Planning Inspectorate

Appeal Decision

Hearing held on 20 October 2026

Site visit made on 21 October 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2026

Appeal Ref: APP/Y9507/C/25/3374380
Land South of Jobsons Cottage, Jobsons Lane, Lurgashall, West Sussex GU27 3BY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Benjamin Percival against an enforcement notice issued by South Downs National Park Authority.
- The notice was issued on 28 August 2025.
- The breach of planning control as alleged in the notice is: Without planning permission the material change of use to a mixed use for the stationing of a mobile home for residential use and agriculture.
- The requirements of the notice are to:
  - i) Cease the use of the Land for the stationing of a mobile home
  - ii) Remove the mobile home from the Land
  - iii) Remove the septic tank in the approximate location identified on the attached Plan from the Land
  - iv) Break up and remove the concrete hardstanding in the approximate location identified on the Plan from the Land
  - v) On completion of steps iii) to iv) above, level the Land and re-seed with grass.
- The period for compliance with the requirements is: Three months after this notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

The Enforcement Notice

1. In the Statement of Common Ground (SOCG), the parties agree that the development subject to the appeal comprises the mobile home and associated infrastructure within Percival Farm. This is reflected in the requirements of the notice, which refer to the removal of the septic tank and hardstanding, and the accompanying plan, which identifies their locations. Considering this agreed position, it is necessary to amend the allegation to refer to the associated infrastructure.

2. Requirement i) requires cessation of the use of the land for stationing a mobile home, whereas the allegation concerns a material change of use to a mixed residential and agricultural use. To align the requirement with the allegation, I have varied requirement i) to require the cessation of the mixed use.

3. Requirement v) requires the land to be levelled and re-seeded with grass. However, this does not necessarily reflect its condition before the breach took place. I have therefore varied this requirement to require restoration of the land to its condition before the breach, consistent with section 173(4)(a) of the Act.

4. The correction and variations set out above were agreed by both parties at the hearing, and I am satisfied that they would not cause injustice to either party.

Appeal on Ground (a) and the Deemed Application for Planning Permission

5. An appeal under ground (a) is that planning permission should be granted for the corrected matter alleged. The **main issues** are:

- Whether the appeal site is a suitable location for the stationing of a mobile home for residential use, having regard to the development plan's spatial strategy, its policies concerning development in the countryside, and whether there is an essential need for a rural worker to live at the site;
- The effect of the development on the landscape and scenic beauty of the South Downs National Park, including its tranquillity and dark night skies; and
- The effect of the development on the Ebernoe Common Special Area of Conservation SAC, Mens SAC and ancient woodland.

Reasons

Location and Need

6. The appeal site lies within the South Downs National Park, outside any defined settlement boundary, and is therefore within the countryside, where the South Downs Local Plan[1] (Local Plan) adopts a restrictive approach to development. Policy SD25 of the Local Plan provides limited exceptions, including where there is an essential need for a countryside location. Consistent with this approach, Policy SD32 permits temporary dwellings for agricultural workers where they are essential to support a new or established agricultural enterprise, subject to five criteria considered below.

a) There is a firm intention and ability to develop the enterprise

7. The appellant describes the farm as a fully operational and expanding business. At the hearing, he outlined investment already made, approval of a Countryside Stewardship grant for fencing, the removal of non-native trees and plans for further fencing and grant applications to support regenerative farming. These demonstrate a firm intention to develop the enterprise and provide some evidence of ability. However, the resources needed to deliver the planned development, and how they would be secured, remain unclear. Uncertainty arising from the enforcement notice may explain a reluctance to invest further but does not fill this evidential gap. While a firm intention has been established, the necessary ability has not been sufficiently demonstrated.

b) There is a clear functional need to support the enterprise

8. The appellant's case for living on site rests on practical and animal welfare needs across the whole farm, rather than just the land identified on the enforcement notice plan. He asserts that outdoor farrowing may require intervention to assist sows, prevent piglet crushing and monitor newborn piglets. He also refers to the need to assist ewes experiencing difficulties during lambing and to monitor calves for health or welfare problems. The livestock calendar shows spring lambing by the

[1] Adopted 2 July 2019

Shetland ewes, staggered and out-of-season lambing by the Dorset ewes, and year-round farrowing, calf monitoring and risks of other livestock emergencies. Although the calendar is indicative and does not suggest that a welfare incident will occur in every month, the appellant relies on the overlap between those requirements and the unpredictability of births, illness, injury, predation and containment failures as requiring a stockperson to be readily available on the holding.

