



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: 9th January 2025

Appeal Ref: APP/Y9507/W/24/3341829

The Old Coach House, Hawkhurst Court, Wisborough Green, West Sussex RH14 0HS

- 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 Gerald Hunt against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/00143/FUL.
 - The development proposed is described as the addition of a 'lean to' storage unit at the rear of existing stable block, installation of a new rainwater harvesting system, replacement of existing 5 bar gate with new solid gates and making good hard surfacing in and around the stable yard.
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Decision

1. The appeal is dismissed insofar as it related to the addition of a 'lean to' storage unit at the rear of existing stable block, installation of a new rainwater harvesting system, and making good hard surfacing in and around the stable yard. The appeal is allowed and planning permission is granted insofar as it related to the replacement of the existing 5 bar gate with new solid gates at The Old Coach House, Hawkhurst Court, Wisborough Green, West Sussex RH14 0HS in accordance with the terms of the application, Ref SDNP/23/00143/FUL, so far as relevant to that part of the development hereby permitted subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they are relevant to the part of the development hereby permitted, and all elements regarding the addition of a 'lean to' storage unit at the rear of existing stable block, installation of a new rainwater harvesting system, and making good hard surfacing in and around the stable yard are disregarded: TQRQM22219181619154; J0008-101 Revision B; and J0008-105.
 - 3) Prior to the installation of the gate hereby permitted, details of its colour and finish shall be submitted to and approved in writing by the local planning authority, and the approved colour and finish shall thereafter be maintained.
 - 4) Any external lighting shall be installed with details that have first been submitted to and approved in writing by the local planning authority.

Procedural Matters

2. The appellant has submitted 2 additional plans at appeal (J0008-103 version B and J0004-004 version A). These removed a scaling note of an existing plan and the proposed roof lights in the rear elevation of the existing stable building. These do not materially alter the scheme and as all parties have been able to comment on them during the appeal process, I do not consider any party will be prejudiced by my consideration of them.
3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. The sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. The revised version has therefore been referenced in this decision.
4. For the following reasons, I find the replacement of the existing 5 bar gate with new solid gates acceptable, and this element of the proposal is clearly severable both physically and functionally from all the other elements of that proposed. Therefore, I intend to issue a split decision in this case and grant planning permission for the replacement of the existing 5 bar gate with new solid gates only.

Background and Main Issues

5. During the appeal process the appellant have confirmed they are no longer seeking permission for the making good hard surfacing (including the extension to it described as 'proposed tarmac' on plan J0008-103 version B) and the proposed rainwater harvesting tank store within this appeal. The Authority has confirmed these elements are being dealt with either through permitted development or within a separate planning application.
6. Therefore, the main issues are the effect of the 'lean to' storage unit and the replacement gates on, the character and appearance of the rural landscape, and on an Ancient Semi-Natural Woodland.

Reasons

Character and appearance

7. Hawkhurst Court (the Court) is a private development of residential properties located on land originally linked to a country house but more recently used as a school. The Court is circular in form with the majority of properties on the inside of the road facing out over the woodland beyond.
8. This woodland setting instructs the wider landscape character of the area. However, at the start of the Court and towards its centre development is relatively dense which creates a somewhat suburban character, albeit within a verdant setting.
9. The Old Coach House is one of the first properties on the Court with the appeal site situated to the rear. The appeal site sits between the main dwelling and associated sand school and paddocks beyond. There are also further residential properties opposite. Although the paddocks form part of the wider rural character, the appeal site is very much in a transitional position between that and the more developed heart of the Court.

10. Due to the location of the proposed 'lean to' at the rear of the existing stable it is not overly visible and when glimpsed would be seen as part of the existing structure.
11. The proposed gates would replace an existing barred gate. Barred gates are quintessentially rural in character and there are examples around the Court. However, due to the transitional position of the appeal site, I do not find the solid nature and taller height of the proposed gates to represent a design which would be discordant with its immediate surroundings. The gate's location means it is most visible when traveling down the road towards the entrance of the Court. As such it would be in keeping with the existing transition from a less to a more developed area. It is also noted that the proposed gates would not increase the screening of the woodland, and so the transitional context of the site could still be understood.
12. Accordingly, the proposed 'lean to' and gate would not harm the overall character and appearance of the rural landscape. As such, although not providing any enhancement, they would also conserve the landscape character and natural beauty of the South Down National Park (SDNP).
13. The Authority raised concerns in relation to the proposed colour of the gate, lack of cohesion with the gate to the Pavilion¹, and that the recently planted hedge on either side of the existing gate could be removed. The gate colour could be dealt with by condition and the Pavilion access is some distance from the appeal site and so the gates are not dependent on each other for context. The appellant has also confirmed the hedge was planted to protect their animals. These matters therefore do not alter my findings.
14. Consequently, the proposed 'lean to' and gates would not harm the character and appearance of the rural landscape and would have a neutral effect on the natural beauty of the SDNP neither harming nor enhancing it. These elements of the proposal would therefore comply with South Downs Local Plan 2019 (LP) Policies SD1 and SD4, as far as they seek to conserve the SDNP; and LP Policy SD5 and General Policy 1 of the SDNP Partnership-Management Plan 2019, insofar as they seek new development to integrate with landscape character to conserve its special qualities.
15. The Authority has also referred to LP Policy SD20 which relates to the protection of walking, cycling and equestrian routes in relation to character and appearance. There is nothing before me stating which public right of way the proposal would affect. However, during the site visit, I noted there is a footpath that runs through the heart of the Court. Nevertheless, this is some distance from the appeal site with no direct views of it. Therefore, this policy is not determinative in this decision.

