



Appeal Decisions

Site visit made on 4 February 2025

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal A Ref: APP/L3815/C/23/3332337

Appeal B Ref: APP/L3815/C/23/3332338

Building at Woodcraft Park Farm, Dial Green Lane, Lurgashall, Petworth, West Sussex GU28 9EU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeals are made by Mrs Linda Osborn (Appeal A) and Mr Tom Searle (Appeal B) against an enforcement notice issued by Chichester District Council on behalf of the South Downs National Park Authority.
 - The notice was issued on 11 October 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the building to a mixed or dual use for agriculture, storage of camping equipment and for the stationing of a caravan for the purposes of human habitation.
 - The requirements of the notice are: (i) Discontinue the use of the building for the stationing of a caravan for the purposes of human habitation and (ii) Remove the caravan from the building.
 - The period for compliance with the requirements is six months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since both appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
-

Appeal C Ref: APP/L3815/W/23/3332342

Park Farm, Dial Green Lane, Lurgashall, West Sussex GU28 9EU

- 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 Tom Searle against the decision of Chichester District Council on behalf of the South Downs National Park Authority.
 - The application Ref is SDNP/23/01616/FUL.
 - The development proposed is stationing of a mobile home in existing agricultural building.
-

Decisions

1. Appeals A and B-The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal C-The appeal is dismissed.

Preliminary Matter

3. These decisions take into account the revised National Planning Policy Framework (the Framework), which came into force during the course of the appeals.

Appeals A and B

Ground (c) appeals

4. To succeed on this ground, the appellants would have to show that the matter alleged in the enforcement notice does not constitute a breach of planning control, the relevant test of the evidence being on the balance of probability.
5. The appeal site contains a modern open-sided barn. A static caravan is stationed in part of the barn. The barn and similar buildings alongside are associated with the use by a registered charity of the surrounding fields and woodland to provide recreational and educational activities for young people. Planning permission was granted in 2011 for the use of land adjoining the barn as a campsite¹.
6. The notice attacks the material change of use of the barn to a mixed use which includes agriculture, the storage of camping equipment and the stationing of a caravan for the purposes of human habitation.
7. Condition No 10 of the planning permission referred to above states that '*no camping or associated temporary buildings or structures shall take place or be placed*' on land which includes the barn. The caravan falls squarely within the description of a temporary building or structure, i.e., a construction capable of being moved from one place to another. Also, the use of the caravan is clearly associated with the camping activity taking place on the adjacent land.
8. The matter alleged in the notice is therefore in contravention of condition No 10 of the above permission. The definition of a breach of planning control in s171A(1) of the Act includes failing to comply with any condition or limitation to which planning permission has been granted.
9. The appellants explained that a caravan had been stationed at the site and put to a similar use from the late 1980s onwards. However, this has little relevance to whether the matter alleged is in breach of planning control. The previous caravan was removed at some stage prior to the granting of the above permission. Any caravan stationed outside the barn until 2018 also has little relevance, being beyond the land affected by the notice.
10. Therefore, the appellants have been unable to show that the matter alleged does not constitute a breach of planning control. The available evidence shows otherwise. The ground (c) appeals fail.

Appeals A & B, Ground (a) appeals and Appeal C

Main Issues

11. The main issues in these appeals are:

- Whether there is an essential need for the development, having regard to policies in the Development Plan and the Framework which seek to avoid isolated new homes in the countryside.
- Whether the landscape and scenic beauty of the South Downs National Park (NP) is conserved.

Reasons

Whether an essential need

12. The site is located in open countryside some distance to the north of the small, loose-knit settlement of Lurgashall. Policy SD25 of the South Downs Local Plan

¹ Council Ref LG/10/05095/COU

(LP) sets out the development strategy for the NP. It states that outside of settlement boundaries development will be permitted exceptionally, one such exception being where there is an essential need for a countryside location.

