

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 04-04-2019 and 16-05-2019

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

SDNP/18/05965/FUL Bury Parish Council Case Officer: Beverley Stubbington Written Representation	Land East Of Flint Acre Farm Bignor Park Road Bignor RH20 1EZ - Change use of land from agricultural to equestrian use. Erection of private stable building, associated hard standing, new 5 bar gate and access to the highway including culvert to ditch.
SDNP/18/06612/HOUS Midhurst Town Council Parish Case Officer: John Saunders Householder Appeal	24 Taylors Field Midhurst GU29 9PH - Proposed two storey side extension with various alterations and additions to fenestration.
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.

<p>SDNP/18/04813/FUL Lynchmere Parish Council Case Officer: John Saunders</p> <p>Written Representation</p>	<p>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.</p>
<p>SDNP/19/00893/MPO Sutton & Barlavington Parish Council Case Officer: Derek Price</p> <p>Written Representation</p>	<p>The Croft Bignor Road Sutton Pulborough West Sussex RH20 1PL - Application to discharge the S.106 Undertaking relating to planning permission SN/11/02662/DOMNP.</p>

2. DECIDED

<p>SDNP/18/04296/FUL Funtington Parish Council 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>
Appeal Decision: APPEAL DISMISSED	
<p>... Whilst the low-level building is existing residential accommodation, this is ancillary to the substantial main dwelling and it is clearly read as such. It is subservient to Cedar Field and the scale of the surrounding dwellings. The proposal seeks, though, to significantly extend the existing building. Whilst this would provide accommodation above the Nationally Described Space Standards and seeks to reflect the larger scale of the surrounding dwellings, this would further exacerbate the incongruous relationship of the proposed new dwelling with the smaller plot area, despite the design and traditional materials proposed. This would give the appearance of a cramped form of development that would be out of character with the established pattern of development, even though it would be relatively secluded. ... the proposal, due to its size, siting and scale would be out of character with the established settlement pattern and would harm the character and appearance of the area. ...</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 OHL - 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>
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Appeal Decision: APPEAL DISMISSED

... 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 facing onto Byworth Lane. ... Closing up of existing sub-standard domestic access and separate field access and formation of a new single access to serve the dwelling, holiday let and agricultural holding. ... The main issue in both appeals are the effect on the character and appearance of the area ... Change of use of part of the field to provide a new access to the dwelling and holiday let business ... a new driveway across the field would be created. ... grass seeded appearance ... no other mechanisms before me to ensure such an appearance would be preserved. ... New access, cut in to the banked earth facing the road. ... a significant intervention in to the topography of the field. ... urbanise this part of the field ... planting, would be likely to appear contrived ... the access to the field would appear as a simple gate. ... The volume of traffic using the driveway would be minimal. ... Harm to the appearance of the field ... would not materially improve the appearance of the field or views from the footpath towards the hamlet ... Such vehicular movements would, in any case, accord with the agricultural character of the field. ... Unlikely there would be any significant improvement in the appearance or environmental quality of the remainder of the field ... existing vehicular access to the site. ... Agricultural vehicles can access the land via the existing gate. Consequently, the proposal is not justified on this basis. Overall, I conclude that in both cases the loss of part of this field and its change of use to a driveway would lead to harm to the natural beauty of the National Park. ... Byworth Conservation Area. ... Special attention is paid to the desirability of preserving or enhancing the character or appearance of such areas. ... Special regard is paid to the desirability of preserving the setting of these buildings, or any features of special architectural or historic interest which they possess. ... Special character and significance of the Conservation Area ... the well-preserved historic appearance of the traditional buildings ... rustic, rural character ... The historic significance of these designated heritage assets is derived from the extent of historic fabric they retain and their close functional and visual relationship with each other ... Setting comprises a traditional, rural hamlet surrounded by open countryside ... would slightly diminish and urbanise the wider countryside setting of these heritage assets. ... Diverting traffic away from the area around the listed pub, which can get congested. ... Would have a slight beneficial effect on the character and appearance of the Conservation Area and its setting, and the traditional rural hamlet setting of these listed buildings. ... I conclude on this issue that the effect of the development on these designated heritage assets would be neutral and there would be no harm. ... Both proposals would lead to harm to the natural beauty of the South Downs National Park. ... These reflect the purposes of the National Park and seek to ensure development preserves the character and appearance of the area. ... There is an existing functional vehicular access point. ... There is adequate visibility when turning out of the car park in to the road. ... The current arrangement appears to have been

