
Appeal Decision

Site visit made on 27 June 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/Y9507/W/25/3365541

Downlands Farm, Ovenhay Copse Lane, Priors Dean, Petersfield, Hampshire GU32 1BP

- 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 & Mrs Bridger against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/01322/FUL.
 - The development proposed is change of use of agricultural barn to ancillary tourist accommodation to be used by the occupants of the tourist units at Downlands Farm only.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description used on the decision notice does not match that on the planning application form. I note that the appellants agreed to the change of description during the planning application process, as such, I have taken the description in the heading above from the decision notice, omitting superfluous wording.
3. The revised National Planning Policy Framework (Framework) has been published during the course of the appeal. The main parties have had the opportunity to comment through the usual appeal timetable deadlines and I have considered the revised Framework in my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the South Downs National Park (SDNP) with particular regard to tranquillity and lighting of the area,
 - the living conditions of the neighbouring properties by way of noise; and
 - biodiversity.

Reasons

Tranquillity and Lighting

5. The appeal site principally comprises a large, detached building with associated access and parking situated in the open countryside within the SDNP. Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended) (the NPAC Act) requires me to seek to further the purposes specified in section 5(1) of

the NPAC Act and if it appears that there is a conflict between those purposes, greater weight must be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Park.

6. The existing building is situated near the junction of Windmill Copse Lane, Manor Farm Lane and Slade Frame Lane. A public footpath runs along the eastern side of the appeal site. Part of the building has been converted into a holiday let, and there is a hardstanding area to the north and east of the building. The appeal site forms part of Downlands Farm, which also has a number of tourist accommodation units located approximately 450 metres (m) further to the south. The proposal would be served by the existing access near the junction of Windmill Copse Lane and Manor Farm Lane.
7. The SDNP Tranquillity Mapping shows that the appeal site itself would fall within the medium towards the higher end of the spectrum. It also lies within the Dark Sky Core, where the quality of the darkness is such that the skies are recognised as being intrinsically dark.
8. At my site visit I observed the special natural beauty of the area, the combination of undulating topography, expansive agricultural fields bordered by hedgerows, and clusters of trees which contributes to a strong sense of remoteness and tranquillity, reinforcing the area's distinctive rural character.
9. The appeal proposal is to convert part of the existing agricultural barn to create a communal facility for the benefit of guests staying in the tourist accommodation at Downlands Farm. A number of new windows are proposed on the front and side elevations, and all of these windows would allow light to be emitted from the proposed facility, which would be used throughout the year. As a result, it would introduce a new source of illumination in what is currently a relatively dark and unspoiled countryside. Given the site's location within the Dark Sky Core, this level of light emission would erode the area's intrinsic darkness and rural tranquillity. The adverse effect would be exacerbated by the proposed patio area, which would encourage outdoor use by guests, increasing levels of activity, noise and potential light spill in this otherwise tranquil location.
10. My attention has been drawn to the approved schemes at Four Tourist Lets, Exton Park Vineyard Promotional Building Office, and Hambledon Vineyard Visitor Centre and Office¹. The appellants suggest a condition, similar to these approved schemes, could be imposed to seek details of lighting. However, these schemes are different from the appeal proposal before me in terms of their location, nature and scale of the development. As such a comparison is of limited relevance in this instance. In addition, I am not convinced that such a condition would fully address my concerns as they are of a more fundamental nature.
11. The appellants have also expressed a willingness to accept some of the conditions that were suggested by the Authority. The accepted conditions seek to secure measures to mitigate light spill, including a restriction preventing the installation of any external lighting. However, I have not been provided with details of such mitigation measures, and I am not satisfied that they would adequately address

¹ SDNP/22/04072/FUL at Four Tourist Lets, SDNP/17/05199/FUL at Exton Park Vineyard Promotional Building Office, SDNP/16/03880/FUL at Hambledon Vineyard Visitor Centre and Offices.

the concerns I have identified, particularly given that the site is located within the Dark Sky Core, and its tranquillity is one of special qualities of the SDNP.

12. I have also given consideration to whether other suggested conditions could adequately mitigate the adverse effect. However, the proposed facility would extend such activity into a relatively undeveloped and tranquil part of the SDNP. In this context, I am not persuaded that the suggested conditions would fully address the harm that I have identified.
13. Accordingly, I conclude that the proposal would have an unacceptable effect on the qualities of the SDNP, and it has not been sufficiently demonstrated that the suggested conditions would be effective in ensuring the dark skies and tranquillity of the SDNP are conserved and enhanced. The proposal is therefore contrary to Policies SD1, SD7, SD8 and SD25 of the South Downs Local Plan 2014-2033 (SD Local Plan), which seek to conserve the landscape, natural beauty, wildlife and cultural heritage of the SDNP. It would also be contrary to paragraph 189 of the Framework which seeks to conserve and enhance the landscape and scenic beauty of a National Park.