13. LP Policy SD32 requires new agricultural and forestry worker's dwellings to demonstrate that there is an essential need for people engaged in such enterprises to live at or very close to their site of work. This reflects paragraph 84 of the Framework, which advises that new isolated homes in the countryside should be avoided, except in circumstances such as where there is an essential need for a rural worker to live permanently at or near their place of work.
14. My understanding is that the caravan provides temporary overnight living accommodation for volunteer wardens and workers involved in supervising and supporting the various recreational and educational as well as agricultural activities undertaken on the wider landholding. According to the appellants, this enables the charity to fulfil its duty of care and relevant statutory responsibilities, as well as offering additional security against incidences of theft and damage.
15. Nevertheless, the caravan affords year-round living accommodation at the site. The caravan contains the facilities necessary for independent day-to-day living and remains in situ when the campsite is not in use. A condition attached to the above permission restricts the use of the campsite to a maximum of 60 days annually. The appellants estimated that the caravan is occupied on up to 72 nights per year. The appellants did not seek to argue that there was a need for living accommodation at the site at other times. Accordingly, there can be no essential need to station a caravan at the site to enable a rural worker to live at or near their place of work.
16. I can appreciate that since volunteers might reside considerable distances away, daily travel to and from the adjoining land is not always feasible. Also, the caravan offers accommodation which is accessible by persons, including volunteers and visitors to the campsite, with physical impairments. However, those factors do not justify the continued presence of the accommodation when the adjoining land is not in use. Furthermore, there is no firm evidence that alternative forms of temporary accommodation, no less suitable or accessible compared to the caravan, could not be used for the duration of the appellants' activities. Neither is it clear how the caravan provides increased security when it is unoccupied for most of the time.
17. Restricting the total number of days the caravan could be occupied, either through imposing a planning condition or by the appellants entering into a Unilateral Undertaking pursuant to s106 of the Act, would make little difference to whether there is an essential need for the development. The caravan would remain in situ and its primary use would be for residential purposes.
18. For the above reasons, an essential need for the development has not been demonstrated. This is in conflict with LP Policy SD25 as well as with LP Policy SD32 and is inconsistent with paragraph 84 of the Framework.

Landscape and scenic beauty of the NP

19. The site occupies a relatively remote rural setting, which is largely characterised by an undulating landform and open fields interspersed by tracts of maturing woodland, with limited incidences of substantial built development. These factors make a significant contribution to the scenic qualities of this part of the NP, as well as to its notable sense of tranquillity.
20. Although set back under the roof of the more substantially proportioned barn the caravan can be seen from nearby public viewpoints, particularly during the winter months. The box-like profile and reflective metallic external finishes of

the caravan do not sit easily with the simple lines of the barn and adjacent rural buildings, or the more subdued hues of the external materials of those structures. Also, the obviously manufactured appearance of the caravan does not compare favourably with the softer, more naturalistic shapes and muted shades of maturing hedges and woodland planting in the immediate and wider surroundings. Protruding built structures consisting of an access ramp and decking contribute to the visual presence of the caravan.

21. Given the above factors, the caravan is perceived as an alien feature and it contributes to an appreciably more built-up feel in the vicinity, this being markedly at odds with the prevailing visual qualities of the local landscape. Along with the increase in human activity, including comings and goings, associated with the use as living accommodation, this has considerably eroded the relative sense of tranquillity in visual terms experienced from nearby public viewpoints. Cladding the sides of the barn and/or undertaking further landscape planting in the vicinity would not significantly offset the adverse visual consequences identified above. In any event, the potential to introduce screening is not a sound reason to permit unacceptable development as it could be repeated, with further adverse visual consequences.
22. Therefore, the development fails to conserve the landscape and scenic beauty of the NP. This is in conflict with LP Policy SD1, which requires development to conserve and enhance the natural beauty, wildlife and cultural heritage of the NP. For a similar reason, there is conflict with LP Policies SD4 and SD5. There is also conflict with LP Policy SD7, which requires development to conserve and enhance relative tranquillity. Additionally, the development is inconsistent with the Framework, which requires great weight to be given to conserving and enhancing the landscape and scenic beauty of the NP.

