



Appeal Decision

Site visit made on 28 May 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND July 2025

Appeal Ref: APP/Y9507/W/25/3361742

Down Under, Lodge Lane, Hassocks, West Sussex BN6 8XP

- 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 T Turner (R J Turner & Son) against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/04248/FUL.
 - The development proposed is change of use of holiday let to 2 bed dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of holiday let to 2 bed dwelling at Lodge Lane, Hassocks, West Sussex BN6 8XP in accordance with the terms of the application, Ref SDNP/24/04248/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal would conserve and enhance the landscape and scenic beauty of the South Downs National Park (SDNP); and
 - whether the proposal would form an appropriate reuse of a previously developed site.

Reasons

Landscape and scenic beauty of the SDNP

3. The appeal site comprises a single storey building subject of a 2016 planning permission¹ for use as a holiday let, with vehicular access off Lodge Lane. A small wooden shed building lies to its side towards Nos 1 and 2 Lodge Farm Cottages. Hard standing in front of the shed and the holiday let building provides two parking spaces and building access.
4. Whether or not the proposal amounts to a material change of use in terms of Use Class, it remains that by virtue of the operative wording of the 2016 planning permission, and its condition 4 restricting use to solely that of a holiday let, the current proposal requires express planning permission. It therefore must be considered against the development plan, along with other material considerations.

¹ National Park Authority Ref: SDNP/16/04614/FUL

5. Policy SD4 of the South Downs Local Plan (2019) (SDLP) requires conservation and enhancement of landscape character in terms of, amongst other things, the context and type of landscape. It also requires the experiential and amenity qualities of the landscape to be safeguarded.
6. The holiday let building is surrounded on two sides by undeveloped countryside containing rolling hills and wooded areas, and is partially screened along the narrow Lodge Lane by hedgerow. The surrounding landscape context is therefore rural, despite the other dwellings and buildings in the vicinity along Lodge Lane.
7. The southern boundary of the appeal site, as indicated on the submitted plans, is unenclosed as it dissects the existing open and shortly cut grassed area. This area borders a field with wire fencing and surrounds the paved patio adjacent the glazed doors of the holiday let building. The patio contained a bench and a table with four chairs at the time of my site visit.
8. I was also able to view the existing patio and outdoor furniture from Lodge Lane through a nearby agricultural-style barred gate. An appropriate landscaping scheme to delineate the residential curtilage of the proposal could restrict significant views of this patio and the anticipated additional domestic paraphernalia, and could be secured by means of planning condition.
9. I accept that new planting could in many circumstances be construed as an urbanising element. However, I found this site, as described above, to already have a domestic appearance, despite the limited amount of outdoor furniture and lack of storage outbuildings. The holiday let building can also be viewed alongside and within the backdrop of existing dwellings and agricultural buildings. The surrounding rural landscape character and context is therefore not devoid of dwellings.
10. The first statutory purpose of National Parks is to conserve and enhance their natural beauty, wildlife and cultural heritage. Section 245 of the Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities in respect of their functions which affect land in National Parks, who now must “seek to further” their statutory purposes.
11. Given the above and subject to an appropriately worded condition, I am satisfied that the proposal would conserve and enhance the landscape and scenic beauty of the SDNP. It therefore complies with Policy SD4 of the SDLP, the relevant requirements of which are already set out above.

Reuse of a previously developed site

12. For planning policy purposes, the site lies in open countryside, outside of and detached from a settlement boundary. The main parties do not dispute that the site is previously developed. Policy SD25 of the SDLP states under its paragraph 2 that exceptionally, development will be permitted outside of settlement boundaries, where, amongst other things, it complies with relevant policies in this Local Plan, is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
13. Supporting text to Policy SD25 sets out at paragraph 7.12 that any proposal for re-use of previously developed land outside settlement boundaries must have full regard to the first statutory purpose of National Parks and the special quality of an environment shaped by centuries of farming. I have however already found in the

first main issue that the proposal would conserve and enhance the landscape and scenic beauty of the SDNP, in compliance with SDLP Policy SD4.

