

South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Between 18-Dec-2018 and 29-Jan-2019

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site *To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).*

* - Committee level decision.

1. NEW APPEALS

None

2. DECIDED

Reference/Procedure	Proposal
<p data-bbox="108 450 448 488">SDNP/17/06433/HOUS</p> <p data-bbox="108 490 448 557">Duncton Parish Council Parish</p> <p data-bbox="108 584 491 618">Case Officer: Jenna Shore</p> <p data-bbox="108 678 424 714">Householder Appeal</p>	<p data-bbox="549 450 1374 557">Willow Cottage High Street Duncton GU28 0LB - Single storey side and rear extensions, garden room and change of use of barn to habitable space.</p>
<p data-bbox="472 741 1043 775">Appeal Decision: APPEAL ALLOWED</p>	
<p data-bbox="92 779 1390 1756">The NPA considers that the further addition of the proposed single storey side and rear extension would harmfully exacerbate the perception of the excessive length of the existing rear addition, with little by way of enhancement offered. However, from the oblique views through the driveway entrance the dummy pitch to the crown roof would be read together with the roof over the bay windows in the front elevation. ... As such, it would match the pitch, eaves and ridge height, and external materials of the frontage and provide an element of visual continuity that would extend the original building's vernacular character to the rear. This would to some extent offset the rather stark appearance the flank of the existing two storey addition. The NPA also criticises the fenestration in the side elevation, but this would again appear to be of the same scale and detailing of the front windows, albeit without forming bays that would be inappropriate on this more rearward part of the dwelling. ... I acknowledge that the length of the existing building would be slightly increased by the proposed garden room, but I consider that the presence of this single storey element at the rear in the form of a step down from the full two storey height would restore a degree of balance and proportion to the building as a whole. It would also allow a more practical relationship between the house and the large garden (the existing 'tacked on' unattractive and sub-standard conservatory does not perform either of these functions). ... Turning to the proposed conversion of the barn, the NPA's concern is that insufficient details have been provided and that the proposed glazing would be 'overly domestic, at odds with the rural agricultural character of the existing built form'. ... whilst I accept that there would be some loss of character, this is in large measure derived from a partially open sided building in a dilapidated condition. As such, this character could not reasonably be sustained whilst at the same time undertaking the work necessary to give the building a practical use and sustainable future. ... In respect of the barn's effect on the setting of the adjacent listed building, I am again with the appellants in their view that the proposed alterations would not read directly with the public house itself, this being to the south within its own arrangement of curtilage buildings and detached from Willow Cottage. ...</p>	

Reference/Procedure	Proposal
<p data-bbox="118 232 421 266">SDNP/17/05928/FUL</p> <p data-bbox="118 271 475 338">Fernhurst Parish Council Parish</p> <p data-bbox="118 367 411 434">Case Officer: Rafa Grosso Macpherson</p> <p data-bbox="118 463 475 497">Written Representation</p>	<p data-bbox="555 232 1378 338">Home Farm Bell Road Kingsley Green Fernhurst GU27 3LG - Installation of new vehicular access to agricultural field and five bar gate.</p>
<p data-bbox="475 555 1059 589">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="102 591 1444 1393">Principal access to this field lies (or used to lie) from within the curtilage of Home Farm. ... The locality encompasses agricultural open fields and woodland which create a strong and well defined character. KGCA has a significance which derives from the special architectural and historical interest of the buildings set in an agricultural landscape. The change from grass surface to that planned either side of the gate along with the levels-work would give rise to visual deterioration in this immediate locality and would be out of character with the nature of the landscape environs. I am not persuaded that manufactured Grass Crete in this position generally, and with potential use by larger vehicles possibly further reducing effectiveness, will change from anything other than a man-made appearance albeit there may be some assimilation over time. ... Positioning would mean that the planned works would be widely visible from either direction on the main road; it would impact upon the agricultural landscape and therefore significance of the KGCA. ... There are a range of policies which taken together and amongst other matters seek to safeguard the character and appearance of an area and its landscape setting as well as the qualities of a CA. ... I conclude that the appeal scheme would run contrary to these policies and to the objectives of Paragraph 172 of the Framework and Section 72(1) of the Act. ... A principal concern raised by third parties is in relation to highway safety. However from the evidence I have seen and my site visit I would concur with the Authority that this would not be a matter to justify refusal of the proposal. ... The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore there are no other benefits, including to the Appellants, which to my mind would be of a scale to outweigh the harm to the setting of the KGCA which I have identified.</p>	

