

South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 21-02-2019 and 04-04-2019

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

Reference/Procedure	Proposal
SDNP/18/04813/FUL Lynchmere Parish Council Case Officer: John Saunders Written Representation	Land Between The Vicarage and Forest Mead, Lynchmere Common Road, West Sussex - Conversion of barn and stables to a single residential dwelling, with stable extension and single storey glazed link extension following removal of 2 storage containers.
SDNP/18/00087/GENER Heyshott Parish Council Case Officer: Emma Kierans Written Representation	Northend House, Polecats, Heyshott, Midhurst, West Sussex, GU29 0DD - Appeal against Enforcement Notice HY/3
SDNP/18/06373/FUL Stedham with Iping Parish Council Case Officer: Charlotte Cranmer Written Representation	Land North of The Sorrells, School Lane, Stedham, West Sussex - Erection of a single detached dwelling together with associated works.

2. DECISIONS MADE

<p>SDNP/17/03475/HOUS 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>
Appeal Decision: APPEAL ALLOWED	
<p>... Since the appeal was submitted planning permission has been granted for extensions and alterations to this property as part of a wider scheme (reference SDNP/18/01217/FUL). I have had regard to the details of that scheme in relation to it providing a 'fall-back' position. ... The property is considered by the SDNPA to make a positive contribution to the Conservation Area through its vernacular, materials and external appearance. Views of the property are limited but I agree the building ... does positively contribute to the character of the Conservation Area. ... In addition ... the historic core remains and is considered by the SDNPA to be a non-designated heritage asset. From what I have seen and read I would concur with this view. ... The proposal would involve extensive extensions and alterations to the property following the removal of existing additions. ... The design of the proposed extension ensures that the original element of the farmhouse would be retained and views of its frontage, the main historical part, would not be obstructed. ... In my opinion the design concept has been carefully considered and is informed by the original farmhouse. While collectively the extensions would represent significant additions, they would have a level of subservience to the original building through their siting, form and height. ... The contemporary design would alter the overall character of the property but, in my view, would provide a distinction between the old and new. ... BNP policy BNDP2 advocates the use of architectural features and materials reflective of the traditional buildings in the village. However, the overall purpose of the policy is for all development to actively respond to the rich built heritage and character of the area. In that regard I see no reason why a contemporary approach could not achieve this ... As such, I find the scale and form of the proposal would be acceptable and that the design would complement the vernacular form of the host building and not be detrimental to the character of the conservation area. ... I am aware that emerging Development Management Policy SD31 of the draft South Downs Local Plan (draft SDLP) indicates a limit of no more than a 30% increase in floorspace, which this scheme would clearly be in excess of. However, this policy ... is not adopted and in accordance with paragraph 48 of the Framework cannot be afforded full weight at this stage. ... The nearby Coffin Trail Public Right of Way is defined as a heritage asset in the BNP. ... the existing building ... is not significantly prominent albeit that the double bay windows on the flank elevation are a conspicuous element. ... in my view, the proposed projection would have less imposing fenestration than the existing house and the extensions to the north would be set further back. ... site levels and proposed landscaping would help to integrate the property within its setting. As a result, overall the proposal would not have a greater impact on users of the footpath and views of it from the wider countryside within the national park. ... In conclusion, I consider the proposal would preserve the character and appearance of Bury Conservation Area, the host property and the wider landscape of the South Downs National Park. ... <i>Other Matters</i> ... The site is on the edge of the settlement and concern has been raised regarding dark night skies ... the amount of fenestration on the east facade is only marginally more than the scheme already permitted (32% compared to 27%) ... Therefore, I am satisfied that the appeal scheme would not have an unduly detrimental impact in this regard.</p>	

<p><u>SDNP/16/00676/COU</u> Funtington Parish Council</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 FU/66</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... Appeal A ... Ground (d) ... The argument is that these are operational development that were substantially completed more than 4 years before the date the notice was issued, and there is sufficient evidence, in my view, to demonstrate on the balance of probability that the basic arrangement of the westernmost compound and the concrete road were substantially completed ... more than 4 years before the date of issue. ... I consider, as a matter of fact and degree, that the storage facilities made up of shipping containers should properly be regarded as buildings for the purposes of the Act, and of course the road is operational development in any case. ... However, in many cases where operational development is carried out, there is also a material change of use of the land on which the operations take place, and it is well established that operational development that is integral to, and part and parcel of, a material change of use can be required to be removed within the 10 year period even if it would, viewed on its own, have gained lawfulness by virtue of section 171B(1). ... In this case I consider as a matter of fact and degree that the primary development carried out on the land has been the material change of use. While I have found that the container compounds are buildings for the purposes of the Act, their placement on the land has not entailed significant physical changes and dismantling and moving them would be relatively straightforward. ... The location and timing of the construction of the concrete road gives it a degree of association with the use enforced against ... On the balance of probability I consider that it is not so integral to the unauthorised use that its removal is necessary to remedy the breach, and I am satisfied, as a matter of fact and degree, that it can properly be considered as a separate act of operational development that has achieved immunity from enforcement under section 171B(1) of the Act. ... The appeal on this ground succeeds to this extent and I shall vary the notice by deleting the relevant requirement. ... the breach alleged here is a material change of use of land, for which a 10 year period of continuous use is required to achieve immunity from enforcement. Since the use had not commenced 10 years before the notice was issued the appeal on this ground cannot succeed. ...</p> <p>Ground (a) ... while the traffic generation may be low relative to the overall traffic passing the site, and that visiting the business units and farm at the wider site, it is still a substantial number of journeys, many of which are likely to be by private vehicle. These will be trips into the rural area generated by a use that does not actually require a countryside location. It may well be that current users may need to travel further to alternative facilities, but it could equally be argued that the provision of such facilities in unsustainable locations depresses the incentive to locate them in locations which minimise the need to travel. There is no evidence that there is no satisfactory alternative location available within a nearby settlement or business allocation.... The presence within the National Park of a substantial facility made up of arrays of shipping containers would generally be perceived as an alien and discordant feature. ... the presence of a bund which limits the visual impact ... does not entirely mitigate the harm to the character of the area caused by the presence of discordant and incongruous structures</p>	