14. The supporting text at paragraph 7.10 gives some example circumstances of when development outside settlements may be acceptable, including through other SDLP policies such as Policy SD23 (Sustainable Tourism). There is common ground between the main parties that the existing use of the site as tourist accommodation has been demonstrably proven as being financially unviable. It has thus been demonstrated that the proposal meets criterion 2a) of SDLP Policy SD23 to allow the loss of visitor accommodation.
15. I accept that there is no SDLP policy giving explicit support for the provision of open market dwellings in countryside locations. The SDLP also provides no specific definition of what constitutes an “appropriate reuse” of a previously developed site.
16. When read a whole, it is clear that the SDLP, including Policy SD26, seeks to direct new housing development to within settlement boundaries in a manner that accounts for their facilities and capacity for growth. Its transport policies also facilitate developments that make it easier for people to travel to and around the SDNP by sustainable means. The site already has a lawful use as a holiday let. Although the submitted evidence indicates an average occupancy rate of 54% in recent years, the rural location would still inevitably generate private car trips.
17. As a private market dwelling, the level of occupation throughout the year would likely be greater. The building however has a relatively small floorspace, which would temper the level of additional private car trips that would inevitably occur in this rural location. I therefore anticipate that the additional amount of private car trips would not be significant when compared to the existing lawful holiday let use.
18. Policy SD25 supporting text also sets out at paragraph 7.11 that it is important to focus development on previously developed land in order to conserve wider landscape character and minimise development footprint. No additional footprint is proposed. This policy’s supporting text also advises that wider development needs and pressures will not be accepted as a reason to develop outside of settlement boundaries, but such issues are not advanced by the appellant. Whilst supporting text does not have the force of policy and cannot trump it, it is nonetheless relevant to the interpretation of a policy.
19. Loss of visitor accommodation goes against the second statutory purpose of a National Park, which is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. However, the submitted evidence indicates that the use as a holiday let has resulted in significant operational losses in five of the seven years from 2017 to 2024, despite being extensively marketed. The holiday let use could therefore realistically cease in the near future as an unviable operation, irrespective of the outcome of this appeal.
20. A substantial period of disuse could also potentially lead to the visual deterioration of the site. Paragraph 1.10 of the SDLP advises that landscape is the key to all of the special qualities of the SDNP, which are defined and illustrated in SDLP Figure 1.2. When compared to the realistic possibility of the site becoming disused in the near future, and in the absence of any identified landscape harm arising directly from the proposed use as a market dwelling, the scheme would conserve and enhance the special qualities of the SDNP.

21. For the above reasons, and having regard to the SDLP as a whole, I conclude that the nature and location of the proposed private dwelling use, re-using an existing lawful but unviable holiday let building, amounts to an appropriate reuse of a previously developed site. The proposal thus complies with Policy SD25 of the SDLP, the relevant requirements of which are already set out above.

Conditions

22. A condition specifying time limits for the development (condition 1) is necessary in the interests of planning certainty. I have deleted the suggested reference to “unless otherwise agreed in writing by the Local Planning Authority”, as any amendments would in any event require submission of an additional application. Condition 2 is necessary to clarify the approved plan details, despite the proposal being a change of use only. Condition 3 is necessary to be pre-commencement given the rural location of the site within the SDNP. Condition 4 is necessary to be pre-commencement in order that sustainable modes of transport are facilitated.
23. The National Park Authority also suggests that permitted development rights be removed for all extensions and alterations, and for outbuildings and hard surfaces. The Planning Practice Guidance states that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. However, given the rural location within the SDNP, I consider it necessary to remove permitted development rights (condition 5) specifically for extensions, roof extensions and alterations, outbuildings and hard surfaces. This is in the interests of the landscape and scenic beauty of the SDNP.

Conclusion

24. Policy SD1 of the SDLP states that when considering development proposals that accord with relevant SDLP policies and with National Park purposes, a positive approach will be taken that reflects the presumption in favour of sustainable development.
25. For the above reasons, I have found that the proposal is in accordance with the development plan as a whole, and the material considerations do not indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans: Location plan (Drawing 1); Block plan (Drawing 2); Existing and proposed floor plan (Drawing 3); Existing and proposed elevations (Drawing 4).
- 3) Before the development hereby permitted is first brought into use, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after first occupation of the development. The scheme shall include the following:
 - a. details of all hard and soft surfacing and boundary treatments to include the type, position, design, dimensions and materials and any sustainable drainage system used; and
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

Any trees or plants which within a period of 5 years from their implementation die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) Before the development hereby permitted is first brought into use, details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be implemented prior to the occupation of the development and thereafter permanently retained.
- 5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, roof additions or alterations, outbuildings or hard surfaces permitted by virtue of Classes A, B, C, E and F of Part 1 of Schedule 2 to the Order shall be undertaken.