
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: 10 July 2025

Appeal Ref: APP/Y9507/W/25/3358718

Little Bury, Norwood Lane, Graffham, East Lavington, West Sussex GU28 0QG

- 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 H Jennings against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/00909/FUL.
 - The development proposed is the change of use of redundant agricultural building to holiday let.
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Decision

1. The appeal is dismissed.

Policy Background and Main Issues

2. Evidence has been submitted stating the appeal buildings are redundant. This aligns with my observations on site and the Authority has conceded on this issue.¹
3. 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. Section 11A(2) of the National Parks and Access to the Countryside Act 1949² (the Act) 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).
4. The local plan recognises that tourism plays an important part in the SDNP but that it should be delivered responsibly, and that the conversion of redundant agricultural buildings could support this. Accordingly, the South Downs Local Plan (LP) has specific policies, SD23 for tourism accommodation and SD41 for the reuse of agricultural buildings. Both policies have a series of criteria which must be met and there is a level of cross-over between them including requiring that any new development does not adversely impact its setting.
5. The appellant has submitted numerous examples³ where they consider the Authority has given primacy to LP Policy SD23 over LP Policy SD41. When applying development plan policies, it is essential that they are considered in the round, and weight attributed in the final balance along with all other matters. In this instance the examples simply serve to show the necessity to take account of each case on its own merits.
6. Therefore, the main issues are:

¹ Paragraph 5.3 of the Authority's Statement of Case

² As amended by Section 245 of the Levelling-up and Regeneration Act 2023

³ SDNP/22/03565/FUL; SDNP/19/04516/FUL; SDNP/19/00373/FUL; SDNP/18/03578/FUL; SDNP/18/02051/FUL

- the effect of the proposed development on the character and appearance of the surrounding landscape with regard to the SDNP; and
- whether the appeal site location is appropriate for a holiday let and the appeal building appropriate for conversion, with regard to the relevant development plan policies, LP Policies SD23 and SD41.

Reasons

Character and appearance

7. The appeal site includes a large agricultural building, and 3 smaller buildings accessed from Norwood Lane. There are a number of houses along Norwood Lane which creates a loose residential enclave settled within a rolling topography and wooded landscape. However, it is located outside of a defined settlement. There are numerous public rights of way (PROWs) through the surrounding area, including one which runs along the boundary of the site. Nevertheless, there are no easily accessible public transport options.
8. To the south-east of the appeal site is the village of East Lavington, which the Authority considers to be remote from tourist uses and general services and facilities⁴. However, to the west of the appeal site is Graffham which has a mix of services including a shop and café, public house, village hall and church. During the site visit it was noted that although Graffham is some way via road, it is less than 1km by footpath across fields and less than 1.25km via a bridlepath which is also suitable for cycles.
9. The proposal is to convert the main building into a 3-bedroom holiday let. This would require the replacement of the existing roof; the cladding of the external walls; and the installation of doors and windows within the existing openings. 2 of the smaller buildings will be retained to provide a games room and bin and cycle store, whilst the third, closest to the PROW, would be removed.
10. Due to the topography of the site the buildings are not obvious within the landscape beyond views directly up the access track. Their visual impact in the wider area is further reduced by the extensive and mature trees and hedging around the site which would not be affected by the proposal. The demolition of the third smaller building would consolidate the built form to the centre of the site. Along with the hedging along the boundary with the PROW which could be strengthened by condition, this would further reduce the visual impact of the proposal. Notwithstanding this the proposed alterations in external finish would align better with the properties surrounding it. Thus, I find the proposal would not harm the appearance of the landscape and safeguard views through this part of the SDNP.
11. The proposal would alter the use of the site, from its previous low intensity agricultural use to that of tourist accommodation. Nevertheless, there is nothing before me which limits the use of the site to such low intensity and the building and land within the appeal site is large enough that the agricultural use could be intensified significantly.
12. However, the largest impact of the change of use would likely be the movement and parking of cars and the domestication of land around the buildings. The grazing land to the rear of the buildings would be retained as it does not form part of the

⁴ Paragraph 5.20 of the Authority's Statement of Case

appeal site so any domestication would be limited to the proximity of the buildings. There are also existing residential dwellings close to the appeal site, so a domestic level of car movements is already apparent in the area. The visual impact of parked vehicles could be mitigated with appropriate landscaping which could be conditioned.

13. An important factor of the SDNP's character is that of dark skies and tranquillity. The relative tranquillity around the appeal site is that of a rural domestic enclave and the associated visual and aural environment that creates. Therefore, the conversion of the appeal site from agricultural to residential, albeit tourism accommodation, would conserve this. In terms of dark skies, no external lighting is proposed, and the topography of the site would largely curtail much of the light spill from the proposed glazing. However, the proposal would include a series of roof lights which would impact the dark skies. The appellant has proposed blinds with light sensors, and this would be a mechanism which could prevent impact from the roof lights as well as being able to be controlled by condition.
14. Therefore, taking this all into account, the proposal would not harm the character and appearance of the surrounding landscape and conserve the landscape and preserve the visual integrity, identity, and scenic quality of the SDNP. It would comply with LP Policies SD6, SD7, SD8 and SD11 as far as they seek to protect views, relative tranquillity, dark skies and trees and hedgerows.
15. However, with specific regard to the SDNP, the duty put on me by the Act means I must seek to further the purposes of the National Park. A lack of harm is, by definition, a neutral impact, therefore it can only be concluded that although the proposal would conserve the natural beauty of the SDNP, it cannot be seen as enhancing it. Consequently, it would fail to comply with the Act, and LP Policies SD4 and SD5 insofar as they seek to enhance the landscape.