9. I acknowledge the need for livestock care and supervision, but the question is whether this requires a worker to live on site. The appellant's updated statement identifies approximately 55 pigs, including 31 breeding sows, 40 ewes and six calves across the approximately 50-acre holding. He explained that around one sow farrows each month. Successive litters may require monitoring at the same time, while staggered lambing spreads the need for supervision across the year. Calves require year-round monitoring and may deteriorate rapidly, and the appellant stated that piglets may need a response within an hour during their first few weeks. Nevertheless, there is little detail about checking arrangements, particularly overnight, or the frequency of overnight incidents. Therefore, the evidence does not adequately explain why these combined monitoring and response requirements could not be met by a worker living nearby.

10. The appellant accepted that he would not hear sows located away from the mobile home. Living on the holding would therefore shorten attendance times once a problem was identified but would not necessarily enable its detection. He could, however, recognise signs that farrowing was imminent, providing some scope to arrange closer supervision, even though not every complication could be anticipated. The staffing evidence must be considered in this context. Although he refers to standard labour requirements and the additional demands of organic management as indicating a workload equivalent to around three full-time workers, the appellant clarified at the hearing that he works full-time, assisted by one part-time worker for two hours each day, allowing him a morning break. I recognise the demands this places on him. Nevertheless, the overall workload and limited staffing arrangements do not, in themselves, establish that the necessary supervision requires residence on the holding rather than nearby.

c) The enterprise has been planned on a sound financial basis.

11. The appellant stated that he holds feed purchase records, evidence of livestock payments and deliveries, and bank statements, but these have not been submitted. I acknowledge the investment already made, APHA registration, the approved Countryside Stewardship grant and his references to livestock sales. However, these do not provide a sufficient picture of the enterprise's income, operating costs or funding requirements. Without supporting financial information, I cannot assess whether its existing and planned operations have been adequately costed and can be funded. The evidence therefore does not demonstrate that the enterprise has been planned on a sound financial basis.

d) The location would be suitable for a permanent agricultural dwelling

12. The mobile home is located on the holding, close to an existing agricultural building. Its relationship to the enterprise and existing built development weighs in favour of the location. However, the landscape and ecological concerns addressed

below mean that its suitability for a permanent agricultural worker's dwelling has not been demonstrated.

e) It is easily dismantled and/or taken away

13. It is common ground that the mobile home can be easily dismantled and removed from the site. I therefore find that criterion (e) is satisfied.

14. For these reasons, an essential need for a rural worker to live at the site has not been sufficiently demonstrated. The development therefore fails to qualify for the exception to the restrictive approach to residential development outside settlement boundaries and conflicts with Policies SD25 and SD32 of the Local Plan.

South Downs National Park

15. The site lies within the South Downs National Park (SDNP). Its statutory purposes are to conserve and enhance its natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of its special qualities by the public. Under section 11A(1A) of the National Parks and Access to the Countryside Act 1949, as amended by section 245 of the Levelling-up and Regeneration Act 2023, I must seek to further these purposes in determining this appeal.

16. Consistent with these purposes, Policy SD4 of the Local Plan permits development only where it conserves and enhances landscape character. Among other things, proposals must reflect their landscape context; conserve and enhance existing landscape features through their design, layout and scale; and safeguard the landscape's experiential and amenity qualities.

17. The mobile home's modest scale, timber cladding and low-pitched roof reflect aspects of its agricultural and wooded landscape context. However, its glazed doors, curtained windows and entrance steps give it a domestic appearance, reinforced by the timber seating, ornamental planters and fire pit I observed in the adjoining grassed area. A post-and-rail fence encloses this area, with a bark-covered path leading to the gate. Neither the path nor the fencing is inherently domestic, and the fencing is not itself the subject of the notice. Rather, it is the residential use of the mobile home and adjoining area, together with the associated domestic features, that gives this part of the site a domesticated character at odds with the surrounding agricultural landscape.