Ancient Semi-Natural Woodland (ASNW)

16. Immediately to rear of the appeal site is the ASNW. This is an irreplaceable habitat and is protected by a 15m buffer zone. The existing stable block within the buffer zone, as is the proposed location of the 'lean to'. However, the proposed gates would be beyond the buffer zone and would not require any alterations to existing ground surfaces near it, so I am satisfied this element would not affect the ASNW.

¹ A site further along the Court away from the more developed centre

17. The proposed 'lean to' would not require any direct works to trees within the ASNW². However, the impact of development on an ASNW does not only relate to the individual trees within the woodland. It can also be indirect, such as in relation to soil quality / impaction, or the ecology of the woodland as a whole.
18. During the site visit I observed that the proposed location for the 'lean to' was covered with paving slabs and a brick course potentially from a previous building on the site. However, the paving slabs are not in good repair and there is earth clearly visible between them. As such they do not create a solid surface and the change in porosity from the existing surface to that proposed may affect the soil beneath it. Which in turn may indirectly affect the ecology of the ASNW, either due to soil quality or roots structures which have extended beneath the slabs.
19. Although it is proposed that the foundations for the proposed 'lean to' could be poured on top of the existing surface, it has not been shown that that such construction would not lead to a reduction in soil quality or compaction of that soil. Therefore, taking account of the proximity of the 'lean to' to the ASNW, and the sensitive nature of an ASNW to indirect impacts within the buffer zone, without the necessary technical evidence I am unable to conclude that the 'lean to' would not have a detrimental impact on the ASNW.
20. The opportunities to enhance the buffer zone with planting around the LPG tank, and that there is existing development already in the buffer zone is noted. However, without the necessary assessments I am unable to conclude whether additional planting would mitigate the potential harm to the ASNW nor what the cumulative impact of the proposed 'lean to' and existing development would be.
21. It is unfortunate that the Authority did not clearly state the need for relevant assessment in relation to the ASNW at an earlier stage of the application process, but this does not overcome the potential harm identified. Nor does the appellant's assertion that the site is 'brownfield' and previous uses may have had more impact on the ASNW than the proposal.
22. Accordingly, although the gates would not cause harm to the ASNW, an irreplaceable habitat, a similar conclusion cannot be drawn for the proposed 'lean to'. Therefore, the proposed 'lean to' fails to comply with LP Policies SD1, SD5 and SD11 as far as they seek to protect existing woodland and its contribution to the natural beauty and wildlife of the NP.

Other Matters

23. The woodland around the appeal site forms part of the Mens Special Area of Conservation (MSAC) and the appeal site is within 6.5km of the Ebernoe Common SAC (ESAC). Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to ensure that the development would not adversely affect the integrity of the SPA.
24. Both the MSAC and ESAC are important for, amongst other things, their bat populations which can be sensitive to new development disrupting their roosting and foraging, with specific regard to artificial light. As the proposal would not materially alter or intensify the use of the appeal site, nor introduce any additional lighting, and any future lighting could be controlled by condition, I am satisfied it would not have a likely significant effect on the internationally

² paragraph 1.9 of the appellant's final comments

important features of the MSAC or ESAC either alone or in combination with other nearby development. A conclusion similarly drawn by Natural England.

25. That the Authority did not provide opportunity for the appellant to amend the scheme through the planning process is noted. As are the concerns relating to the potential change of use of a building beyond the appeal site known as the Pavilion. These matters do not, however, affect the planning merits of the case.

Conditions

26. In addition to securing commencement within the relevant statutory timeframe, I have imposed conditions requiring adherence to the approved plans but only in relation to the part of the proposed development considered acceptable, to ensure certainty. Condition 3 is necessary to ensure the finish of the proposed gate is acceptable in terms of character and appearance, whilst condition 4 would ensure control for external lighting is retained by the Authority in relation to the protection of bats.
27. The Authority had proposed conditions relating to the protection of the ASNW and the need for an ecosystems services statement (ESS). As set out in the second main issue the replacement of the gate would not harm the ASNW, and the appellant has submitted an ESS. The submitted ESS refers to elements of the proposal I have not found acceptable, and in this instance, I do not find an ESS necessary for a replacement gate, so to condition a new one would be unreasonable,

Conclusion

28. Although the appellant no longer seeks permission for making good or extending the hardstanding or the installation of the rainwater harvesting tank store, they do form part of the proposal before me. Nevertheless, these elements are clearly separate and severable to the proposed 'lean to' and gate, which are also separate and severable from each other.
29. For the reasons given above and having considered the development plan along with all other relevant material considerations including the approach in the Framework, I have found the proposed 'lean to' and gates would not cause harm to character and appearance, and only the proposed 'lean to' would cause harm to the ASNW.
30. As such the appeal should be allowed insofar as it relates to the addition of a replacement of the existing 5 bar gate with new solid gates, and dismissed insofar as it relates to the installation of a new rainwater harvesting system, the making good of hard surfacing in and around the stable yard, and a 'lean to' storage unit at the rear of existing stable block.

RJ Redford

INSPECTOR