Appropriateness of location and building

16. The appeal site is closely associated to the PROW network, as an established tourism attraction, and there are the facilities and services at Graffham within reasonable distance accessible by foot, cycle, and horse-riding. This may mean that users of the proposal would be less reliant on the private car once arrived, but there are no obvious transport facilities to encourage access by any other form than private car, nor for access to further tourist destinations such as Petworth Hall.
17. As such, although the appeal site is sufficiently related to amenities and services it is not well related to public transport infrastructure and so would not minimise the need to travel by private car. Accordingly, the proposal would fail to comply with LP Policy SD23 criterion 1b) and Policy SD41 criterion 1a).
18. As the proposal is outside of a settlement LP Policy SD23 criterion 1g) requires that it has a positive contribution to the natural beauty, wildlife, and cultural heritage of the SDNP. However as set out in the first main issue it would not provide an enhancement and therefore positive contribution to the natural beauty of the SDNP, so would fail to comply with this criterion.
19. LP Policy SD41 criterion 1g) requires that the most appropriate viable use should be ascertained via a cascade of 5 different uses, with visitor accommodation rated second to last. No sequential assessment has been submitted to show why the higher-ranking uses are not appropriate for the appeal site. Therefore, it cannot be

concluded that visitor accommodation is the most appropriate viable use and so the proposal fails to comply with this criterion.

20. It is recognised that the proposal would accord with all other criteria of LP Policies SD23 and SD41. However, the policy requirements are for all criteria to be met.
21. Consequently, from the submitted information the appeal site location is not appropriate for a holiday let and the appeal building not appropriate for conversion. The proposal would therefore fail to comply with LP Policies SD23 and SD41, and LP Policy SD1 insofar as it requires development to accord with relevant development plan policies.
22. The appellant has stated there is a need for short-term holiday lets within this part of the SDNP. Without any evidence to support this claim it can only be given very limited weight. It is also acknowledged that the appellant considers the proposal to reflect 3 of the 4 themes set out in the Authority's Sustainable Tourism Strategy. Nevertheless, neither of the matters overcome the harm identified.

Other Matters

23. The appeal site is within 6.5km of the Cocking and Singleton Tunnels Special Area of Conservation (SAC) and 12km of both Ebernoe Common SAC and The Mens SAC. These qualify for special protection as they support populations of protected bat species which due to their foraging and travel through the wider area can be highly susceptible to new development. The proposal, whilst minimal on its own, would contribute to an increase in development in combination with other plans and projects in the area. Given the susceptibility and vulnerability of the qualifying features of the SACs, it cannot be concluded that the development would not adversely affect the integrity of these protected sites in combination with other projects.
24. This has not been addressed by the appellant and therefore with no assessment of the potential impact or specific mitigation for any identified harm, it cannot be concluded that the proposal will not have a harmful effect on the SACs. Consequently, the proposal would fail to comply with LP Policies SD9 and SD10, as far as they seek to conserve biodiversity and protected species. Nevertheless, had mitigation been secured, this would constitute a lack of harm and so would not weigh for or against the proposal.
25. The appeal site is also within the Sussex North Water Supply Zone which could impact further international protected sites in the Arun Valley. This is because these sites are reliant on their water habitats, and water supply in the area is taken by ground water abstraction which can harm those habitats. Therefore, Natural England advice advocates a water neutral approach to new development. Accordingly, the appellant submitted a Water Neutrality Statement⁵. This stated that off-site mitigation could be achieved by retrofitting 2 specified existing dwellings within the wider area and a signed unilateral undertaken was submitted to secure this. However, being able to mitigate the water use of the proposal would again constitute a lack of harm.
26. It is recognised that the proposal would make use of an existing building and so not incur the climatic costs of demolition or major construction and that PV panels

⁵ Water Neutrality Statement by ASAPS, dated 31.01.2023

would be installed on the roof. However, to address climate change and the sustainable use of resources LP Policy SD48 sets out minimum requirements. As it has not been shown the proposal would exceed these requirements, this would also constitute a lack of harm.

27. The appellant states that residential uses have already taken place on the site. However, without any evidence that this use was undertaken lawfully it does not alter the planning merits of the case.
28. Notwithstanding this, the Authority has confirmed that conversion of the appeal building into an aparthotel would not require prior approval⁶. However, it is noted under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 a further application would be required to ensure the aparthotel would not harm the SACs. As it has not been evidenced that such an application has been approved, this only attracts limited weight.
29. Limited weight can also only be attributed to the social and economic benefits of a singular holiday let due to its small size.

Balance and Conclusion

30. Although the proposal would have some benefits, as set out above, and would have a neutral impact on character and appearance, this does not outweigh the harm identified in the main issues in terms of inappropriate location and use.
31. Consequently, the proposal would conflict with the development plan as a whole, and there are no material considerations, including the Framework, worthy of sufficient weight, which would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR

⁶ SDNP/25/00362/PA3R