privately agreed, ... this is a private dispute ... the evidence before me does not demonstrate that the existing arrangement is fundamentally unsafe ... the highway safety benefits of both proposals only attract limited weight. ... Deterioration in the quality of life for that individual, due to an existing disability. ... The resultant improvement in the quality of life for the individual and family concerned is a matter that weighs significantly in favour of both proposals. ... In both cases the harm to the natural beauty of the National Park through the loss of part of the field to create a driveway to the dwelling and holiday let business would be substantial ... both proposals conflict with the first purpose of designation of the National Park. ... Significant weight that I place on the improvement in the quality of life of the individual and family residing at the premises ... promote opportunities for enjoyment of the National Park by the public, and accord with the objective of promoting growth in the rural economy as set out in the Framework. ... The considerations that weigh in favour of the development, including compliance with other parts of the development plan and emerging planning policies, are not sufficient to overcome the harm to the character and appearance of the area and the conflict with the first purpose of designation of the National Park. ... Any interference with these qualified rights would be justified on this occasion, as it accords with a well-established aim, set out in legislation, to protect the natural beauty of National Parks. ... Would not unacceptably violate the family's rights under Article 8 of the HRA. ... Public Sector Equality Duty ... Equality Act 2010 ("Equality Act"). ... This has been taken account of in the balancing exercise carried out above, as a consideration that weighs significantly in favour of the proposal. However, there are other material planning considerations on this occasion which mean that the appeal cannot succeed. ... Proposal conflicts with the development plan. There are no other considerations that outweigh this conflict. ... Appeals should be dismissed.

<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>
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Appeal Decision: APPEAL DISMISSED

... 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 facing onto Byworth Lane. ... Closing up of existing sub-standard domestic access and separate field access and formation of a new single access to serve the dwelling, holiday let and agricultural holding. ... The main issue in both appeals are the effect on the character and appearance of the area ... Change of use of part of the field to provide a new access to the dwelling and holiday let business ... a new driveway across the field would be created. ... grass seeded appearance ... no other mechanisms before me to ensure such an appearance would be preserved. ... New access, cut in to the banked earth facing the road. ... a significant intervention in to the topography of the field. ... urbanise this part of the field ... planting, would be likely to appear contrived ... the access to the field would appear as a simple gate. ... The volume of traffic using the driveway would be minimal. ... Harm to the appearance of the field ... would not materially improve the appearance of the field or views from the footpath towards the hamlet ... Such vehicular movements would, in any case, accord with the agricultural character of the field. ... Unlikely there would be any significant improvement in the appearance or environmental quality of the remainder of the field ... existing vehicular access to the site. ... Agricultural vehicles can access the land via the existing gate. Consequently, the proposal is not justified on this basis. Overall, I conclude that in both cases the loss of part of this field and its change of use to a driveway would lead to harm to the natural beauty of the National Park. ... Byworth Conservation Area. ... Special attention is paid to the desirability of preserving or enhancing the character or appearance of such areas. ... Special regard is paid to the desirability of preserving the setting of these buildings, or any features of special architectural or historic interest which they possess. ... Special character and significance of the Conservation Area ... the well-preserved historic appearance of the traditional buildings ... rustic, rural character ... The historic significance of these designated heritage assets is derived from the extent of historic fabric they retain and their close functional and visual relationship with each other ... Setting comprises a traditional, rural hamlet surrounded by open countryside ... would slightly diminish and urbanise the wider countryside setting of these heritage assets. ... Diverting traffic away from the area around the listed pub, which can get congested. ... Would have a slight beneficial effect on the character and appearance of the Conservation Area and its setting, and the traditional rural hamlet setting of these listed buildings. ... I conclude on this issue that the effect of the development on these designated heritage assets would be neutral and there would be no harm. ... Both proposals would lead to harm to the natural beauty of the South Downs National Park. ... These reflect the purposes of the National Park and seek to ensure development preserves the character and appearance of the area. ... There is an existing functional vehicular access point. ... There is adequate visibility when turning out of the car park in to the road. ... The current arrangement appears to have been

