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# Appeal Decision

Site visit made on 22 October 2024

**by Mr M Brooker DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 February 2025**

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**Appeal Ref: APP/Y9507/W/23/3328547**

**Land east of New Barn Farm Lane, Blendworth PO8 0QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Messrs John and Steven Eastwood against South Downs National Park Authority.
  - The application Ref is 23/00063/FUL.
  - The development proposed is Change of use from equestrian to a mixed use, of equestrian and residential, to allow for the creation of 2 Gypsy/Traveller Pitches comprising the siting of 2 mobile homes.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters and Main Issues

2. This appeal results from the failure of the South Downs National Park Authority to determine the application within the prescribed timescales. The authority has since indicated that if it had determined the application, it would have refused to grant consent and the Council's Statement of Case sets out the reasons. I have considered the appeal on this basis.
3. A revised National Planning Policy Framework (Framework), accompanied by a written ministerial statement, and revised Planning Policy for Traveller Sites (PPTS) was published on 12 December 2024. The parts of the Framework and PPTS most relevant to this appeal have not substantively changed from the previous iteration. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.
4. The main issues are:
  - : Whether the appeal site is a suitable location for the proposed development, with particular regards to its countryside location.
  - : The effect of the appeal scheme on the character and appearance of the area, with particular regard to the site being located within the South Downs National Park.

## Planning Policy

5. Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area is the South Downs Local Plan 2019 (the LP) and the site lies within the South Downs National Park (SDNP).
6. The Framework confirms that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks”<sup>2</sup>. This is reflective in the LP, in particular policy SD4 that refers to the conservation and enhancement of the landscape character. In this regard, policy SD5 requires that proposals “adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area”.
7. Policy SD25 is a spatial policy that seeks to direct development and details that development will only be permitted outside of settlement limits, such as the appeal site, exceptionally where it responds to the context of the area and meets one of the 4 exceptions that includes that there is an essential need for a countryside location.
8. Specific to the provision of Gypsy and Traveller accommodation, policy SD33 details that the authority will seek to meet the need of gypsies and travellers by the allocation of permanent pitches and the granting of planning permission subject to stated criteria. The authority confirms that there is an identified need for 6 pitches in this part of the National Park, East Hampshire District, and that this need has already been fulfilled through allocations in the LP and planning permissions.
9. Policy SD19 supports development that is located to minimise the need to travel and promotes the use of sustainable modes of transport.

## Reasons

### Whether a suitable location

10. The appeal site, being a regularly shaped and generally flat field, accommodates a typical equestrian use with stables and paddocks divided by fencing. The site is located in the open countryside outside of any settlement.
11. The submitted plans show the proposed two mobile homes and associated hardstanding being sited in place of an existing stable block situated adjacent to the established hedgerow boundary to New Burn Lane. The appellant suggests<sup>3</sup> that planting and landscaping, controlled by condition, would “provide further interest” as well as screening the proposed development. Furthermore, the appellant describes the reduction in the number of pitches proposed and the general extent of the appeal scheme from the 4 in the earlier appeal<sup>4</sup> to the 2 proposed now.
12. Nevertheless, these amendments do not materially change the context of the appeal site nor the material considerations before me. The appeal site is

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<sup>1</sup> S38(6) Planning and Compulsory Purchase Act 2004

<sup>2</sup> Paragraph 189 of the National Planning Policy Framework

<sup>3</sup> Paragraph 6.7 Combined design and access statement and Planning statement

<sup>4</sup> APP/Y9507/W/21/3276708 dated 30 November 2022

situated in open countryside outside of any defined settlement. The site is not allocated for development or safeguarded for the use proposed as part of the LP.

13. With regards the 4 criteria of policy SD25 I have no substantive evidence before me to suggest that there are no alternative suitable sites available within the boundaries of settlements detailed in policy SD25. Moreover, the appellant has not proven that there is an essential need for a countryside location. Ultimately, I have no evidence before me that would lead me to reach a different conclusion to that of the earlier appeal, that the appeal scheme does not meet any of the 4 criteria.
14. With regards policy SD33, the authority confirms that the assessed need for pitches has been met with allocations and planning permissions and I have no substantive evidence to the contrary. Referencing the earlier appeal, the authority details that there is un-met need elsewhere in the East Hampshire District. The Framework is clear that National Parks 'are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas and I have no substantive evidence before me that would persuade me that the South Downs National Park is a suitable area to accommodate unmet needs in this instance.
15. The appeal scheme is not supported by the provisions of policy SD33 because it does not meet an identified need. Nonetheless the appeal scheme does meet a personal need for the appellant, and this is a matter that I will return to later.
16. Furthermore, the site is remote from the closest settlement and future residents would be without access to facilities and services of the settlements by sustainable modes of transport. I saw at the site visit that there were few footpaths linking the appeal site to the settlements and there was an absence of street lighting along the road which would, in combination with the distance, dissuade pedestrian use. As such future residents would be heavily reliant on private vehicles.
17. For the reasons detailed previously, I find the appeal site is not a suitable location for the proposed development with particular regards to its countryside location and thus is contrary to the provisions of policies SD19 and SD25 of the LP.

