
Appeal Decision

Hearing held on 20 August 2025

Site visit made on 20 August 2025

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/Y9507/W/25/3364884

Sandy Meadow Farm, Bignor Park Road, Bignor, West Sussex, RH20 1HQ

- 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 William Smith against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/00197/FUL.
 - The development proposed is 5 pitch settled gypsy accommodation site including landscaping and biodiversity enhancements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted at my site visit that development had occurred at site with the siting of three mobile homes. These are not in accordance with the submitted layout and for the avoidance of doubt I have treated the scheme as a proposal.
3. The development plan includes the Bury Neighbourhood plan 2017-2032 made in 2018 (the NP). It does not contain any policies specifically regarding gypsy and traveller sites and the development outside of the settlement boundary would be contrary to Policy 4 of the NP.
4. Although not a reason for refusal the Council has raised concern regarding the status of some of the proposed residents of the appeal site. It confirmed at the Hearing that it does not dispute the gypsy and traveller status of the appellant. It also agreed that as I am considering this appeal for 5 gypsy and traveller pitches then the occupancy would be for a matter for the Council to consider should the appeal be allowed, especially as there is no dispute regarding the appellant. I have proceeded on that basis.

Main Issues

5. The main issues are:
 - The effect of the proposal on ancient woodland;
 - The effect of the proposal on the Arun Valley designated sites as Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Area (SPA) and Ramsar with regard to water neutrality;

- The effect of the development on the Mens Special Area of Conservation and the Ebernoe Common Special Area of Conservation;
- The effect of the proposal on the character and appearance of the area; and
- Whether or not there are other considerations weighing in favour of the proposed development.

Reasons

Ancient woodland

6. Standing Advice from Natural England advises that ancient woodland takes hundreds of years to establish and is an irreplaceable habitat and a valuable natural asset, important for matters including wildlife, soils, carbon capture and storage among other things. It goes on to state that development including construction and operational activity can affect ancient woodland. It therefore recommends that proposals should have at least a 15 metre buffer zone where development should not be approved.
7. Due to the narrowness of the appeal site this would not be achievable. However, my site visit confirmed that there would be no need to construct hardstanding or hook ups, or a utility block on the site. Furthermore, the existing site access and turning area would be suitable for the proposal. Consequently, the only likely ground disturbance would be the requirement for ground water tanks to achieve water neutrality on the site if that method were to be pursued.
8. Any underground works would need to be 15 metres away from the ancient woodland. However, this could not be achieved on the appeal site. In the absence of any workable solution within the appeal site, it is likely that their installation together with necessary pipework would lead to harm to the ancient woodland through damage to roots and soil compaction from excavation work. Given the restricted nature of the appeal site, it would not be reasonable to impose a condition on this matter.
9. For the reasons above the proposal would cause harm to the ancient woodland. It would therefore be contrary to policies SD1, SD9 and SD11 of the Local Plan, Policy 16 of the NP and the Framework. Together they require that development conserves or enhances the natural beauty of the area, biodiversity and trees and woodlands.

Protected sites

Arun Valley

10. The Arun Valley SPA, SAC and Ramsar sites consist of low-lying grazing marsh, largely on alluvial soils with an area of peat derived from a relict raised bog. The conservation objectives for the protected sites are to ensure that the integrity of the site is maintained or restored as appropriate; and ensure that the site contributes to achieving the aims of the Wild Birds Directive.
11. The qualifying features of the Arun Valley SAC & SPA include its assemblage of waterfowl, in particular shoveler, teal, widgeon, and Bewick's swan, and its populations of little whirlpool ramshorn snail. The features of the Arun Valley Ramsar include seven threatened wetland invertebrate species, four nationally

rare, and four nationally scarce plant species, with diverse and rich flora including species of duckweed, watercress, milfoils, dropworts, and pondweeds. There are also three Sites of Special Scientific Interest which underpin the designations.

12. The evidence before me confirms that the appeal site is within the Sussex North Water Supply Zone. Natural England has advised that within this area it cannot be concluded that groundwater abstraction is not having an adverse effect on the integrity of designated sites which include the Arun Valley protected sites.
13. Consequently, the use of the appeal site for five permanent pitches would see an increase in use of water over and above that used on an intermittent basis in association with recreational use. It would also be used all year round. As a result, the increased water usage would have a likely significant adverse effect on the qualifying features of the Arun Valley protected sites and their conservation objectives. As the competent authority I have therefore carried out an Appropriate Assessment.
14. The appellant put forward two alternative mitigation strategies. The first is The Sussex North Water Certification Scheme. This is a joint initiative supported by all the authorities affected by water neutrality including the South Downs National Park. However, it is not yet operational but due to launch later this year. There is also criteria to ascertain whether a proposal would be eligible. This scheme is not therefore currently available.
15. The other mitigation is outlined in the appellant's water neutrality report and water management plan (the management plan) which outlines water demand from the proposal how this will be reduced by way of efficient fittings on the development and how the demand will be met through a rainwater harvesting system which would provide for all the demand for water on the appeal site.
16. Although Natural England advice is that the baseline figure should reflect unmitigated water consumption, rather than mitigated as used in the management plan, it has confirmed that it is content with the management plan and that it would achieve water neutrality. Accordingly, even though the calculations use an occupancy figure obtained from the census figures for Horsham District Council (1.88 persons per unit) rather than for Chichester District (2.4 persons per unit) where the appeal site is located, given that Natural England is satisfied I see little reason to disagree. The proposal lists one resident per caravan, while this would be difficult to control in any way, based on the evidence before me the proposed management plan would ensure that the scheme would be water neutral. Natural England has also confirmed that this could appropriately be secured by means of a condition. I agree.
17. For the reasons above, I conclude that the proposal would not lead to a significant adverse effect on the integrity of the Arun Valley designated sites as SSSI, SAC, SPA and Ramsar with regard to water neutrality. It would therefore comply with policies SD1, SD9 and SD17 of the Local Plan, the Framework and the Habitat Regulations. Together these require that development conserves and enhances the natural beauty, biodiversity and water quality and quantity.

