider landscape.
12. Both Appeals would physically change the use of the site from equestrian to residential. This would alter the overall character of the site and increase the variety, and potentially the amount, of activity undertaken which would alter the visual and aural environment of the appeal site. This would remove the integral rural nature of its existing use from the hamlet and reduce Hoyle to an entirely residential settlement which would alter the experiential qualities which connect it to the surrounding landscape. Therefore, harming the special qualities of this part of the SDNP.
13. This would be further exacerbated within Appeal A, where the intensity of the residential use with multiple and continuing changes of occupants has the potential to be intrusive and therefore more impacting than the current equestrian use in relation to the relative tranquillity of its surroundings. Nevertheless, in relation to Appeal B, it is acknowledged that a singular family occupying the appeal site is unlikely to have more impact than the existing site use in terms of relative tranquillity.
14. That both proposals would only have limited impact on the physical form of the appeal building would, therefore, mean its visual relationship with the wider landscape would only be minimally impacted, with the wider countryside views over the appeal site largely retained, However this does not alter my findings in relation to the special qualities of this part of the SDNP.
15. The lack of roof lights proposed in Appeal B and the removal of them from Appeal A would also ensure there was no direct light impacting the dark night skies. There is potential that horizontal light spill could occur especially from the proposed internal doors within the existing barn doors. However, neither proposal provides details of the design of these doors so can be controlled by condition to ensure light spill is minimised.
16. It is acknowledged that the current equestrian use is unlikely to create excessive light spill at night. However, there is nothing before me to say this is controlled. Therefore, I am satisfied that with the afore mentioned condition, and considering the relationship with surrounding residential properties, the level of light spill from either Appeal A or Appeal B would not be so great as to visually intrude within the wider landscape. Thus, both Appeals could conserve the intrinsic quality of the dark night skies and so comply with LP Policy SD8.
17. Nevertheless, the limited impact in views of the site and the dark skies do not overcome the identified harm in relation to the character of this part of the SDNP, specifically the linkage between Hoyle and the surrounding countryside, and the important role the appeal site plays in this.

18. Therefore, for the above reasons I find that Appeal A and Appeal B would have a detrimental effect on the special character and qualities of the SDNP and would undermine the purposes of a National Park. Therefore, Appeal A would fail to comply with LP Policy SD7, and Appeal A and Appeal B would fail to comply with LP Policies SD1, SD4 and SD5 and the Framework.

Location

19. LP Policy SD25 seeks to direct development towards specific settlements with defined boundaries. Hoyle is not one of those settlements and so criterion 2 of LP Policy SD25 applies. This provides 4 exceptions when development outside of settlement boundaries is acceptable. One of these is if the proposal is an appropriate reuse of a previously developed site and conserves and enhances the special qualities of the SDNP. The appeal site can be considered previously developed land and so it is necessary to consider whether Appeal A and Appeal B would constitute appropriate reuses of the site.
20. Relevant to Appeal A is LP Policy SD23 which seeks to guide the provision of tourist accommodation. Amongst other things, it requires the proposal to minimise the need for travel by private car and to encourage access / subsequent travel by sustainable means such as public transport, walking, cycling or horse riding. As well as requires development of this nature outside of settlement boundaries, to be closely associated with other attractions / established tourist uses, including the public right of way network, or to form part of a farm diversification scheme or endorses Whole Estate Plan.
21. It has not been evidenced that Appeal A would be part of farm diversification or a Whole Estate Plan. However, it would be well related to the public right of way network, specifically footpaths. Nevertheless, Hoyle is remote from any other tourist uses and general services and facilities. The nearest being a public house approximately 1km away (as shown in the STO). Which is accessible via the footpath network, either across fields or along a series of country roads. Both of these routes are largely unlit, with the roads not providing specific pavements and the field paths being unpaved. Accordingly for potential users of the tourist accommodation these would not necessarily be the preferred options to travel in the evening or for those who are less mobile. Nor are there any obvious local facilities to purchase day to day items so again would likely require the use of private cars.
22. Therefore, in my mind, although the proposal could be considered to be reasonably closely associated to the public right of way network, it would not minimise the need for travel by private car nor encourage the use of sustainable methods beyond offering the opportunity to store bikes on site.
23. It is noted that the STO states a community run bus service operates in the area. However, the service is limited to 4 mornings only and so is unlikely to be an attractive form of transport for those wishing to explore the wider area.
24. For the above reasons I therefore find that Appeal A would not comply with LP Policy SD23 and so cannot be an appropriate reuse of the appeal site as required by LP Policy SD25.
25. Although there are no specific policies before me that deal with new dwellings in the countryside or the reuse of buildings relating to equestrian uses, I am cognisant that the appeal site is within a small residential hamlet, and

therefore there is potential a new dwelling could be considered an appropriate use, subject to its impact on the SDNP's special qualities being acceptable. However as identified in the first main issue, Appeal B would detrimentally impact the SDNP's special qualities and so in this instance would also fail to comply with LP Policy SD25.