Reference/Procedure	Proposal
<p data-bbox="118 232 469 336">SDNP/18/01704/FUL Tillington Parish Council Parish</p> <p data-bbox="118 367 389 434">Case Officer: Charlotte Cranmer</p> <p data-bbox="118 456 475 501">Written Representation</p>	<p data-bbox="555 232 1442 376">Buildings West of The Manor of Dean Dean Lane Tillington West Sussex - Change of use of a agricultural building and the demolition and erection of another, to create a one bedroom holiday let.</p>
Appeal Decision: APPEAL ALLOWED	
<p data-bbox="102 568 1442 1283">“....To my mind the extension work would not be significant in any respect as the very modest dimensions, thoughtful use of materials and discrete sighting would ensure this hallway addition ...would be almost imperceptible in the wider or even local scene.... agree that the existing pheasant building is not worthy of conversion because of its condition...have the hallmarks of building which has served the Estate for decades and would have been of a form which was simple, functionally attractive, and pleasingly related to the older stone barn... Appellant’s idea of ‘replacing’ this building in similar style and exact size would have aesthetic merit... the conversion of the stone barn would to my mind be extremely well handled, with openings almost unchanged, no suggestion of external araphernalia or significant surfacing,... cannot agree with the Authority that there would be landscape harm to the National Park or adverse imposition upon the setting of the listed building from the proposals before me.... appeal scheme would bring with it economic, social and environmental benefits. more recent National Planning Policy Framework at Paragraph 83 is quite clear that “sustainable growth of all types of business in rural areas through the conversion of existing buildings and well-designed new buildings” should be enabled. LP Policy T3 is therefore outdated in this regard.... note that its emerging Policy SD23 does not rule out suitable new build. ... overall protection of the SDNP with the inherent need to conserve and enhance landscape qualities and scenic beauty and no conflict with the objectives of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990....</p>	

Reference/Procedure	Proposal
<p data-bbox="118 232 453 268">SDNP/17/06109/HOUS</p> <p data-bbox="118 271 485 338">Lodsworth Parish Council Parish</p> <p data-bbox="118 367 501 403">Case Officer: Jenna Shore</p> <p data-bbox="118 461 437 497">Householder Appeal</p>	<p data-bbox="555 232 1428 300">1 Gibbs Cottages Surrey Road Lickfold Lurgashall GU28 9DX - Two storey rear extension and associated alterations.</p>
Appeal Decision: APPEAL DISMISSED	
<p data-bbox="102 568 1444 1375">I must ... have regard to the inevitability of the loss of at least some of the original fabric ... the loss and alteration of the historic fabric does not in itself materially diminish the significance of the building as a designated heritage asset and is therefore not a determining factor in my Decision. ... However, the effect of the proposed change in the external appearance of the building is more straightforward. The narrow width building, including its neighbour at No. 2, with its asymmetric roof form including the particularly attractive and distinctive cat slide to the rear, is fundamental to its historic interest and architectural integrity. As the officer's report says, the sheer expanse of the cat slide roof across both dwellings is clear as an original (or at least very early) feature and a defining characteristic of both listed buildings. The rear dormers to the buildings have had an adverse impact but are not of sufficient scale to fully compromise the building's character and appearance. ... The scale of the two storey extension would be such as to be a dominant and visually intrusive addition to the semi-detached pair as a whole and the cat slide roof in particular. ... I acknowledge that with the extension to the rear of the building the visual impact to the surrounding landscape of the National Park is less than if it had been more visible from the public realm in Surrey Road. Nonetheless, I consider that with its presently proposed scale and form the appeal scheme would unacceptably harm the character and appearance of the listed building and its neighbour at No. 2 with the consequence that its significance as a designated heritage asset would be materially diminished. And as the building is part of the landscape there must also be some consequential adverse effect. ... There is a minor public benefit in the improvement of the housing stock in the National Park as regards the dwelling's enhanced layout and facilities, but this would not outweigh the harm caused to the significance of the asset.</p>	