18. It is common ground that the development is visible from the public footpath near the holding's boundary and from Jobsons Lane. Although the mobile home stands beside an existing agricultural building, that building is dilapidated and does not form part of an established group of farm buildings within which the residential development would be assimilated. Its proximity provides some visual association with agricultural development but does not integrate the mobile home and its associated residential use into the existing pattern of development. I acknowledge the appellant's intention to rebuild the agricultural building, but that intention does not alter the development's present relationship with its landscape context.

19. Surrounding woodland and hedgerows contribute to the landscape's distinctive character and provide some containment, so views of the development are not continuous. Allowing the roadside hedge to grow, providing further native planting and securing temporary screening by condition would soften its appearance and

further filter views. However, these measures would reduce visual exposure rather than overcome the change in landscape character arising from the residential use and associated domestic features. Although agricultural buildings and activity form part of the character and evolution of a working National Park landscape, the mobile home and its use are perceived as residential development rather than as part of an established farmstead.

20. The residential use also introduces domestic activity into the agricultural setting, including visits by the appellants partner, who does not live on the site, and food deliveries. These activities are modest in scale and occur alongside existing agricultural activity and vehicle movements. Nevertheless, the additional domestic activity diminishes the landscape's relative tranquillity to a limited degree, failing to safeguard its experiential and amenity qualities as required by Policy SD4(1)(c). Furthermore, although there is no external lighting, light may spill from the mobile home's windows and glazed doors into the otherwise dark surroundings, potentially reducing the sense of darkness experienced in this location.

21. The appellant considers that a conventional caravan would be more conspicuous and that alternative locations elsewhere on the holding would be more exposed. Even accepting those comparisons, they do not establish that the development in its present form and position conserves and enhances landscape character. The residential use of the mobile home and adjoining area, together with the associated domestic features, gives this part of the site a domesticated character that is at odds with its predominantly agricultural setting and is not assimilated into an established farmstead. Despite its modest scale, timber finish and partial screening, the development's design and layout do not adequately reflect the landscape context or conserve and enhance its distinctive character and pattern, as required by Policy SD4(1)(a) and (b). Together with the limited adverse effect on tranquillity identified above, this results in conflict with Policy SD4 and detracts from the landscape and scenic beauty of the SDNP.

22. For the reasons above, the development adversely affects the landscape and scenic beauty of the South Downs National Park and, to a limited degree, its tranquillity. Insufficient information has also been provided to demonstrate that light spill would safeguard the intrinsic quality of its dark night skies. The development therefore conflicts with Policies SD1, SD4, SD5, SD6 and SD7 of the Local Plan insofar as they seek to conserve and enhance landscape character, safeguard public views, secure sympathetic design and protect tranquillity. Moreover, in the absence of sufficient information about light spill, compliance with Policy SD8's requirement to safeguard dark night skies has not been demonstrated.

Ebernoe Common Special Area of Conservation SAC, Mens SAC and Ancient Woodland

23. The appeal site lies within the 6.5km buffer zone of the Ebernoe Common SAC, the 12km buffer zone of the Mens SAC and part of the site is designated as ancient woodland. Both SACs support qualifying populations of bats, which are European protected species and depend on supporting habitat beyond the designated boundaries. This functionally linked habitat includes foraging areas, supporting roosts and flight lines or commuting routes connecting them.

24. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) impose a duty on the competent authority to consider whether a development is likely to have a significant effect on such sites, either alone or in combination with other plans or projects. Where likely significant effects cannot be excluded, and the development is not directly connected with or necessary to the management of the sites, an appropriate assessment of its implications for their conservation objectives is required. Subject to regulation 64, permission may be granted only after ascertaining that the development would not adversely affect the integrity of the sites.