privately agreed, ... this is a private dispute ... the evidence before me does not demonstrate that the existing arrangement is fundamentally unsafe ... the highway safety benefits of both proposals only attract limited weight. ... Deterioration in the quality of life for that individual, due to an existing disability. ... The resultant improvement in the quality of life for the individual and family concerned is a matter that weighs significantly in favour of both proposals. ... In both cases the harm to the natural beauty of the National Park through the loss of part of the field to create a driveway to the dwelling and holiday let business would be substantial ... both proposals conflict with the first purpose of designation of the National Park. ... Significant weight that I place on the improvement in the quality of life of the individual and family residing at the premises ... promote opportunities for enjoyment of the National Park by the public, and accord with the objective of promoting growth in the rural economy as set out in the Framework. ... The considerations that weigh in favour of the development, including compliance with other parts of the development plan and emerging planning policies, are not sufficient to overcome the harm to the character and appearance of the area and the conflict with the first purpose of designation of the National Park. ... Any interference with these qualified rights would be justified on this occasion, as it accords with a well-established aim, set out in legislation, to protect the natural beauty of National Parks. ... Would not unacceptably violate the family's rights under Article 8 of the HRA. ... Public Sector Equality Duty ... Equality Act 2010 ("Equality Act"). ... This has been taken account of in the balancing exercise carried out above, as a consideration that weighs significantly in favour of the proposal. However, there are other material planning considerations on this occasion which mean that the appeal cannot succeed. ... Proposal conflicts with the development plan. There are no other considerations that outweigh this conflict. ... Appeals should be dismissed.

<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>Appeal Decision: APPEAL DISMISSED</p>	
<p>... The main issue is whether the proposal would preserve or enhance the character or appearance of the Bury Conservation Area and the host property. ... The significance of the conservation area is derived from the historic buildings and sunken lanes which form the heart of the village. ... The replacement extension would project across three quarters of the front elevation and introduce features such as a catslide, a double pitched roof with linking flat roof element and dormer windows which are not exhibited on the original property. ... it would appear as a separate element which would be particularly noticeable on the eastern elevation, given the juxtaposition of the extension and original house. ... the presence of several dormer windows would in my view increase the visual presence of the roof to the detriment of the host building. ... Corner House contributes to the character and appearance of the conservation area. ... and it occupies an elevated position from a sunken lane. ... the complexities of the roofscape and the introduction of a range of design features would be unsympathetic to the host dwelling and would be out of keeping with the conservation area. The proposed extension would be a dominant feature located to the front of the dwelling which would neither preserve or enhance the appearance of the conservation area. ... yet there are no public benefits identified that outweigh the harm. This is a matter to which I give considerable importance and weight. ... As such, I conclude that the extension would be out of keeping with the host property and detrimental to the character and appearance of the conservation area. ... The development would also fail to conserve and enhance the cultural heritage which forms part of the statutory purposes of the South Downs National Park designation. ... the materials are reflective of the local area, nevertheless, the scale and form of the extension would not relate well to the host dwelling, which outweighs the acceptability of the materials. ... I conclude that the appeal should be dismissed.</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>Appeal Decision: APPEAL ALLOWED</p>	
<p>SDNP/18/04138/FUL Heyshott Parish Council Parish</p> <p>Case Officer: Rafa Grosso Macpherson</p> <p>Written Representation</p>	<p>Heyshott Meadows Polecats Heyshott West Sussex GU29 0DA - Replace horse menage with tennis court.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	