Reference/Procedure	Proposal
<p data-bbox="121 230 539 300">SDNP/18/03645/HOUS Milland Parish Council Parish</p> <p data-bbox="121 365 411 434">Case Officer: Rafa Grosso Macpherson</p> <p data-bbox="121 461 432 495">Householder Appeal</p>	<p data-bbox="555 230 1417 338">14 Mill Vale Meadows Milland GU30 7LZ - Rear extension to main dwelling, change of loft space to habitable accommodation and garage extension.</p>
Appeal Decision: APPEAL DISMISSED	
<p data-bbox="102 573 1433 1469">The NPA's concern is that the increase of floorspace that would result from the appeal scheme, calculated as about 86%, would be significantly beyond the 30% limit in emerging Policy SD31 of the Submission South Downs Local Plan 2018 ... Point 3 of the grounds of appeal in effect suggests that until it is adopted ... the policy should not be applied. ... Accordingly, with the Submission Plan currently at its final substantive stage, I must give significant weight to the fact that the proposed increase in floorspace in the appeal scheme would fall not too far short of three times the limit in Policy SD31. With that said, as the Submission Plan has still to be endorsed by the Secretary of State and adopted by the Council, I do not regard the policy on its own as the determining factor in this appeal. ... I am minded to endorse the objection in the first reason of the Notice of Refusal that the roof extension would appear as an overly dominant and bulky addition on the rear elevation of the property. This in turn would be a departure from the simple and vernacular design of the building, causing it to be out of keeping with the existing development pattern in Mill Vale Meadows. This is an outcome that Policy S5 specifically seeks to prevent. ... Accordingly, in addition to Submission Plan Policy SD31 I consider the NPA to be correct in citing a conflict with Policies BE11 & BE12 of the Chichester District Local Plan – First Review 1999 and Policy HD3 of the Neighbourhood Plan ... Turning to ... the effect on the privacy ... Whilst the introduction of four windows in the proposed dormer would be likely to result in a perception of being unduly overlooked at Nos. 12 and 16, I note that the grounds of appeal suggest that the two windows nearest the boundaries could be adapted to restrict their outlook. This could be achieved by means of a condition ... As regards the loss of light to a bedroom in No. 12, ... I conclude that with the appealscheme in its present form there would be harm to the living conditions as regards privacy and light in conflict with the sections of above-mentioned policies insofar as they apply to residential amenity and with paragraph 127f) of the Framework.</p>	

Reference/Procedure	Proposal
<p data-bbox="121 232 453 336">SDNP/18/03262/HOUS Petworth Town Council Parish</p> <p data-bbox="121 367 488 398">Case Officer: Louise Kent</p> <p data-bbox="121 461 432 492">Householder Appeal</p>	<p data-bbox="555 232 1431 300">Wickers Glasshouse Lane Kirdford GU28 9PA - Replacement single storey and two storey extensions.</p>
<p data-bbox="475 515 1054 546">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="102 555 1447 1095">Such a siting with a relationship between a worker's dwelling and a working building may well have been seen as part of a farmyard or woodyard, but the justification for a new two storey building on this basis in this particular location within the original estate seems to me to be unconvincing. ... the two storey building combined with its contemporary design would not in my view read comfortably on the appeal site. The effect of this combination is that the two storey building would not be perceived as an extension to the cottage but as a separate building in its own right, the ground floor link notwithstanding. Furthermore, its contemporary appearance would draw the eye and compete with the vernacular character of the original dwelling rather than complement it. ... the architecture of the appeal scheme, whilst in itself of merit, to be too assertive in relation to both the host building and its landscape context. As regards the latter, the NPA is in my view correct to draw attention to the elevated position of the site above the road and to the fact that this would increase the prominence of the extensions from public vantage points to the north and north east. ... on balance that the scale of the extension together with its design would be harmful to the character and appearance of Wickers as a simple vernacular estate workers cottage. ...</p>	

