



SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 PLANNING APPEAL

Local Planning Authority Reference:

SDNP/20/04118/FUL

(Appeal case ref: SDNP/21/00069/REF)

Appeal Reference:

APP/Y9507/W/21/3289423

SUMMARY PROOF OF EVIDENCE

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DEVELOPMENT MANAGEMENT LEAD

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I. INTRODUCTION

1.1 My name is Richard Ferguson. I have a Bachelor of Science degree (with Honours) in Geography from the University of Plymouth and a Masters degree in Town Planning from the University of Westminster. I have been a Town Planner for 20 years and I am a chartered member of the Royal Town Planning Institute.

1.2 My Proof of Evidence, as the planning witness for the Authority, is in addition to those of Ms Childs and Ms Tushingham. It outlines the relevant Development Plan policies and material planning considerations for the purposes of assessing the key considerations in the planning balance, in support of the Authority's reasons for refusal relating to:

(1) Loss of community facilities and the provision of suitable alternatives; and

(2) The appeal proposals, would amount to an overdevelopment of the site and, therefore, have an unacceptable impact on the landscape character of the area and Selborne Conservation Area.

2. MAIN ISSUES - REASONS FOR REFUSAL

(1) Loss of a community facility and alternative provision.

2.1 The appeal proposals would result in the loss of a community facility – the public house - which has not been satisfactorily demonstrated under the South Downs Local Plan (2019) policy requirements of SD43(2)(c). Conflict with this aspect of the policy arises insofar as the proposals would not be sufficiently accessible, inclusive and available in comparison, nor would they be of an equivalent or better quality compared to the public house. My evidence expands upon these considerations and concludes that SD43(2)(c) is not accorded with.

2.2 I also address the second part of reason for reason (1) which relates to marketing of the premises, for the purposes of addressing SD43(2)(a). Whilst no marketing evidence accompanied the proposals, I consider that this is a less critical issue to the acceptability of the proposals because of the flexibility within SD43(2), whereby only one of its criteria (a-c) needs to be met when assessing the loss of a community facility. This approach is also consistent with the previous quashed Appeal Decision.

(2) The appeal proposals, would amount to an overdevelopment of the site and, therefore, have an unacceptable impact on the landscape character of the area and Selborne Conservation Area.

2.3 My evidence and the evidence of other SDNPA witnesses, which I defer to, considers that the proposals would result in harm to the landscape character and heritage of Selborne and its conservation area.

2.4 The proposals, effectively, do not take account of the surrounding context and my evidence raises the following issues in relation to reason for refusal (2):

- 1) The overall scale and design of the scheme would create an intensive and cramped over development of the site, in a sensitive location. This is by virtue of the layout itself, as well as the scale of new buildings. The Appellant has sought to fill the space available on site through seeking to maximise the amount of development, at the expense of high quality contextual design.
- 2) The scale, layout and design of the scheme represents an uncharacteristic form of development in terms of settlement pattern, hierarchy of roads, historic spaces that contribute to the site's character and Selborne and vegetation – namely trees (the areas identified by Ms Childs and Ms Tushingham). In these respects it cannot be considered to be a 'landscape-led' design. This would be evident in views from Huckers Lane.
- 3) The building on Huckers Lane is not of a sufficiently ancillary scale and design regarding its relationship with The Queens Hotel to create an appropriate building hierarchy on site.
- 4) The extension to the barn is not sufficiently subordinate to its existing scale and character, which has a historic relationship with The Queens Hotel as an ancillary structure.
- 5) The loss of the historic openness and social status of the rear garden and its relationship with The Queens Hotel. As such, the contribution of The Queens Hotel as a non-designated heritage asset would be eroded and negatively affect the character and appearance of the Conservation Area.

- 6) The loss of trees and subsequent re-planting proposals do not sufficiently mitigate for the concerns about the overdevelopment of the site, nor does the planting scheme re-enforce local landscape character.

- 7) As a result of the above, the proposals would not be sensitive to the surroundings and would fail to preserve and enhance the character and appearance of the conservation area, as outlined in the evidence of Ms Tushingham which identifies moderate less than substantial harm, which I concur with.

Conflict with the SDLP and material considerations

- 2.5 My main Proof of Evidence sets out the above main reasons. I consider that there is conflict with the SDLP policies cited in the reasons for refusal which are relevant to determining the acceptability of the proposals and can be afforded full weight in decision making.

- 2.6 My Evidence also highlights other SDLP policies which may be relevant as material considerations, for completeness, when considering the SDLP as a whole. However, these are not intended to expand the reasons for refusal and raise new issues.

- 2.7 I consider that the proposals conflict with Statutory Purpose I of a National Park “to conserve and enhance the natural beauty, wildlife and cultural heritage of the area,” which is a key material planning consideration. Furthermore, Purpose I is a ‘golden thread’ which runs through SDLP policies.

- 2.8 There are social and economic benefits of the proposals which include improving accessibility to the National Park for health and well-being, improved provision of tourism accommodation, and contributing to the rural economy.

- 2.9 I have, however, attributed more weight to Purpose I and the NPPF’s policy on giving ‘great weight’ to conserving and enhancing landscape and scenic beauty of National Parks (paragraph 182), due to the identified environmental harm of the proposals. Overall, I conclude that the proposals do not substantially accord with the NPPF 2023 for these reasons.

2.10 I consider the quashed Appeal Decision to be a material planning consideration and refer to it where relevant in my evidence. I have, however, also considered the appeal proposals afresh.

3. OTHER MATTERS

3.1 No further substantive issues are raised in the main Proof of Evidence and other matters are addressed in the agreed Statements of Common Ground.

4.0 CONCLUSION

4.1 However, I have identified significant harm that would be caused by the proposals and, consequently, there would be conflict with the SDLP when read as a whole, alongside other material considerations of National Park Purposes and the NPPF, which I have weighed against the above benefits.

4.2 In light of the considerations raised in my main Proof of Evidence and those of Ms Childs and Ms Tushingham, the Inspector is respectfully requested to dismiss the Appeal for the reasons outlined.