Heritage assets

26. The appeal site is located within the Hoyle Conservation Area (CA), and it is also adjacent to a grade II listed building known as "Old Hoyle" (reference 1233514) (the LB) accordingly I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
27. The CA covers the immediate area around the appeal site and includes what can be considered the central core of Hoyle. Its significance is derived from it representing a good example of one of the scattered hamlets within the medieval landscape. Although the buildings do not date back to that period, they do appear homogenous in material and age and their layout represents that often seen around historic manor houses. In this instance 'Hoyle House', which is north of the appeal site, and understood to date back to the 16th century¹.
28. The LB, which represents a further good example of a vernacular residence within the hamlet, is immediately adjacent to the appeal site. The appellant's Heritage Statement (HS) map regressions shows that the appeal site was originally occupied by a group of smaller buildings which were latterly replaced by a 'L' shaped range including a barn, stable and cart shed in the mid to late 19th century. Potentially to serve the LB.
29. The 'L' shaped building was later rebuilt to create a milking parlour and dairy and any potential connection to the LB was severed when it was sold in 1952 as a detached farmyard of the Hoyle Farm Estate. Nevertheless, that the appeal site has been for a significant period of time a non-residential yard used for farming and other purposes linked to the countryside, informs the history of the CA, and why the Authority consider the appeal building a non-designated heritage asset.
30. Although both Appeal A and Appeal B would not significantly alter the physicality of the appeal building, they would change its use which would permanently alter its character from a working yard to residential. Due to its importance within the understanding of the CA, this change of use would therefore have a detrimental impact on the character of the CA.
31. In relation to the appearance of the CA, it is acknowledged that with suitable landscaping and detailing it is likely the visual impact of both proposals could be minimal. For similar reasons, the Appeals are unlikely to harm the setting of the LB and could retain the historic visual hierarchy between the LB, a purpose-built dwelling, and the appeal building, a range of farm buildings. Especially with appropriate landscaping, boundary treatments and use of the courtyard, which could all be conditioned.
32. Nevertheless, the lack of harm to the setting of the LB and the appearance of the CA cannot, by definition, outweigh the less than substantial harm identified

¹ As identified in the appellant's Heritage Statement

in relation to the character of the CA and that of the appeal site itself, as a non-designated heritage asset.

33. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
34. The appellant considers that both Appeal A and Appeal B could provide the requisite finances to properly repair and maintain the appeal building and thereby retain its presence and relationship with the surrounding heritage assets, as well as preserve its form. It is acknowledged that the optimal viable use as considered by the Authority, is the current equestrian use. However, the appellant has confirmed that the current use does not provide adequate finances to maintain the building. Nevertheless, the evidence to support this statement is lacking and there is nothing to show that other non-residential uses have been considered. Therefore, these public benefits only attract limited weight, which in my mind is not sufficient to outweigh the identified harm.
35. Given the above, both Appeal A and Appeal B would fail to preserve the character of the CA and the appeal site, contrary to LP Policies SD12 and SD15, and the Act, the Framework and purpose a) of the National Park designation, insofar as they seek to protect the historic environment.

The Arun Valley designated sites.

36. The Arun Valley designated sites², although some distance from the appeal site, have been identified by Natural England, as being detrimentally impacted by the groundwater abstraction undertaken near Pulborough, which serves the appeal site. As such it is necessary that new development must not add to this impact by creating a material increase in water demand.
37. Appeal A and Appeal B are both supported by a Water Neutrality Statement (WNS), which has taken account of the existing water demand of the appeal site. Both sets of plans also show the capability of the Appeal schemes to include the relevant plant for rain and grey water harvesting systems.
38. For Appeal A, the WNS has undertaken the calculations using the assumption that horses on site would be reduced to 5, and occupancy of the proposed tourist accommodation would be limited to 70%. However, the site would have capability to house more than 5 horses and be used for more than 70% of the time. Therefore, without any mechanism to secure these maximum capacities of use, there is not enough certainty that Appeal A would not represent a material increase in water demand. Therefore, Appeal A would fail to comply with LP Policies SD9 and SD17 insofar as they seek to protect the water environment and its impact on features of biodiversity interest, in this instance the Arun Valley designated sites.
39. With regard to Appeal B, the Authority have inferred water bills would be required to support the WNS finding and that the WNS refers to the continued stabling of horses on the site. However, it is clear from the plans that no stabling would be retained, and on the balance of probability the reuse of the site for a single residential dwelling is unlikely to constitute an increase in

² a Special Area of Conservation, a Special Protection Area, and a Ramsar Site

water demand. Therefore, I am satisfied on this matter Appeal B could comply with LP Policies SD9 and SD17 with outstanding details conditioned.

Other Matters

40. In both Appeals a lack of harm in relation to living conditions, ecology, and access, by definition, cannot weigh for or against that proposed.
41. In relation to Appeal B, it is acknowledged that the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would provide a net increase of 1 home on previously developed land, although the site is not considered accessible for the reasons set out in the second main issue, therefore I can only attribute this limited weight, which would not outweigh the harm identified.
42. The appeal site is within the 6.5km buffer zone of Ebernoe Common Special Area of Conservation (SAC) and the Singleton and Cocking Tunnels SAC, and within the 12km buffer of The Mens SAC. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 require an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SACs. However, clause 63(1) of that regulation states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. An AA is not, therefore, necessary where there is no intention to grant permission. As I am dismissing the appeal for other reasons, I am not required to pursue this matter further.
43. Interested parties have concerns relating to the loss of the equestrian use in terms of the local economy, access to the agricultural land beyond the site, the level of site maintenance, the potential impact on local residents living conditions, and the increase in the population of Hoyle, as well as issues with the proposed designs. These issues have been noted.
44. Within the first reason for refusal for Appeal A the Authority have referenced LP Policy SD22 which relates to parking provision. It does not propose specific guidance for tourist accommodation and the Authority have not gone as far as to refuse it on this count. I therefore consider this policy non-determinative.

Balance and Conclusion

45. It is acknowledged that I have not found against Appeal B in the fourth main issue. However, that Appeal B would not harm the Arun Valley designated sites, does not outweigh the harm identified in the other 3 main issues.
46. Consequently, for the reasons given above, both Appeal A and Appeal B would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. Appeal A and Appeal B are, therefore, dismissed.

RJ Redford

INSPECTOR