



Appeal Decision

Site visit made on 17 June 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/Y9507/W/25/3361034

Land adjacent to Hare Lane, Twyford SO21 1FR

- 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 Vince Scappaticci against the decision of the South Downs National Park Authority.
 - The application Ref is SDNP/22/02180/FUL.
 - The development proposed is change of use from equestrian to tourism and the siting of 3no. eco pods.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above has been taken from the decision notice as it more accurately details the proposal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the South Downs National Park (SDNP); and
 - whether the proposal would be likely to have a significant effect on the integrity of the Solent Special Protection Area (SPA) in respect to nitrates and the River Itchen Special Area of Conservation (SAC) with regard to phosphates.

Reasons

Character and appearance

4. The appeal site is located within the SDNP, a nationally designated area which has the highest status of protection concerning its landscape and scenic beauty. Additionally, as the appeal site is located outside a built-up boundary, for the purposes of the South Downs Local Plan (the Local Plan) it lies within the countryside where development is restricted except in specific circumstances. Visitor accommodation, such as the appeal scheme, is supported by Policy SD23 of the Local Plan provided it contributes positively to the natural beauty, wildlife and cultural heritage of the SDNP. This approach supports the great weight given by the National Planning Policy Framework to the conservation and enhancement of the wildlife and cultural heritage of the National Parks and is reflected within Policy DE1 of the Twyford Neighbourhood Plan (the TNP).

5. The appeal site is located on the gently rising valley slopes of the River Itchen. It comprises several informal horse grazing paddocks and an unsurfaced area currently used for parking associated with the existing stables (recently approved to be converted to tourist accommodation¹). The wider setting of the site is characterised by open fields defined by formal field boundary hedgerows and trees. Despite its countryside location, the tranquillity experienced when standing on the part of the site where the Eco-Pods are proposed is strongly influenced by the fairly constant sound of vehicles travelling along the B3335.
6. As the Eco-Pods would be located away from the B3335, beyond the stables, they would be predominantly screened from the road by the dense and mature roadside hedgerow and trees, as well as the stables and its associated parking. Therefore, views of the Eco-Pods would be limited to those travelling away from Twyford, through the small number of gaps in the aforementioned landscape features and experienced as part of the stable structures.
7. Similarly, whilst some views, primarily during the winter months, of the Eco-Pods would be possible from the adjacent public right of way, these would be restricted given the lower level of the footpath to the mature landscape features that enclose it. Given the scale of the appeal scheme and the influence of the road noise on the area, I see no reason to conclude that there would be a detrimental loss of the tranquillity experienced by users of the footpath.
8. Whilst the site is located within an area designated as an important gap by Policy LHE1 of the TNP, the purpose of this policy is to prevent the coalescence of Twyford and Colden Common. It does not preclude the introduction of development within this substantial gap, provided the physical separation of the settlements is not reduced and the identity of Twyford is retained. Indeed, the presence of some, albeit isolated, clusters of built form is apparent within this gap. This includes the existing stables associated with the appellant's wider landholding which can be glimpsed through the gated access when travelling towards Twyford on the B3335, as well as Tollgate Cottage on the opposite side of the road. The introduction of new structures on the site would not, therefore, diminish the appreciation of the gap between the two settlements.
9. Through the wide spacing of the Eco-Pods and the planting of new hedgerows along the site boundaries, the openness and formal pattern of the fields and paddocks would be maintained. Despite of a bespoke design, the sloping roofscapes, modest scale and the use of materials commonly found in agricultural structures ensures the Eco-Pods would be unobtrusive features in the landscape. Any additional planting could be secured by a suitably worded condition, were I to allow this appeal.
10. The use of a further condition preventing vehicles from accessing the site beyond the existing unsurfaced area of parking would ensure visitor vehicles and associated activities do not encroach on the open paddocks. Consequently, the scale and location of the Eco-Pods, together with the open arrangement of the site, ensures the proposal would not extend the appearance of a developed area up the slope nor result in the reduction in the physical separation of Twyford and Colden Common.