Reference/Procedure	Proposal
<p data-bbox="121 232 456 264">SDNP/18/01998/HOUS</p> <p data-bbox="121 271 512 338">Easebourne Parish Council Parish</p> <p data-bbox="121 367 408 434">Case Officer: Rafa Grosso Macpherson</p> <p data-bbox="121 463 432 495">Householder Appeal</p>	<p data-bbox="555 232 1422 338">Burnel Dodsley Lane Easebourne GU29 9AS - Retrospective permission for the erection of a boundary fence and outbuilding</p>
<p data-bbox="480 533 1050 564">Appeal Decision: APPEAL ALLOWED</p>	
<p data-bbox="102 577 1430 1180">In refusing the development the NPA refers to an increase in the height of the fence from its predecessor; the undulating trellis being of an unsympathetic height and design and the retaining wall being constructed of artificial stone of color, size and form harmful out of keeping with the host building, the neighbouring property and the street scene. ... From my visit to the site I formed the view that all aspects of the scheme have been carried out to a high standard. ... I also consider that it represents a significant improvement to the appearance of the boundary treatment and the property as a whole. None of the individual elements of the development – the fence, the trellis, the retaining wall and the shed draw the eye as being of an inappropriate scale, materials or design. ... I am of the opinion that the NPA's overall approach in this case is too interventionist and over-critical. ... Overall, I conclude that the development is not in harmful conflict with Policies BE11, BE12 & BE13 of the Chichester District Local Plan First Review 1999 ... (Given the limited form and impact of the development and its particular location I cannot see why the case for the NPA is in any way improved by the citing in the Refusal Notice of Local Plan Policy BE1; Submission Plan SD4; ... I shall therefore allow the appeal subject to a condition that the development is in accordance with the approved plans for the avoidance of uncertainty as to the nature of the permission and in the interests of proper planning.</p>	

Reference/Procedure	Proposal
<p data-bbox="121 232 549 300">SDNP/18/00843/FUL Midhurst Town Council Parish</p> <p data-bbox="121 367 389 434">Case Officer: Charlotte Cranmer</p> <p data-bbox="121 456 475 501">Written Representation</p>	<p data-bbox="555 232 1425 376">Bowling Green June Lane Midhurst West Sussex GU29 9EL - Demolition of existing bowls club buildings and erection of 5 no. dwellinghouses with associated landscaping and parking and creation of new vehicular and pedestrian access.</p>
Appeal Decision: DISMISSED	
<p data-bbox="102 591 1447 1738">“...Midhurst Conservation Area (MCA). This gains its character from the mix within it and the generally good quality of well designed new and old premises and the spaces between them...that development of this site would be beneficial in housing supply terms, I would not discourage access directly off June Lane... Design and scale would be unfortunate and not worthy of this location in the MCA... homes would neither display a high standard of modern design nor be a worthy reflection of the past for this sensitive site... be uninspiring and overly-large particularly towards the June Lane frontage. The mass would look over-bearing and out of character from this vantage point and not display a subtle approach which is called for given the context. Inelegat crown roofs are not a feature of the locality and upper level sizeable gables would be dominant. The two over-scaled virtually unadorned side walls flanking the entrance route would present an ungainly and uninteresting scene as an arrival and be open to appreciable view from outside the site...little or no sense of local distinctiveness...jarring on the eye... appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there are, including helping to fund a new bowling club and the supply of new homes, would not outweigh this harm....all five homes would be substantial four-bedroomed dwellings when research work, reflected in LP Saved Policy H4 albeit that does make reference to having sympathy with the nature of surrounding development and in this instance I would apply that caveat.... a relatively small site and scope for a real mix of dwellings would be limited by this and any contribution made to the supply of any particular size of home would be extremely modest in any event. larger (albeit not excessive) homes would be in accord with much which is around, the provision of good sized gardens would assist with the local aesthetic, and I do take the point, to a degree, that the exercise aims to raise economic funds for a new bowling club present time set aside the conflict with LPS Policy SD27 given limited weight being applied at this stage in its emergence and cognisant of the positive material considerations which would apply in this instance..... plots’ and housing layout arrangement, separation distances, window positions, room uses, and size and type of windows would all come together such that the Authority’s fears are unfounded and no unacceptable harm to living conditions... If emerging Policy SD28 of the LPS proceeds to adoption that situation would change.... stage reached with the LPS means that I am not minded to make this a determining factor and it does not weigh against the proposal in my assessment.”</p>	