25. The mobile home stands approximately 2–3 metres from ancient woodland, where light spill from its residential use could disturb commuting and foraging Bechstein's and barbastelle bats. The relevant conservation objectives include maintaining or restoring the qualifying bat populations and the extent, distribution, structure and function of their supporting habitats. Disturbance from light spill could impair the woodland's function as foraging and commuting habitat, potentially undermining those objectives.

26. The Authority considers that light levels exceeding 0.2 lux at the woodland edge would be harmful. Although lighting within the mobile home is limited, the appellant accepted that no lighting survey had been undertaken and that an assessment would need to be commissioned to establish the extent of light spill. Whilst the appellant stated that he had undertaken ecological assessments, no written record of their scope, findings or conclusions has been provided. His account does not therefore resolve the uncertainty concerning the extent or effects of light spill from residential occupation of the mobile home.

27. I agree with the Authority's shadow HRA that, in the absence of adequate information about light spill, adverse effects on the integrity of Ebernoe Common SAC and The Mens SAC cannot be excluded. On the evidence before me, I cannot be satisfied that light levels would remain below the threshold identified by the Authority or that disturbance to bats using this potentially functionally linked habitat would be avoided. I cannot therefore ascertain that the development alone would not adversely affect the integrity of Ebernoe Common SAC or The Mens SAC, having regard to their conservation objectives. The requirement of regulation 63(5) of the Regulations is therefore not satisfied.

28. Turning to ancient woodland, the appellant disputes the description of the mobile home and associated infrastructure as being adjacent to ancient woodland, pointing to the disturbed ground, rubble and other material immediately around the mobile home. Nevertheless, it is accepted that the area mapped as ancient woodland lies very close to the rear of the mobile home.

29. Ancient woodland is an irreplaceable habitat. National standing advice recommends a buffer zone of at least 15 metres to protect against root damage and advises against development, including gardens, within that buffer. Policy SD11 of the Local Plan also requires a buffer of at least 15 metres. This approach is consistent with the National Planning Policy Framework (Frameworks) and its protection of irreplaceable habitats from loss or deterioration.

30. Although there may be no trees within the 15-metre buffer zone, the concrete hardstanding and septic tank lie within 15 metres of the mapped ancient woodland boundary. The excavation associated with installing the septic tank and laying the

hardstanding could have damaged or severed roots within the buffer zone. The absence of trees immediately adjoining these works does not, therefore, establish that the woodland has been unaffected. Furthermore, the disturbed condition of the ground does not demonstrate that the buffer no longer performs a protective function. On the evidence before me, I cannot be satisfied that the development avoids deterioration of this irreplaceable habitat.

31. For these reasons, adverse effects on the integrity of Ebernoe Common SAC and The Mens SAC cannot be excluded. Nor can I be satisfied that the development avoids deterioration of ancient woodland. It therefore conflicts with Policies SD2, SD9, SD10 and SD11 of the Local Plan insofar as they seek to protect natural habitats, conserve and enhance biodiversity, require surveys to demonstrate that development safeguards the SACs against disturbance, and require a buffer zone of at least 15 metres between development and ancient woodland.

Other Considerations

32. The enforcement notice refers to Local Plan Policy SD17 (Protection of the Water Environment). However, the SOCG confirms that this policy is no longer relevant following Natural England's withdrawal of its position statement on water neutrality. I therefore do not consider this matter further.

33. I acknowledge that the suggested fallback of stationing a conventional caravan in connection with the agricultural use of the land could be more visually conspicuous than the existing mobile home. However, the land would first need to revert to agricultural use, and the caravan could not remain permanently stationed. It would also be unlikely to require comparable associated infrastructure, including the septic tank and concrete hardstanding, and could therefore have fewer physical effects on the site and adjoining woodland. Any potential effects on the SACs would also still need to be addressed. The fallback's potentially greater visual impact does not, therefore, establish that its effects overall would be comparable to those of the existing development. I therefore attach limited weight to this fallback in favour of retaining the development.

