



Appeal Decision

Site visit made on 12 January 2026

by **Paul T Hocking BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 February 2026

Appeal Ref: APP/Y9507/C/23/3329374

Green Lanes Farm, Back Lane, Forestside, Stoughton, West Sussex PO9 6EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr J Stilwell of Green Lanes Farm against an enforcement notice issued by South Downs National Park Authority.
 - The notice was issued on 2 August 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a barn and the construction of a concrete hardstanding.
 - The requirements of the notice are: (i) Dismantle and remove the said barn from the Land; and (ii) Break up and remove the said concrete hardstanding from the Land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Application for Costs

2. An application for costs was made by Mr J Stilwell of Green Lanes Farm against the South Downs National Park Authority. This application will be the subject of a separate Decision.

Preliminary Matter

3. There has been a revised National Planning Policy Framework (the Framework) published by Government since the enforcement notice was issued. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

The ground (a) appeal

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area, having particular regard to its location within the National Park;
 - living conditions of nearby residential occupiers; and,
 - surface water drainage and the management of slurry/effluent.

Reasons

5. The site relates to a modest sized agricultural holding, occupied by a number of buildings. Surrounding the site are predominantly fields, albeit there are some residential properties in relatively close proximity. The development relates to the erection of an open fronted barn for the housing of livestock, as well as an area of associated hardstanding.

Character and appearance

6. The Authority accept that the building and hardstanding are of a form and design commonly associated with its agricultural setting. The building is utilitarian in appearance and of modest proportions, particularly its depth and height, when seen in the context of the other buildings and boundary vegetation that provides screening.
7. Whilst the site is modest in size, the building and hardstanding are then located to the rear of other buildings and largely surrounded by hedgerows. Accordingly, whilst the amount of built form has undoubtedly been increased, it consequently does not have an adverse impact upon the wider National Park landscape and so conserves and enhances it.
8. I accept there has been some cumulative change at the site over more recent years in terms of the amount of built development and that it is also important to conserve and enhance relative tranquillity. However, there is little evidence that the perceptual quality of the landscape has been adversely impacted by the otherwise modest proportions and appropriate location of the building and hardstanding.
9. I conclude the development is not harmful to the character and appearance of the area, having particular regard to its location in the National Park, and accords with Policies SD4, SD5 and SD7 of the South Downs Local Plan, July 2019 (the LP). These policies, amongst other things, require that the design, layout and scale of proposals conserve and enhance existing landscape, that development contributes to local distinctiveness and sense of place through its relationship to adjoining buildings and conserves and enhances relative tranquillity. For the same reasons the development seeks to further the first statutory purpose of National Parks and accords with the achieving well-designed places and conserving and enhancing the natural environment objectives of the Framework.

Living conditions

10. The site is within a National Park, but it still remains a working landscape and so activities and movements associated with operating in the countryside are to be reasonably expected. A noise impact assessment has also been undertaken which concludes there is little to suggest that noise from the activities occurring on the farm are significant enough to be regarded as a nuisance at the nearby receptor in this location – being the nearest residential property.
11. The site has also been used for the housing of livestock since at least 2018, and so I do not accept that it is a relatively new holding. Given this use and the background to it, I also accept that the development does not result in a greater number of livestock at the site. There is accordingly little evidence that the tranquillity of the immediate area or the quiet enjoyment of occupiers of nearby

residential properties has been significantly undermined by the development in terms of either noise, odour or flies. I also note that the Environmental Protection department for the National Park have not raised an objection.

12. I conclude the development is not harmful to the living conditions of nearby residential occupiers and accords with Policy 54 of the LP which requires for development to not have a significant negative effect on people in terms of noise and odour, amongst other things.

Drainage

13. The Authority is concerned to ensure the drainage system can satisfactorily deal with the effluent generated from the use of the site. I accept it is necessary to ensure that adequate systems and measures are in place in respect of surface water drainage and the management of slurry/effluent to protect the natural environment. This can be achieved by means of a suitably worded planning condition.
14. The Natural England guidance brought to my attention by the Authority then relates to various types of residential as opposed agricultural developments. Accordingly, there is little evidence that the development before me is of a type where there is specific concern about nutrient loading within the Solent catchment. Even taken on a case-by-case basis, as there is no increase in livestock numbers the development does not facilitate the potential to release additional nitrogen and/or phosphorus into the wastewater system. I consequently have little evidence to demonstrate that further habitat or environmental assessment is required.
15. I conclude that subject to a suitably worded planning condition the development would not be harmful to surface water drainage and the management of slurry/effluent and accord with Policies SD9 and SD17 of the LP which requires, amongst other things, for development to conserve and enhance biodiversity and protect the water environment. For the same reasons the development accords with the conserving and enhancing the natural environment objectives of the Framework.

Other Matters

16. I appreciate there may have been objections to a retrospective planning application and there is perhaps some concern about development that has taken place more generally at the site. I must however consider the development before me on its individual planning merits.

Planning Conditions

17. The Council has suggested one planning condition in the event the appeal was to be allowed.
18. The deemed planning application only relates to a building and hardstanding. It would therefore be unreasonable to require the cessation of the keeping of livestock within this part of the site should the planning condition not be adhered to. Given the condition can otherwise be enforced, it is also not reasonable or necessary for the building and hardstanding to be removed in such circumstances.
19. A period of 2 months for the appellant to provide details of surface water and slurry/effluent disposal systems would then be appropriate. However, because

those systems are currently unknown, a period of 2 months to fully construct and use those systems, as well as to maintain these thereafter, would be more reasonable.

Conclusion

20. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered.

Formal Decision

21. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a barn and the construction of a concrete hardstanding on land at Green Lanes Farm, Back Lane, Forestside, Stoughton, West Sussex PO9 6EB referred to in the notice, subject to the following condition:
1. Within 2 months of the date of this permission, details of surface water and slurry/effluent disposal systems shall be submitted to the Local Planning Authority for approval in writing. Within 2 months of the date of the final approval by the Local Planning Authority, the surface water and slurry/effluent disposal systems shall be fully constructed and used in strict accordance with the approved details and thereafter used and maintained in accordance with the approved details.

Paul T Hocking

INSPECTOR