
Appeal Decision

Site visit made on 29 May 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/Y9507/W/24/3357718

Plot 44, Links Avenue, Peacehaven BN10 8UX

- 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 James Quirke against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/01263/FUL.
 - The development proposed is change of use to Class B8 for open air storage, level land and lay hardcore along with the installation of gate to gap entrance.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the banner heading above, I have utilised the description of development from the decision notice rather than the application form description. Whilst including useful information regarding the proposal, the application form description is of greater detail than is necessary to describe the proposal. I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - whether there is an essential need for the proposed development outside of a settlement boundary;
 - whether the proposal would conserve and enhance the landscape, natural beauty and tranquillity of the South Downs National Park; and
 - the effect on biodiversity.

Reasons

Essential need

4. The appeal site forms a plot of land covered by low-lying vegetation. It is known as "Plot 44" and is alongside a number of other land parcels east of Links Avenue and north of South Coast Road (A259). For planning policy purposes, the site lies in the open countryside and the South Downs National Park (SDNP).
5. Policy SD25 of the South Downs Local Plan 2019 (SDLP) states that exceptionally, development will be permitted outside of settlement boundaries, where, amongst

other things, it complies with relevant policies in this Local Plan and there is an essential need for a countryside location.

6. The essential need argument put to me relates to the storage of building items for emergency trades work, including roofing, plumbing and electrics. Most of this work is undertaken in Peacehaven, Kemptown and other areas east of Brighton. The appellant is renting another site for this work and already utilises the A259 past the appeal site to reach these locations.
7. It is put to me that by comparison, the proposal site would minimise traffic congestion on the A259 by avoiding Newhaven. Purchase of the more local appeal site was motivated by a desire to reduce carbon footprint in this respect. Whilst vehicular trips may be similar, the precise location of the rented site is not before me. It is also unclear as to whether or not the rented site is in the SDNP. I therefore cannot discount the possibility that the proposal would increase vehicular trips in the SDNP when compared to the existing working patterns.
8. The appellant also contends that there is a distinct lack of more suitable sites within the area of work. This is however a large area, including urban areas which will likely have industrial or commercial sites. There is no evidence before me to indicate the appellant's extent of search, including for example correspondence with local commercial agents or landlords. A lack of alternative sites for storage in the appellant's working area has therefore not been substantiated.
9. I accept that the appellant's work is essential insofar as it involves emergency trades work, and the overall proposal legitimately falls within Use Class B8. However, for the above reasons, in the context of SDLP Policy SD25 an essential need for the development outside of a settlement boundary has not been demonstrated. The proposal is thus contrary to SDLP Policy SD25 in this respect.
10. Policy SD34 of the SDLP supports development proposals that foster the economic and social well-being of local communities within the SDNP, provided that they meet one or more of a list of criteria. The appeal proposal does not meet any of these criteria and therefore does not benefit from this policy support.
11. SDLP Policy SD35 sets out the anticipated provision of new employment land within the SDNP between 2014 and 2033. Its supporting text advises at paragraph 7.140 that a sufficient supply of employment sites is available to meet the Policy SD35 provision figures whilst taking into account that there will be some losses of existing employment land. New employment provision is focused on certain towns and strategic and redevelopment sites across the SDNP. The proposed development of the appeal site in the open countryside therefore also does not benefit from support under this policy.

Landscape and scenic beauty of the South Downs National Park

12. The statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of those areas by the public. 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.

13. Links Avenue is a cul-de-sac lane with a largely unmade surface, varying widths and no centreline or lighting. It is therefore rural in character, despite it serving several dwellings and some other development. It is put to me that Links Avenue does not form a route to the downlands beyond it. I was however able to walk beyond the end of Links Avenue on a Public Right of Way (PRoW). This leads to a wider signed PRoW network through a densely shrubbed area known as Bollen's Bush, and around Peacehaven Golf Club to link to a residential area of Newhaven. This PRoW network includes a signed path leading further inland into the SDNP.
14. The proposal would facilitate open air storage of building items such as ladders and tools. The proposed elevation plans indicate that the front entrance gate would sit higher than surrounding vegetation. Its height and mesh design would be of commercial scale and appearance that would jar with its immediate rural surroundings, despite its garden green colour. The gate would allow views of the proposed permeable surface within the site, which would also be an urban form of development that starkly contrasts with its immediate natural surroundings.
15. Ground clearance of most of the site area to provide the permeable surface therefore cannot be reasonably described as a landscape-led design approach, despite the maintenance of vegetation along the boundaries without perimeter fencing. Given the site's size and location, open storage of building materials would also likely be visible from Links Avenue, even if this would be kept at ground level. The overall proposal would therefore appear as a stark commercial form of development within a verdant and largely undeveloped immediate landscape.
16. SDLP Policy SD7 sets out that development proposals will only be permitted where they conserve and enhance relative tranquillity. Its supporting text advises at paragraph 5.43 that tranquillity is considered to be a state of calm and quietude and is associated with a feeling of peace, and is a perceptual quality of the landscape.
17. Supporting paragraph 5.44 refers to the SDNP Tranquillity Study (2017). The Tranquillity Study score for the site suggests that it is within a low tranquillity area. Following my site visit, I have no reason to disagree given the location near to the A259 and some other development. The proposal would nonetheless fail to conserve the relative tranquillity of the area, as it would involve vegetation and ground clearance across the site to provide a commercial development visible from Links Avenue, within an area of rural character.
18. I therefore conclude that the proposal fails to conserve and enhance the landscape, natural beauty and tranquillity of the SDNP. It thus conflicts with Policies SD4, SD5 and SD7 of the SDLP. Collectively, these policies require, amongst other things, development proposals to adopt a landscape led approach, to be of sensitive and high quality design that contributes to the distinctive character and pattern of the landscape, and to conserve the relative tranquillity of the area.
19. SDLP Policy SD20 states that development proposals will be permitted provided they, amongst other things, conserve and enhance the amenity value and tranquillity of, and views from, non-motorised travel routes and access land. Although Links Avenue facilitates a PRoW route, it also provides access to existing development, including by motorised vehicles. It is also not one of the Safeguarded Non-motorised Travel Routes identified in the SDLP Policies Map. I have therefore found no conflict with SDLP Policy SD20 in this respect.