34. The appellant estimates that 70–80% of his animals would be lost if he did not live on site, with consequential financial implications for the enterprise. However, he accepted that he had not recorded the number of occasions on which intervention had been necessary, and the estimated losses have not been substantiated. While I recognise the importance of timely intervention to animal welfare, this estimate does not overcome the lack of evidence explaining why the necessary care could not be provided by a worker living nearby.

35. I recognise the enterprise's contribution to rural employment, food production and environmental management, including woodland management and hedgerow planting. These are positive benefits, but the evidence does not establish that they depend on residential occupation of the holding. They therefore carry limited weight in favour of retaining the development.

36. Upholding the notice would result in the appellant losing his home, causing significant hardship and disruption. I give this considerable weight. However, it does not outweigh the concerns identified above. In these circumstances, I consider that the interference with the appellant's right to respect for his home would be proportionate.

37. I have also considered whether temporary permission, restricted to agricultural worker occupation and subject to conditions controlling screening and lighting, would overcome my concerns. However, restricting the duration and occupation would not establish the functional need or sound financial planning required by Policy SD32. Screening would not resolve the landscape character concerns identified above, and, without an assessment of light spill and the effectiveness of any mitigation, I cannot be satisfied that a lighting condition would safeguard the SACs.

Conclusion on ground (a)

38. Policy S3 of the Framework sets out a presumption in favour of sustainable development, applied outside settlements through Policy S5. The latter provides support for development serving rural businesses where a location outside settlements is shown to be necessary, subject to the Framework's other policies. The agricultural connection of the accommodation is therefore relevant, but does not, in itself, establish that residential occupation of the holding is necessary.

39. An essential need for a rural worker to live on the holding has not been demonstrated. Nor has sufficient evidence been provided to establish the ability to develop the enterprise or that it has been planned on a sound financial basis. The development therefore conflicts with Policies SD25 and SD32 of the Local Plan, and the claimed agricultural justification does not establish support under Policy S5 of the Framework.

40. The development also harms the landscape and scenic beauty of the National Park and, to a limited degree, its tranquillity. Compliance with the requirement to safeguard dark night skies has not been demonstrated, nor can I be satisfied that deterioration of ancient woodland has been avoided. These findings conflict with the relevant development plan policies and the Framework's objectives of protecting landscapes and biodiversity.

41. I have weighed the considerations advanced in support of the development, including its temporary and removable nature, the suggested fallback, the enterprise's economic and environmental benefits, and the claimed consequences for animal welfare. I also give considerable weight to the hardship and disruption that the appellant would experience through losing his home. Nevertheless, these considerations do not outweigh the identified harm and policy conflict. The development conflicts with the development plan taken as a whole, and neither the Framework nor other material considerations indicate that permission should be granted otherwise than in accordance with it.

42. Separately, I cannot ascertain that the development would not adversely affect the integrity of Ebernoe Common SAC or The Mens SAC. The requirement of regulation 63(5) of the Regulations is therefore not satisfied.

43. For the reasons given above, the appeal under ground (a) therefore fails. I shall uphold the enforcement notice with the correction and variations set out below and refuse planning permission on the deemed application.

Formal Decision

44. It is directed that the enforcement notice is corrected by:

- the deletion of the words:

  'Without planning permission the material change of use to a mixed use for the stationing of a mobile home for residential use and agriculture'

  and their substitution with the words

  '*Without planning permission, the material change of use of the land to a mixed use for agriculture and the stationing of a mobile home for residential use, together with associated infrastructure comprising a septic tank and concrete hardstanding'.*

And varied by:

- the deletion of all the words in Requirement i) in section 5 of the notice and their substitution with the words:

  '*Cease the mixed use'.*

- the deletion of all the words in Requirement v) in section 5 of the notice and their substitution with the words:

  '*Restore the land to its condition before the breach took place.'*

45. Subject to the correction and variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

V Goldberg

INSPECTOR

APPEARANCES

For the appellant

Mr Benjamin Percival – Appellant

For the Authority

Mike Coates-Evans – Principal Planning Enforcement Officer

Joanne Prichard – Principal Planning Officer

DOCUMENTS RECEIVED AT OR AFTER THE HEARING

- Percival Farm- Ancient Woodland Plan