within the pastoral landscape. ... The additional activity associated with the facility ... are also likely to harm the relative tranquility of the National Park and its character generally. ... I consider that this development fails to conserve or enhance the natural beauty of the area, and it is also contrary to development plan and emerging policies seeking to restrict inappropriate development in the rural area and direct new development to areas that minimise the need to travel or promote the use of sustainable modes of transport. ... The benefits in terms of rural diversification and meeting the social and economic needs of local people are very limited in this case, and do not outweigh the harm. ... The appeal on this ground fails accordingly. ... Ground (f) ... The position regarding the palisade fencing enclosed vehicle compound is far less clear. ... The area is shown ... as being allocated for "Farm Machinery i.e. tractors, trailers and farm equipment parked and stored here", and the condition specifies that it can be used for "the storage, assembly and repair of agricultural machinery only." ... it is clear that when the notice was issued it was not being used for that purpose, but for storing cars, which is not a lawful storage use. ... I conclude on the balance of probabilities that it was erected as an integral part of the unauthorised use and the removal of the fencing and cars is necessary to remedy the breach. ... The appeal on this ground fails accordingly. ... Ground (g) ... I consider that 18 months for removal of contents and a further 6 months to remove the containers is not justified. I consider that a period of 9 months is reasonable in the circumstances. The appeal on this ground succeeds to that extent. ...

[SDNP/17/00363/FUL](#)
 Funtington Parish Council
 Case Officer: Derek Price

Moors Barns, Watery Lane, Funtington, PO18 9DA -
 Retrospective application to use existing hard standing
 for the siting of metal containers in connection with a B8
 commercial use.

Written Representation

Appeal Decision: APPEAL DISMISSED

... Appeal B ... This appeal is against the refusal of planning permission for the siting of the metal containers in connection with the storage use enforced against in Appeal A above. I have already considered the planning merits of the development and found that planning permission should not be granted. This appeal cannot therefore succeed. ...

3. CURRENT APPEALS

<p>SDNP/17/01762/FUL Tillington Parish Council Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p>	<p>Manor Of Dean Dean Lane Tillington GU28 9AP - Change of land use and creation of a tennis court with surround fencing.</p>
<p>SDNP/18/04296/FUL 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>SDNP/17/06399/FUL Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>The Old Tanneries Byworth Road Byworth Petworth GU28 0HL - Stopping up of existing domestic access and use of existing agricultural holding access to serve the dwelling (The Old Tanneries) and the existing holiday let dwelling. Upgrading of existing agricultural holding access, resiting of agricultural holding gate and boundary fence fronting onto Byworth Lane.</p>
<p>SDNP/18/00149/FUL Fittleworth Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Fitzleroi Farm Fitzleroi Lane Fittleworth Pulborough West Sussex RH20 1JN - Proposed new grain and secure fertilizer storage building.</p>
<p>SDNP/18/01138/FUL 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/18/01956/APNB Fittleworth Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Fitzleroi Farm Fitzleroi Lane Fittleworth Pulborough West Sussex RH20 1JN - Proposed grain and straw storage building</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/18/03543/HOUS Milland Parish Council Parish</p> <p>Case Officer: John Saunders</p> <p>Householder Appeal</p>	<p>Crofters Titty Hill Milland GU29 0PL - Proposed extensions to East and west of existing cottage, with new dormer to north side of existing cottage and new dormer to existing first floor of garage block.</p>

<p>SDNP/18/01575/FUL Sutton & Barlavington Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>The Croft Bignor Road Sutton RH20 1PL - Change of use from ancillary residential accommodation, domestic storage and stabling to ancillary residential accommodation, guest accommodation, staff accommodation, holiday let, domestic garaging, hobby room.</p>
<p>SDNP/18/05645/HOUS Harting Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>3 Loppers Ash Elsted Road South Harting Petersfield West Sussex GU31 5LR - Construction of off-street parking bay and pedestrian disabled access ramp.</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>SDNP/18/04753/HOUS Lurgashall Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Dial Green House Dial Green Lane Lurgashall GU28 9HA - Demolition of existing outbuildings and construction of two storey extension with associated roof works and various alterations.</p>

<p><u>SDNP/16/00496/OPDEV</u> Funtington Parish Council Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Land South of Braefoot Southbrook Road West Ashling West Sussex - Appeal against insertion of a cesspit and engineering works.</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 RG/36</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 BY/25</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

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

None.