Biodiversity

20. Policy SD2 of the SDLP states that proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services, achieved through, amongst other things, delivering all opportunities to sustainably manage land, and to protect natural habitats.
21. SDLP Policy SD9 states, amongst other things, that proposals will be permitted where they conserve and enhance biodiversity, giving particular regard to ecological networks. Development proposals that will result in any adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances outweighing the adverse effects are clearly demonstrated.
22. The site forms part of a Local Wildlife Site (LWS) as identified in the Policies Map. It includes part of Peacehaven Golf Club and the nearby PRow network north of the A259. This area is described in the officer report as a habitat matrix of woodland, scrub, tall herb and grassland types, which reflects what I saw during my visit.
23. The submitted Ecosystem Services Statement sets out that the appeal site would be largely cleared to provide a permeable surface, using materials sourced locally in Newhaven, including recycled sorted hardcore. 1m-wide strips of vegetation would be retained along the site boundaries.
24. It is put to me that the site does not appear to have any wildlife living on it. This has however not been demonstrated by evidence, such as an ecological survey undertaken by a suitably qualified person. The site may also be used by wildlife for foraging and commuting purposes, given its location and characteristics.
25. The extent of vegetation and ground clearance required for the proposed permeable surface would therefore likely damage and compromise the integrity of the LWS in terms of its biodiversity value. Retention of boundary vegetation and on-site composting of removed vegetation would not mitigate this harm.
26. The appellant is also prepared to become a member of Sussex Wildlife Trust (SWT) and contribute to them by direct debit each month, including gift aid as a tax payer. The precise monthly amount is however not before me, and neither is a legal mechanism to secure this. In any event, there is no evidence before me of a nearby active SWT project that could potentially mitigate harm to biodiversity directly arising from the proposal. I therefore cannot be certain that the above contribution offer would be an adequate compensation measure.
27. I therefore conclude that the proposal would conflict with SDLP Policies SD2 and SD9, the relevant requirements of which are already set out above.

Other Matters

28. The appellant refers to legal action and court cases in relation to right of access, and obstruction of and works on the appeal site by a third party without the consent of the appellant as landowner. The appellant's intention is to restore the plot to its original condition by removing a soil mound and trees added on the site by the third party. However, it has not been demonstrated that the overall proposal is the only or least harmful way of realising such works, to justify allowing the appeal.

29. Land on the opposite side of Links Avenue is outside of the SDNP, as shown in its Policies Map. The nearby cited example of an existing larger mesh gate, serving what the appellant describes as a commercial site, appears to be within this area outside of the SDNP, and its planning history is not before me. This nearby development therefore does not justify allowing the appeal.

Planning Balance

30. Policy SD1 of the SDLP states, amongst other things, that when considering development proposals that accord with relevant SDLP policies, a positive approach will be taken that reflects the presumption in favour of sustainable development. I have found no conflict with Policy SD20 of the SDLP. I have however found significant conflict with SDLP Policies SD2, SD4, SD5, SD7, SD9 and SD25. I therefore conclude that the proposal is contrary to the development plan taken as a whole.
31. Without full details of the appellant's rented site, I cannot quantify the extent of carbon footprint reduction achievable through the proposed use of the appeal site, when compared to existing work patterns. Given the proposed scale and nature of use, any carbon footprint reduction would likely be minor. Development of the proposal site would also in itself have a carbon impact, albeit minor. I therefore cannot afford any significant weight in favour of the potential carbon footprint reduction benefits.
32. The lack of proposed lighting or storage of contaminated or hazardous materials, and lack of demonstrable highway safety, water contamination or sewage impacts, are all neutral factors that neither way in favour nor against the proposal.
33. The material considerations before me therefore do not indicate that a decision should be made otherwise than in accordance with the development plan.

Conclusion

34. For the reasons given above, the appeal is dismissed.

R Cahalane

INSPECTOR