Special Area of Conservation (SAC)

18. Although not a reason for refusal, I have a duty to consider the effect of the proposal on protected sites. The matter was discussed at the Hearing. The appeal

site lies within the 6.5km buffer of The Mens SAC and the 12km buffer of Ebernoe Common SAC. The qualifying features for both are beech forests and the Barbastelle bat. The Ebernoe Common SAC also supports the Bechstein's bat. The appeal site is also bordered to the north and south by both bat home and movement networks. Thus, the appeal site has a potential to support foraging bats and have potential implications on the integrity of both SACs.

19. Bats can be sensitive to new development disrupting their roosting and foraging, with specific regard to artificial light and increased activity. The appellant's case is that the proposal would not be materially more intrusive than the occasional camping and caravanning that has taken place on the site in terms of lighting and activity. Therefore, there would be no effect on bat activity.
20. This seems reasonable to me. While the caravans would be on site for longer periods, there would be no increase in the extent of lighting from their relatively small windows. Furthermore, activity would not be materially increased. With a condition restricting any further lighting on the site I am satisfied that there would not be a significant adverse effect on the integrity of the SACs. I note that Natural England share this view.
21. For the reasons above the proposal would not conflict with policies SD1 and SD9 of the South Downs Local Plan 2019, the Framework and the Habitat Regulations. Together these require that development conserves and enhances the natural beauty, wildlife and biodiversity.

Character and appearance

22. The appeal site lies in the South Downs National Park, the purposes of which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks for the public.
23. The appeal site lies within the landscape character type L1: Rother Valley Mixed Farmland and Woodland Vales as defined in the South Downs Integrated Landscape Character Assessment (LCA) 2020.
24. The LCA identifies the undulating agricultural landform interspersed with permanent pasture grassland and large expanses of woodland. Many of the woodlands are of ancient origin. I observed at my site visit that the area around the appeal site demonstrates these key characteristics together with hedgerows. The result is a tranquil landscape that contributes positively to the local area and the National Park as a whole.
25. The appeal site forms a long thin strip of land accessed by a narrow track from a byway. To the north and south it is enclosed by ancient woodland. There is vegetation at the eastern end. The western end is more open, nevertheless views into the site from the access track, are restricted by the land levels and a laurel hedge that has been planted. The site is mostly hard surfaced with an access track running along the south side. It has some grass covering the hard surface beneath.
26. There are a number of buildings on the site including a pigeon shed, utility block, toilets and a container. Furthermore, there are some hook ups as the site has had the benefit of use for camping and caravanning for five pitches certified by the

Camping and Caravanning Club. There is no dispute that such a use could still occur subject to necessary certification and the Enforcement Notice recently served by the Authority does not require such recreational use to cease or the removal of hook ups, hardstanding or existing buildings on the site.

27. The site is unremarkable and although there are structures on the site, they are small scale, single storey and do not detract from the overall beauty of the area. Consequently, the appeal site contributes positively to the character and appearance of the area.
28. I accept that the proposal would materially change the character of the area as concluded by the Inspector in a recent appeal decision¹ where it was described as permanently shifting the character and appearance of the land in an urban direction. There would be five permanent pitches as opposed to those for recreational purposes. In the latter case it is unlikely that the site would not be used or busy in the winter months. Furthermore, recreational use would be much more intermittent. With permanent residential properties there would be an element of personalisation in terms of gardening, washing lines, other domestic paraphernalia to the exterior of the homes leading to urbanisation of the site. The question is whether that change to the character causes material harm. Due to its position, I saw that it is unlikely that it would be seen from anywhere other than the immediate confines of the appeal site. The dense woodland that surrounds the appeal site contains undergrowth which shields views of the site from the wider area including the nearby byway which I walked and could not see the homes on the appeal site. From the denseness of the cover, it is highly likely this would also be the case in the winter months when the trees lose their leaf. Furthermore, the homes would be single storey, unobtrusive, modest structures. Consequently, they would not be obtrusive, nor would they undermine the essential characteristics of the area.
29. There would be an increase in vehicle movements as well as the potential for increased lighting, which may impact on the tranquillity and dark night skies, particularly given the relatively isolated position of the appeal site. However, the site could be used for five pitches for recreational purposes with the necessary consents. Any use over and above this is likely to be minor in terms of traffic movements. Furthermore, the structures are small, single storey with small window areas. Restrictions on external lighting could be imposed via a condition. Therefore, any increase in lighting would also likely be very minor.
30. There was discussion at the Hearing as to whether a lack of visibility equated to no harm. I do understand that point of view. However, even with the homes in place the undulating agricultural landform interspersed with permanent pasture grassland and large expanses of woodland characteristics of the landscape would remain and be respected. Furthermore, the appearance would not be materially altered from any public vantage point for the reasons described. Consequently, the natural beauty of the area would be maintained. Moreover, opportunities for the understanding and enjoyment of the special qualities of the National Park by the public would not be harmed.
31. For the reasons above the proposal would not harm the character and appearance of the area and would preserve the natural beauty of the area. Hence there would