Noise

14. The proposed communal facility would not be small in scale, and it would be large enough to accommodate for a number of guests. In addition, the proposal would introduce a patio area outside the building. Whilst the appellant's Noise Impact Assessment (NIA) indicates that external guest activities are not expected to be significant, the proposed building features a large expanse of bi-fold type doors and windows on the south elevation. In the absence of compelling evidence demonstrating that potential music noise breakout would remain acceptable when these doors and windows are fully open, any noise associated with the external activities is likely to be noticeable, particularly given that the site and its surroundings are located within a tranquil environment.
15. As indicated by the Authority, there are a number of properties within the region of 750m radius of the appeal site. The NIA only identified few properties including the existing tourist accommodation units in Downlands Farm. Given the rural and tranquil setting, it would be likely that neighbouring properties including those in the wider area, would potentially experience a degree of noise as a result of the proposal.
16. The appellants contend that the facility would be used solely by on-site guests, however, limited information has been provided to demonstrate how this arrangement would be effectively managed and complied with. Furthermore, the intensity and duration of guest activities may vary between summer and winter. It is likely that guests may choose to stay in the proposed outdoor space for longer periods to take advantage of the dry summer weather. As a result, neighbouring properties are likely to experience higher level of a noise during this season.
17. The appellants suggest that the proposal would support and encourage sustainable travel patterns by enabling guests to stay on site. The proposal would though have its own vehicular access to the junction of Windmill Copse Lane / Manor Farm Lane, in addition to the tourist accommodation units located to the south of the appeal site. It would also provide 10 designated parking spaces within the site. Consequently, this arrangement would result in increased noise within a tranquil part of the SDNP, associated with the related vehicular movements,

thereby adversely affecting the living conditions of the neighbouring properties in the area.

18. The Council's Environmental Health Officer does not explicitly object to the proposal and suggests conditions to limit specific periods of the day and time for the use of the building, including music playing during the suggested hours. Whilst the appellants have expressed a willingness to accept conditions, the proposal would result in an increase in level of outdoor activities, including gatherings outside the building and vehicle movements to and from the appeal site, within a tranquil and rural area of the SDNP. In addition, these suggested conditions appear difficult to enforce, given that part of the building has already been converted into a holiday let. It would be challenging to distinguish activities arising from the proposed use from those associated with the existing use. Therefore, I am not satisfied that the suggested conditions would meet the tests set in paragraph 57 of the Framework, and they would not be sufficient to address the harm that I have identified.
19. Overall, I conclude the proposed development would have an unacceptable effect on the neighbouring properties in the wider area. This would be contrary to Policies SD5 and SD7 of the SD Local Plan, which requires development proposals to adopt a landscape-led approach and conserve and enhance relative tranquillity of the area, and it would not comply with paragraph 189 of the Framework for similar reasons.

Biodiversity

20. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduces a statutory framework for biodiversity net gain (BNG). Unless exempt, the proposal would be subject to the mandatory BNG condition that requires a BNG of at least 10%. The BNG conditions applies to all major development submitted after the 4 February 2024 and all minor development submitted after the 2 April 2024. In this case, the floor space subject to the appeal would be in the region of 323 square metres and the site area, as stated in the planning application form, is less than 1,000 square metres. As such, the proposal would be considered as a minor development. As the evidence provided shows that the planning application was submitted on the 28 March 2024 to the Authority via Planning Portal, then I am satisfied that the BNG condition does not apply to the appeal proposal.
21. Policy SD9 of the SD Local Plan requires development proposals to conserve and enhance biodiversity and geodiversity. Paragraph 5.72, the supporting text, states that trees, woodland and hedgerows are distinctive features of the National Park. Non-woodland trees, including hedgerows, make an important contribution to landscape character and ecosystem services. The appellant's Design and Access Statement and the Ecosystem Services Statement dated March 2024 indicate that the existing trees and vegetation on the appeal site will be retained, with additional planting of native species and the potential installation of bat and bird boxes are proposed. Whilst the drawings provided has not showed details of planting or the suggested bat and birds boxes, I am however satisfied that such matters could be dealt with via a planning condition requiring full details to be provided. Such a condition could be imposed were the appeal to be allowed.

Other Matters

22. The appellants state that there is a fallback position whereby a temporary marquee could be erected on land at Downlands Farm under the General Permitted Development Order. Whilst I accept that a marquee could be erected. It would be in all likelihood a temporary structure. In addition, as a matter of my planning judgement, the effects would be less on the basis it would be temporary. Therefore, I ascribe the fallback position limited weight, and it does not change my overall decision.
23. There would be some economic benefits due to the conversion of the building and ongoing expenditure in the area from the guests. Notwithstanding my concerns over tranquillity and noise, there would also be some environmental benefits when the guests may choose to use the communal facility and stay close to the site. There would also be a re-use of an existing building. However, the combination of these benefits would be limited due to its modest scale. I consider that the benefits would not outweigh the identified harm to the natural beauty of the area comprised in the SDNP and as regards noise.

Conclusion

24. The proposal conflicts with the development plan when taken as a whole and there are no material considerations to indicate that the decision should be taken other than in accordance with it. Therefore, the appeal is dismissed.

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INSPECTOR