#### Character and Appearance

18. The appeal scheme would result in the change of the appeal site from a typical countryside character and appearance and indeed use, to a residential site accommodating two Gypsy/Traveller pitches comprising the siting of 2 mobile homes with the additional hardstanding, touring caravans and domestic paraphernalia.
19. The appellant identifies the reduction in the number of pitches, landscaping, the location of the pitches to the south-west boundary and suggests that domestic activity would be drawn tightly around the pitches themselves, though this is not evident on the submitted plans, as being considerations that weigh in favour of the appeal scheme.
20. I saw at the site visit that the hedge to New Barn Farm Lane is tall and well established and as such would afford some screening to the appeal scheme

from the road. The appellant details that the proposed new planting in and around the access drive would screen the hardstanding from view and planting further away along the northwest boundary of the red line would screen views from the nearby footpath.

21. However, locating the pitches adjacent to the boundary does little to alter the fundamental urbanising effect of the introduction of two pitches, including two static caravans along with hardstanding and the associated residential paraphernalia. The planting described by the appellant and shown on the submitted plans, while offering some screening, lacks any overarching strategy and consequently could not be described to be landscaped-led as required by policy SD5.
22. I acknowledge that the development of gypsy and traveller sites outside of settlement boundaries would inevitably result in some degree of change. In this instance the appeal scheme, while amended from that previously proposed, is evidently not located and designed in a manner that reflects the importance to be given to conserving and enhancing landscape and scenic beauty in National Parks. The appeal scheme fundamentally alters the character and appearance of the appeal site and on the basis of the evidence before me I am not satisfied that the proposed landscaping would adequately mitigate the harm that would arise.
23. As such I find that the appeal scheme would harm the character and appearance of the area, with particular regard to the South Downs National Park and is therefore contrary to policies SD5 and SD25 of the LP.

## **Other Matters**

### Personal need

24. The appeal scheme would meet a personal need for the appellant and family for accommodation. The appellant has provided very limited details of the personal circumstances of the future residents, in particular their current living arrangements, but has clarified that no one is currently resident on site.
25. Some limited reference is made by the appellant to the Inspector's reasoning in determining the earlier appeal with regards the 4 pitches providing a settled base for eight adults and 12 children ranging from under one to 15 years old. In that instance the Inspector did not identify any specific health, welfare, schooling or social reasons other than the general benefits that a settled base would bring.
26. With regards to the children referred to previously, though not specifically referred to by the appellant in respect of this appeal, it is my judgement that it would be in the best interest of those children who would occupy the site if the appeal were allowed, to have a settled base from which they could enjoy continuity of education and access to healthcare. The best interests of the children are a primary consideration, meaning that no other issue is intrinsically more important.
27. I therefore attach significant weight to the personal need of the appellant and family for accommodation.

### Special Protection Area and Special Area of Conservation

28. The appeal scheme proposes additional overnight accommodation within the catchment of the marine environment of the Solent SPA and SAC, where increased nutrient levels arising from development lead to a deterioration in the water quality and eutrophication of the SPA.
29. Natural England have been consulted in the determination of the application and while it is common ground between the parties that suitably worded conditions could potentially resolve these, and other ecological matters, additional information such as a scheme specific Habitat Regulations Assessment to inform an Appropriate Assessment and a nutrient budget calculation using the up-to-date calculator is still required and remains outstanding. The failure to provide this information and to demonstrate that the appeal scheme would not have an adverse impact weigh against the appeal scheme and I attach significant weight to it.

#### Temporary Planning Permission

30. As invited by the appellant, I have considered the granting of planning permission on a temporary basis. The appellant identifies that the duration of the temporary consent would be used to seek appropriate alternative accommodation.
31. No one is currently residing at the site and as such no one would be displaced or made homeless as a result of the appeal being dismissed. Moreover, it has not been demonstrated that the personal circumstances of the appellant and family are such that there is a compelling need for them to move onto the appeal site.
32. Furthermore, to make the site habitable would require significant alteration, and the harm that I have identified previously would be evident for the duration of the temporary permission and until the site was reverted to its original state.
33. Therefore, I conclude that it would not be appropriate to grant a temporary planning permission in this instance.

#### Planning balance

34. The Framework is clear in that great weight is to be given to conserving and enhancing landscape and scenic beauty in National Parks. The proposal would harm the character and appearance of the area and thus fails to conserve or enhance that landscape and scenic beauty.
35. I have found conflict with policies SD5, SD19 and SD25 and I have found that the appeal scheme is not supported by the provisions of policy SD33 because it does not meet an identified need and consequently conflicts with the development plan overall. Furthermore, it has not been demonstrated that the appeal scheme would not harm the Solent SPA and SAC. It therefore follows that planning permission should be refused unless material considerations indicate otherwise.
36. The appeal scheme would meet the personal need for a site for the appellant and family and it is in the best interests of children who would occupy the site to have that need met. This carries significant weight.

37. As referred to previously, I have considered whether a temporary planning permission should be granted but found that in this instance it would not be justified.
38. The material considerations in favour of the development would not, in the context of this appeal scheme and in particular the harm to the National Park and conflict with the development plan, indicate the planning permission should be granted.
39. No one is resident at the appeal site. Nonetheless it is recognised that the decision affects where the proposed site residents could reside and thus engages Article 8 of the European Convention of Human Rights. I consider that the refusal of planning permission would be justified and proportionate in the circumstances of this case, with particular consideration to the absence of existing residents on the appeal site, the protection afforded to the South Downs National Park and the policy conflict in the development plan are of overriding weight against the material considerations in favour of the appeal scheme, including the best interests of the children.
40. For those reasons, the planning balance clearly indicates that permission should be refused.

### **Conclusion**

41. For the reasons given above the appeal should be dismissed.

*Mr M Brooker*

INSPECTOR