Other Matters

23. The site is located within the Sussex North Water Supply Zone, which is sourced from groundwater abstraction points that include the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site. My understanding is that Natural England are unable to conclude that existing abstraction in the supply area is not having an adverse effect on the integrity of the above areas of nature conservation. New developments in the supply area are therefore required to not add to this adverse effect by demonstrating water neutrality, i.e., that the use of water before the development is the same or lower afterwards.
24. The development has increased water usage at the site; even if the caravan is occupied on a limited number of occasions, the persons doing so are likely to use significant quantities of water. No strategy to demonstrate the required water neutrality, i.e., no increase in water consumption, either through the incorporation of on-site measures and/or by appropriate offsetting actions capable of achieving water neutrality, was provided. Therefore, there can be no reasonable certainty that there has not been a contribution to the existing adverse effect on the areas of nature conservation.
25. For the reasons set out above, the development conflicts with LP Policy SD2. This requires development to, amongst other things, sustainably manage land and water environments and to conserve water resources and improve water quality. There is also conflict with LP Policy SD17, which requires development to have no adverse effect on the quality of the groundwater source and to not risk the ability to maintain a water supply. Furthermore, the development contravenes the Conservation of Habitats and Species Regulations 2017 and is inconsistent with chapter 15 of the Framework.
26. The caravan is being put to a use associated with activities which promote opportunities for the understanding and enjoyment of the special qualities of

the NP by the public, this being one of the purposes of the NP. Similar considerations apply in respect of other activities undertaken on the wider landholding, which include its management in accordance with a biodiversity plan. Even so, greater weight must be given to the conflict with the NP purpose of conserving and enhancing its natural beauty, wildlife and cultural heritage.

27. Any caravans previously used by the appellants for similar purposes but removed some years ago are also of limited relevance to these appeals.

Conclusions-Appeals A & B, Ground (a) appeals and Appeal C

28. There is no essential need for the development, there is harm to the landscape and scenic beauty of the NP and harm to European Protected Sites, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decisions should be made other than in accordance with the Development Plan. Therefore, for the reasons given, I conclude that neither the ground (a) appeals in Appeals A & B nor Appeal C should succeed.

Appeals A and B

Ground (f) appeals

29. The ground of appeal is that the requirements of the notice are excessive.
30. An enforcement notice can have the purpose of remedying the breach of planning control, including by requiring land to be restored to its condition before the breach took place. Alternatively, the notice can have the purpose of remedying any injury to amenity caused by the breach.
31. Although the notice does not state as such, its primary purpose must be to remedy the breach. By ceasing the unauthorised use and removing the caravan, the site would be restored to its condition before the breach took place.
32. The appellants did not advance a definitive case on ground (f). Moreover, there is no obvious alternative to the notice requirements. Any step which stopped short of those requirements would sustain the breach and so would not achieve the purpose of the notice.
33. Therefore, the notice requirements are proportionate, being the minimum necessary to remedy the breach. The ground (f) appeals fail.

Ground (g) appeals

34. The ground of appeal is that the time specified for complying with the notice requirements is too short.
35. Removing the caravan would be a relatively straightforward task, which would probably take less than a day to complete. A period of six months would allow ample time for this to happen, whilst also making sufficient allowance for volunteers to become available to undertake the work, for hiring any plant and/or vehicles required to move the caravan and for the weather conditions to be suitable. It would also allow the appellants enough of an opportunity to arrange for any necessary funding.
36. Therefore, the compliance period strikes an appropriate balance between remedying the breach as soon as is practicable whilst not imposing a disproportionate burden on the appellants. The ground (g) appeals also fail.

Conclusions

37. For the reasons given above, I conclude that Appeals A and B should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act (as amended). For similar reasons, Appeal C should be dismissed.

Stephen Hawkins

INSPECTOR