3. CURRENT APPEALS

<p><u>SDNP/17/03475/HOUS</u> Bury Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>The Farmhouse The Street Bury RH20 1PA - Proposed part demolition and refurbishment of dwelling, to include extensions and alterations.</p>
<p><u>SDNP/17/06029/TPO</u> Rogate Parish Council Parish</p> <p>Case Officer: Henry Whitby</p> <p>Householder Appeal</p>	<p>White Rose Group London Road Rogate GU33 7NX - Fell 1 no. Oak tree (T1) subject to RG/83/00853/TPO.</p>
<p><u>SDNP/18/04296/FUL</u> Funtington Parish Council Parish</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Annexe Cedar Field Five Acres Close Funtington West Sussex - Change of use of existing building to 1 no. residential dwelling together with a linked extension.</p>
<p><u>SDNP/18/01138/FUL</u> Milland Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>The Black Fox Inn Portsmouth Road Milland GU30 7JJ - Change of use from Class A4 public house to Class D1 children's nursery and pre-school with associated works.</p>

<p>SDNP/18/02917/FUL Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>The Old Tanneries Byworth Road Byworth Petworth West Sussex GU28 0HL - Closing up of existing domestic access and field access. Formation of a new access to serve dwellinghouse, holiday let and agricultural land.</p>
<p>SDNP/18/04138/FUL Heyshott Parish Council Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p>	<p>Heyshott Meadows Polecats Heyshott West Sussex GU29 0DA - Replace horse menage with tennis court.</p>
<p>SDNP/18/03092/HOUS Bury Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Corner House The Street Bury RH20 1PF - Replacement of 2 storey extension.</p>
<p>SDNP/18/03618/HOUS Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Heath End Lodge Station Road Petworth GU28 0JG - Two storey rear extension and replacement garage</p>
<p>SDNP/18/02658/LIS Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>East House East Street Petworth GU28 0AB - Proposed internal alterations to the existing building to provide guest rooms at first and second floor levels. Proposed external remedial works to existing building fabric.</p>

<p><u>SDNP/16/00069/COU</u> Upwaltham Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry</p>	<p>The Mill Eartham Lane Eartham Chichester West Sussex PO18 0NA - Appeal against issue of Enforcement Notice</p>
<p><u>SDNP/15/00492/COU</u> Rogate Parish Council Parish</p> <p>Case Officer: Steven Pattie</p> <p>Public Inquiry</p>	<p>Laundry Cottage Dangstein Dangstein Road Rogate Petersfield West Sussex GU31 5BZ - Appeal against</p>
<p><u>SDNP/16/00676/COU</u> Funtington Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>New Barn Farm Common Road Funtington West Sussex PO18 9DA - Appeal against storage unit</p>
<p><u>SDNP/17/00585/GENER</u> Bury Parish Council Parish</p> <p>Case Officer: Sue Payne (CHICH)</p> <p>Written Representation</p>	<p>Flint Acres Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1EZ - Appeal against</p>
<p><u>SDNP/16/00691/COU</u> Bury Parish Council Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Foxbury Farm West Burton Road West Burton Pulborough West Sussex RH20 1HD - Appeal against Caravan and hardstanding.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

NONE

5. CALLED-IN APPLICATIONS

NONE

6. COURT AND OTHER MATTERS

NONE

7. POLICY MATTERS