¹ APP/Y9507/C/25/3358558 & APP/Y9507/C/25/3358607

be no conflict with policies SD1, SD2, SD4, SD5, SD7 and SD8 of the Local Plan, Policies 2, 13, 14 and 15 of the NP, the purposes of the designation of the National Park and the Framework. Together these require that development conserves and enhances the natural beauty of the area, landscape character, relative tranquillity and intrinsic quality of dark night skies as well as being of good design and respect local character.

Other Matters

32. The appeal site is in an isolated position, and it was agreed at the hearing that it is likely residents would be reliant on the car to access services and facilities given the lack of convenient alternatives. However, given that there is acceptance in the Planning Policy for Travellers Sites (PPTS) that sites may be in rural areas this does not weigh against the proposal. The proposal would not dominate the nearest settled community.

Material Considerations

Need/supply

33. It is agreed in the Statement of Common Ground that the Authority has an unmet need for 14 gypsy pitches in the Chichester District part of the National Park for the period 2024-2042.
34. Policy SD33 of the Local Plan is the current policy that Gypsy and Traveller pitches are considered against and this is a criterion based policy. Parties agreed at the Hearing that the proposal does not conflict with the requirements of this policy.

Alternative Sites

35. It was agreed at the Hearing that there are no other suitable and available pitches available for the proposed occupiers.

Personal circumstances

36. The appellant has submitted details of the medical history of the proposed resident of each pitch. Each has medical issues which require treatment, and the specific circumstances of the site are described as contributing to the general wellbeing of each occupant. If the proposed occupiers are unable to live on the site, they would have to revert to roadside accommodation. Having their own home would be a better option and prevent doubling up in existing accommodation and living on the road. Furthermore, having a settled base would benefit all, allowing them access to health care as well as peace and security, which would contribute positively to their overall health.

Balance and Conclusion

37. In exercising my function on behalf of a public authority, I am also consciously aware of my duties under the Public Sector Equality Duty (PSED) contained within the Equality Act 2010 which sets out to eliminate discrimination, harassment and victimisation, advance equality and foster good relations, and the protected characteristics under the PSED, including for Gypsy and Traveller groups. I am also aware of my duties under Article 8 of the Human Rights Act 1998 (Article 8) that bestows the right to private and family life and for the home.

38. I have found that the proposal would cause harm to ancient woodland, as well as being contrary to Policy 4 of the NP with regards to its location, conflicting with the development plan as a whole.
39. Balanced against this is the lack of suitable, available, affordable and acceptable alternative accommodation for the prospective occupiers at this time, together with the personal circumstances of the appellant to which I give substantial weight. Furthermore, significant weight is given to the provision of 5 pitches at a time when there is an undersupply of pitches, particularly given the proposal would accord with the specific policy relating to gypsy and traveller sites in the development plan. However, in accordance with the Framework development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused unless there are wholly exceptional reasons. While there are substantial reasons, they are not wholly exceptional and the harm caused provides a strong reason for refusal, negating the need to carry out a balance under paragraph 11dii of the Framework. Cumulatively the weight given to the other considerations would not outweigh the conflict with the development plan.
40. The intended future occupiers live on the appeal site and dismissal of the appeal is likely to lead to circumstances where they are faced with a life on the road which would exacerbate their health issues. This would be an interference with their rights to a family life and to establish a home to facilitate a gypsy way of life but given the clear public interest in protecting the ancient woodland ensuring that new development meets the provisions of the development plan, I am satisfied that the dismissal of the appeal is necessary and proportionate.
41. For the reasons above I conclude that the appeal is dismissed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Philip Rowe	Agent
Mr William Smith	Appellant
Mr Simon Phillips	Resident of site

FOR THE LOCAL PLANNING AUTHORITY:

Mr Derek Price	Principal Planning Officer, South Downs National Park area team, Chichester District Council
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DOCUMENTS SUBMITTED AT HEARING

1. Sussex North Water Certification Scheme

DOCUMENTS SUBMITTED AFTER THE HEARING

- A. Response by the SDNPA to the appellants water management plan
- B. Response from the appellant regarding water neutrality