¹ Council ref: SDNP/22/02181/FUL

11. My attention has been drawn to other development which has been proposed and, in some cases, granted planning permission, nearby. Notwithstanding the limited evidence provided of these developments or their specific planning considerations, given the scale of the appeal scheme I see no reason to conclude that it would lead to an unacceptable cumulative impact.
12. I conclude that the proposal would not harm the character and appearance of the area, including the SDNP, in accordance with policies SD4, SD5 and SD23 of the Local Plan which, amongst other matters, seeks to conserve and enhance the landscape character of the area through high quality, landscape led design. It would also comply with policies DE1 and LHE1 of the TNP which support development that responds positively to the local landscape and settlement character in and around Twyford. In so doing, it would contribute to the purposes of the SDNP to conserve and enhance the natural beauty, wildlife and cultural heritage of the area through the promotion of opportunities for the understanding and enjoyment of its special qualities by the public.

, Nitrates and phosphates

13. The SPA and SAC are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The natural conservation interest of the SPA results from the various birds supported by the habitat, particularly during the winter months. The principal conservation objective of SPA is to ensure migratory birds can feed undisturbed whilst they build up energy reserves to survive the winter before journeying back to their breeding grounds. The SAC also supports a variety of protected species
14. One of the main issues preventing the SPA and SAC from meeting their respective objectives relates to an increase in wastewater being discharged into them, including nutrients, such as nitrates and phosphates, which affect water quality, with the River Itchen having an unfavourable level of phosphorous. As the increase in nutrients can result in a process known as eutrophication which speeds up the growth of certain plants, it threatens the aquatic ecosystem by damaging the food source for the protected species it supports.
15. As the proposal would add to the number of people staying overnight in the area, it would also increase the amount of wastewater being discharged into the Solent and the River Itchen. It is therefore likely that the proposal, taken both in isolation and cumulatively with other projects, would have a significant adverse effect on the integrity of the SPA and SAC.
16. The nitrogen and phosphate loads which would be generated by the holiday accommodation have been calculated by the appellant. It is proposed that these loads could be mitigated by the installation of an on-site wastewater treatment plant, an approach accepted by the Council in respect to the stable's conversion permission. However, whilst details of a treatment plant have been provided, this relates to the tourist accommodation within the converted stables. It is not, therefore, specific to the appeal scheme.
17. It has also been suggested that bridging credits could be purchased from formal offsetting schemes in the area as an alternative mitigation method until the Chickenhall Lane sewage plant is upgraded. Notwithstanding this and whilst such credits may be available, no mechanism is in place, such as a s106 legal agreement, that would secure these. Therefore, despite the appellant's willingness

to implement the required mitigation, a level of uncertainty remains as to how it would be secured and monitored.

18. Although the use of a negatively worded condition could be used to secure the required mitigation, the Planning Practice Guidance is clear that a condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate other than in exceptional cases². Such circumstances include where there is clear evidence that delivery of the development would otherwise be at serious risk, particularly relating to complex schemes. In this case, the circumstances would also apply to other proposals for overnight accommodation within the catchment of the SPA and/or the SAC. As a result, this does not lead me to conclude the appeal scheme represents an exceptional situation that permits me to impose a negatively worded condition, even if the Council has recently done so on other planning permissions.
19. I conclude that the proposal would be likely to have a significant effect on the integrity of the SPA in respect to nitrates and the SAC with regard to phosphates, contrary to the requirements of the Habitats Regulations. It would also conflict with Strategic Policy SD9 of the Local Plan insofar as it reiterates the application of these regulations.

Other Matters

20. The proposal would provide social and economic benefits from the provision of additional and varied form of tourist accommodation within an area where income from overnight stays is currently under-represented in the economy. Environmental benefits would also be derived from the net gain in biodiversity habitat units. In combination, these benefits attract moderate weight in my decision.
21. Although limited information was submitted with the application regarding the sustainability of the proposals, the provision of additional tourism facilities will add to the types of opportunities for the enjoyment and understanding of the SDNP. I attach great weight to the role this would have in furthering the SDNP's purposes.

Planning Balance and Conclusion

22. Whilst I have found that the proposal would not harm the character and appearance of the area, including the SDNP, it would be likely to have a significant effect on the integrity of the nearby European designated sites, contrary to the requirements of the Habitats Regulations. I attribute significant weight to the harm which would result. Such harm is not outweighed by the moderate weight I attribute to the provision of additional tourist accommodation and the social, economic and environmental benefits which would follow or the great weight given to the benefits identified for the SDNP.
23. Therefore, the proposal is contrary to the development plan as a whole and material considerations do not indicate that it should be determined other than in accordance with it. For the reasons set out above, having had regard to all relevant matters raise, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR

² Paragraph: 010 Reference ID: 21a-010-20190723