
Appeal Decision

Site visit made on 30 January 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/Y9507/W/24/3351257

Fernden Grange, Fernden Lane, Fernhurst, West Sussex GU27 3LA

- 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 and Mrs Johnson against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/00492/FUL.
 - The development proposed is erection of paddle court on existing tennis court.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal, a new National Planning Policy Framework has been published (the Framework). The policies which are most relevant to the determination of the appeal have not been subject to substantive changes and I am satisfied that the parties have not been prejudiced by my taking it into account.

Main Issue

3. The main issue is the effect of the development proposed on the landscape character of the South Downs National Park (SDNP).

Reasons

4. The Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which, alongside other specific designated areas, have the highest status of protection in relation to those issues. I have also had regard to the statutory duty to seek to further the purposes for which the National Park was designated, which includes conserving and enhancing its natural beauty, wildlife and cultural heritage.
5. The site lies within Landscape Character Type O: Greensand Hills of the South Down National Park Landscape Character Assessment 2020 (LCA). Its landscape characteristics include large, detached properties in generous grounds interspersed by areas of agricultural and equestrian land. The LCA recognises that small scale alterations to individual properties may cumulatively start to erode the perceived rural, remote character of the area, which it states is an especially sensitive and vulnerable characteristic.
6. The area surrounding the appeal site is predominantly rural and encompasses those characteristics described in the LCA including large properties nestled into the landscape and set among areas of woodland and open grassland. Fernden

Grange is similarly set within extensive grounds and has external paraphernalia associated with its residential use, including mown lawns and areas of formal landscaping, as well as a pool house, barns, garaging and stables. These are clustered around the main house to the north east of the site.

7. The tennis court to which the appeal relates is situated some distance from the main house, close to the edge of a ridge where the ground lowers to the south west. This part of the site has a more rural and verdant character, arising from its more dense woodland and shrubs enclosing areas of open grassland. This tennis court appears not to have been used for some time and its surface has become largely overgrown with moss and grass and the dark green coloured posts and fencing have been removed and placed nearby. As such it has blended into the landscape to some degree.
8. In contrast, the proposal would introduce an enclosure with a distinctly contemporary appearance of metal mesh and tempered glass panels, rising to a height of 3m, with some sections rising to 4m. The combination of its scale and materials would result in the structure being heavily at odds with the rural and verdant character of the area, and its distance from the main house would contribute to the spread of domestic features and erosion of the rural character of the landscape. There is not substantive evidence relating to the visual effects of the existing tennis court if it were to be reinstated. However, even if that were to occur, based on the nature of the fencing I observed on site, the visual impacts of the proposal would be significantly different.
9. The appellant accepts that gaps in the foliage allow some restricted views towards the site from the public footpath beyond the paddock to the northwest. I observed during my site visit that views were possible from the area of the proposed development over the paddock due to the lack of foliage on the trees at this time of year. However, even if visibility were restricted to glimpses, the proposal would nonetheless appear heavily at odds with the landscape character for the reasons given. The removal of the remaining hard surface of the tennis court around the proposed padel court would be welcome, however, it would do little to reduce or mitigate for the harm to the landscape arising from the new structure.
10. The character of the landscape is also derived from the sense of tranquillity, which the South Downs Local Plan acknowledges to be a perceptual quality of the landscape, influenced by things that people can both see and hear in the landscape around them. The proposal would be used in connection with the main property, and as such its use and any associated noise would be intermittent. While the existing tennis court here has not been used for some time, there is not substantive evidence to suggest that it could not be reinstated and I consider this to be a reasonable baseline for considering noise impacts. I have no strong reason to doubt the appellant's assertions regarding the noise impacts and overall I am satisfied that they would not cause harm to tranquillity. Nonetheless, the visual effects of the development set out above would cause some depreciation in the tranquillity of the visual environment, as described in Policy SD7.
11. In conclusion, the proposal would cause harm to the landscape character of the SDNP. While acknowledging that this harm would be limited to glimpses from the surrounding area, the proposal would nonetheless fail to either conserve or enhance the special landscape character. The proposal would conflict with policies SD1, SD4, SD5 and SD7 of the South Downs Local Plan 2014-2033 which

together require development to conserve and enhance the landscape character, including the purposes of the National Park and relative tranquillity. While not relied on by the Council in its reason for refusal, neither would the proposal comply with Policy SD25, which supports development outside settlement boundaries subject to circumstances listed and where it complies with relevant policies in the Local Plan. The proposal would conflict with the objectives of the Framework relating to National Parks set out above, and the purposes of the National Park's designation.

12. I do not find conflict with Policy SD2 which relates to ecosystem services, given the absence of evidence on the matter.

Other Matters

13. I have had regard to the appeal decision provided by the appellant relating to a proposed padel court elsewhere in the SDNP¹. I do not have details of the circumstances surrounding that appeal, however I note the Inspector found there would be a reduction in the overall extent of built form compared to the existing tennis court, and that the materials would harmonise with an adjacent structure. As such the circumstances would appear to be different to those of this appeal.

Conclusion

14. For the reasons given, the proposal would conflict with the development plan and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR

¹ Appeal decision APP/Y9507/D/24/3339242