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## Appeal Decision

Site visit made on 11 June 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

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**Appeal Ref: APP/Y9507/W/25/3360947**

**Mara House Marley Common, Linchmere, West Sussex GU27 3PT**

- 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 Badelek against the decision of South Downs National Park Authority.
  - The application Ref is SDNP/24/01950/FUL.
  - The development proposed is the construction of a new access way utilising two existing field gates.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Amended plans were submitted at appeal. They proposed a significant change in the landscaping of the proposal. An appeal should not be used to evolve a proposal. Therefore, although all parties have had the opportunity to comment on them during the appeal process, this decision has been made on the original plans. The amended plans would have not, however, altered my findings.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. Mara House is a large, detached dwelling within a loose collection of residential properties. These properties are accessible from a privately maintained road and create an informal private estate located within the countryside and surrounded by woodland and common. Due to the private nature of the estate and its wooded surroundings it has a tranquil, semi-rural character and a verdant appearance. This is further emphasised by the spacious layout, interspersed with large gardens, paddocks, and mature hedging and trees.
5. The appeal site includes the stables and garage related to Mara House, and a section of the paddock between it and the estate road. There is a public right of way (PROW) which runs through the estate along the edge of the paddock.
6. Mara House has an existing driveway which also provides access to the rear part of the adjacent property. The proposal would create an access track through the paddock making use of the existing gated accesses and for some distance run parallel to the PROW. It would be finished in gravel with a central grass strip, a new

gate set back from the road would be installed and a small extension to the hardstanding around the stable and outbuilding would be constructed.

7. The appeal site is within the South Downs National Park (SDNP). National Parks are designated for the purposes of 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, and Section 11A(2) of the National Parks and Access to the Countryside Act 1949 places a duty upon me to seek to further these purposes in this decision, and where there is conflict greater weight should be given to purpose a). Paragraph 182 of the Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park.
8. The proposal would bisect the paddock and create an engineered feature in the form of a track raised above ground level. It would harm the open appearance of the paddock and would be visually obvious from the estate road and the PROW. It would also encroach on the spaciousness the paddock creates within the residential estate.
9. The physical use of the proposed track would introduce the movement of vehicles through the paddock along a formalised route in proximity to the existing PROW. This would further harm its undeveloped character and the translocation of vehicle movements to this location could have a detrimental impact on the relative tranquillity experienced by users of the PROW.
10. The proposal would therefore fail to integrate with the immediate landscape and would appear out of context thus harm the character and appearance of the area.
11. There is planting and some trees along the boundaries between the paddock with the estate road and PROW. This is not overly dense, so does not fully screen the location of the proposed track.
12. The South Downs Local Plan (LP) Policy SD24 exceptionally provides for, amongst other things, development in the countryside when there is an essential need identified. The appellant has stated the need is based on conflict arising from use of the current driveway. However, it has not been satisfactorily shown that this conflict causes real term conflict with neighbouring occupants, specifically as there are substantial areas of hardstanding around the stable and garage which could allow vehicles accessing these buildings to park and turn without blocking the driveway. Indeed, the appellant has confirmed that the hardstanding around the stables has been used to store a horse box by previous owners<sup>1</sup>.
13. The appellant states the proposal would make use of an existing informal track. On visiting the site there was no evidence of any obvious access across the paddock. It is noted that within the photo on page 6 of the appellant's statement of case there is some wear of the grass around the gate which accesses the estate road. This, however, is not so great as to show a clearly defined access across the paddock, nor does it show that the wear is current as the photograph is not dated.
14. It is also noted the appellant considers the type of proposed track is commonplace in the wider area and has submitted examples where such a track has been

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<sup>1</sup> Last bullet point on page 2 of the appellant's final comments

approved<sup>2</sup>. It is not in contention that often rural tracks take a twin-track form. However, of the multiple examples it has only been evidenced that 2 were lawful. Of the 2 approved, one is for a building which did not have an existing access and the other was part of a full site redevelopment. Therefore, they are not directly comparable to the proposal before me.

15. Consequently, the proposal would fail to comply with LP Policies SD4, SD5, SD24 and SD25 insofar as they seek new development to respond to the local character and integrate with its surroundings. It would also fail to comply with LP Policy SD7 as far as it seeks to conserve and enhance the relative tranquillity of an area. Further to this the proposal would fail to conserve and enhance the SDNP and so also fail to comply with this element of LP Policy SD1.

### **Other Matters**

16. No harm has been identified in relation to highway safety and the living conditions of neighbouring occupants. With appropriate conditions no harm would also occur to the established trees along the paddock boundaries. However, a lack of harm, by definition, cannot weigh for or against a proposal.
17. The planning application associated to this appeal was submitted post 2 April 2024 therefore the Biodiversity Net Gain Regulations must be applied. The appellant considers the proposal to fall within the scope of the de minimis exemption. However, it has not been shown that the proposal would not impact less than 25sqm of onsite habitat with a biodiversity value greater than zero. As I am dismissing the appeal for other reasons, this matter has not been pursued further. This would also be the case for the concerns raised in relation to construction and ecology.
18. That some planting has been undertaken in the paddock is noted but does not form part of the scheme before me, which I am bound to consider.

### **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, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

*RJ Redford*

INSPECTOR

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<sup>2</sup> SDNP/22/02122/FUL, SDNP/22/02907/FUL and various pictorial examples on pages 19 and 20 of the appellant's statement of case.