



Appeal Decision

Site visit made on 9 December 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2024

Appeal Ref: APP/Y9507/W/24/3349796

Garratts Field, Moorhen Lane, Nursted, Petersfield GU31 5RE

- 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 Caines Farm Partnership against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/01130/FUL.
 - The development proposed is the change of use from agricultural land to dog walking paddock with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issue

3. The main issue is the effect of the proposed development on the landscape character of the area, with specific regard to its location within the South Downs National Park.

Reasons

4. The appeal site is part of a larger field located on one side of Moorhen Lane and there is a woodland adjacent to it called Garrett's Wood¹. Access is through a gate off Moorhen Lane and a tree lined strip of common land runs between the field and lane towards Garrett's Wood.
5. Moorhen Lane is a sunken lane with the land banking up to the fields on either side and is characteristic of many of the roads and lanes in the area. This road form, along with the large rolling fields, separated by hedges, patches of woodland and common land, represent the key components of the historic form of the areas landscape. There are few buildings or areas of development, but those that exist are sporadically scattered throughout the landscape. Therefore, the verdant and undulating patchwork of open fields and wooded areas is intrinsic to the landscape character of this part of the South Down

¹ It is noted in some places this is referred to as Garrett's Copse

National Park (SDNP) and means there are wide ranging views across much of it.

6. The proposal would install fencing and additional gates to subdivide the field and create a parking area accessed via the existing Moorhen Lane entrance. It is appreciated that the proposed grass reinforcement mesh should maintain a green surface for the parking area therefore ensure it is not as obvious as other hard standing finishes would be within the wider area.
7. However, the use of fencing would not be characteristic of the area's boundary treatments, which in the main is hedging. The hard line created by the fencing and additional gates would be visually intrusive and at odds to the softness and verdant nature of its surroundings. Equally the formalised parking of vehicles within an otherwise open space would also be at odds to the local character. Currently any parking within the wider area would appear limited to spaces next to existing buildings, or occasionally along lane edges. Therefore, in combination, the proposed fencing and parking would detrimentally impact the rural character of the area.
8. The appellant considers that the fencing could be installed without planning permission. It is not the place of this decision to confirm what would constitute permitted development, and as the fence alone would not achieve that proposed, so has limited weight. The appellant's reference to existing fencing in the area, some of it to prevent deer accessing land, is noted. During the site visit it was observed where fencing had been installed it was usually along existing field boundaries or infilling gaps within existing hedges. Therefore, it does not appear to be used in such an unbroken length as the proposal would require, without screening from existing trees or hedges. So, the proposal would have a more visually and physically intrusive impact than that existing.
9. It is also appreciated that for certain periods the existing gate access would be heavily used by farm vehicles tending the field. However, the moving of agricultural vehicles across a field would be expected within such a rural area and would be temporary. Whilst the proposal would require the parking of vehicles in an area not normally used for parking on a reasonably regular basis so its impact, as described above, would be more harmful.
10. Notwithstanding this, section 11A(2) of the National Parks and Access to the Countryside Act 1949 places a duty upon me to have regard to the purposes of national park designation. Which is for 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. Where there is conflict greater weight should be given to purpose a).
11. Whilst there is potential the proposal could be considered to promote the enjoyment of the SDNP by the public, it would have a detrimental impact on the overall landscape character of the area. The proposal would, therefore, fail to conserve or enhance the natural beauty, and to some extent the cultural heritage, of the SDNP and this outweighs any potential public enjoyment.
12. The physical use of the appeal site for dog exercise during daylight hours and in accordance with a detailed management plan, both which can be conditioned, in my mind would not be such an intensification of use as to harm the tranquil character of this part of the landscape. Therefore, the proposal

would accord with the South Downs Local Plan (LP) Policy SD7, insofar as it seeks to protect relative tranquillity.

13. The proposal would maintain highway safety in accordance with LP Policy SD19 as far as it requires the continued safe and efficient operations of the local road network. This is because it would use an existing access which the Authority's highway consultant consider suitable for the proposed use², and although improvements were suggested they were not considered essential; and there is nothing before me to conclude otherwise.
14. Nevertheless, compliance with LP Policies SD7 and SD19 do not alter the effect of the proposal on landscape character. Nor can it be outweighed by the ecological benefits the additional planting proposed around Garrett's Wood would have, and the likely lack of harm the proposed use would have on that Wood and the common land.
15. Consequently, the proposed development would have a detrimental impact on the landscape character of the area, with specific regard to its location within the SDNP. It would fail to comply with the requirements of LP Policies SD1, SD4, SD5, SD21 and SD40, as far as they seek new development, including farm diversification, to contribute to the first purpose of a national park and protect landscape character.

Other Matters

16. The appellant has referred to another nearby dog exercise area which received permission. However, with limited details of the approved scheme, I am unable to make comparison.
17. That as a custodian of the land, the appellant does not seek to harm the landscape is welcomed, and that the proposal would provide an opportunity for them to diversify their existing farm business is accepted. These benefits are, however, limited and do not overcome the harm identified. As is also the case with the use if dog training paraphernalia being prohibited by condition, and the use of the appeal site limited to dog exercise only.
18. The appeal site is within the buffer zone of the Singleton and Cocking Tunnel Special Area of Conservation is noted. However, clause 63(1) of regulation 63 of the Conservation of Habitats and Species Regulations 2017 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. This 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.

Conclusion

19. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

² Email response from West Sussex County Council to Chichester District Council sent 9 July 2024 at 3:07pm