<p>SDNP/16/00691/COU 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>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>... This indicates that new development must not detract from its surroundings. Matters to be considered include the effect on the local environment, the merits of its design, scale and materials and its setting in the landscape ... planning permission will be refused where development proposals fail to conserve the landscape and the natural beauty of the National Park unless, exceptionally, benefits of the proposal demonstrably outweigh the great weight to be attached to the interests associated with the National Park ... It notes development will only be permitted where it conserves and enhances landscape character ... development proposals for structures for the purposes of agriculture and forestry will be permitted where there is an agricultural or forestry need within the National Park ... The concrete hardstanding is of utilitarian design and an alien feature in the field, out of character with, and detracting from, the surrounding countryside, causing significant harm that does not conserve or enhance the scenic beauty of the National Park ... However, there is little evidence of a significant need for the hardstanding, either at the site visit, or in photographs, and the Council noted little evidence of activity for horticulture or agriculture on the surrounding agricultural land or at the associated buildings ... I conclude that there is insufficient agricultural/horticultural justification for the hardstanding to outweigh the weight to be given to conserving the character of the area or the scenic beauty of the National Park. It does not accord with LP Policies RE1 and BE11 or emerging ELP Policies SD1, SD4, SD5 and SD39 or the Framework. The appeal on ground (a) does not succeed ...</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>Appeal Decision: APPEAL ALLOWED</p>	
<p>... The works fall under two categories. First, as part of the reuse of the building, a series of physical interventions are proposed. Second, a programme of repairs is proposed to arrest the deterioration of the fabric, and to make good the unsympathetic repairs or changes of the more recent past. ... This is a listed building which has lain unoccupied for several years, while its structure deteriorates. Taking into account its previous institutional and commercial uses and alterations, the works would secure the building's reuse, as well as the repairs necessary to preserve it. ... Some of the alterations for the reuse are significant interventions. However, considering their effects both individually as well as cumulatively, they would not, subject to conditions, harm the building or its special architectural or historic interest. The level of interventions and their design strikes the right balance between preserving the building's special interest and providing for its reuse and maintenance. ...</p>	

I appreciate the Authority's concern about applying conditions to areas of work where their precise extent is unknown. However, in weighing the balance of risk against probability, and from my own observations on site, and given the evident need for repairs and the nature of the works, I do not consider these would result in an unacceptable risk to the special interest of the building. ... In this light, even if the works were considered to amount to less than substantial harm to the significance of the building, which I do not consider to be the case here, what could only be described as an extremely low level of harm would be substantially outweighed by the public benefit of the works in sustaining and enhancing its significance. ... I conclude, therefore, that the proposed works would preserve the special interest of the Grade II listed building as well as the setting of the listed building beside it, and the character and appearance of the Petworth Conservation Area. ...

COSTS DECISION:

It is unclear how the information sought by the Authority during its consideration of the application amounts to unnecessary expense in the appeal process. In any event, given the sensitivity of the building to change, and the nature and extent of the proposed works, it has not been demonstrated that the information sought by the Authority was disproportionate or overly burdensome. Turning to the second leg of the claim, the Authority determined the application within the extended period agreed by the applicant. ... Therefore, while I understand the applicant's frustration having to supply additional information and to allow additional time for the Authority to reach its conclusion, which ultimately went against it, the Authority's actions do not constitute unreasonable behaviour. Unnecessary or wasted expense, as described in the PPG has not therefore been caused.

3. CURRENT APPEALS

<p>SDNP/18/01754/FUL Harting Parish Council</p> <p>Case Officer: Charlotte Cranmer</p> <p>Informal Hearing</p>	<p>Spindles East Harting Street East Harting Petersfield West Sussex GU31 5LY - Replacement 1 no. dwelling.</p>
<p>SDNP/17/01762/FUL Tillington Parish Council</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/18/00149/FUL Fittleworth Parish Council</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>Informal Hearing</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/18/01956/APNB Fittleworth Parish Council</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/18/01575/FUL Sutton & Barlavington Parish Council</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</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/18/06612/HOUS Midhurst Town Council Parish</p> <p>Case Officer: John Saunders</p> <p>Householder Appeal</p>	<p>24 Taylors Field Midhurst GU29 9PH - Proposed two storey side extension with various alterations and additions to fenestration.</p>
<p>SDNP/18/06373/FUL Stedham With Iping Parish Council</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Land North of The Sorrells School Lane Stedham West Sussex - Erection of a single detached dwelling together with associated works.</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><u>SDNP/18/04813/FUL</u> Lynchmere Parish Council Case Officer: John Saunders Written Representation</p>	<p>Land Between The Vicarage and Forest Mead Linchmere 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.</p>
<p><u>SDNP/16/00496/OPDEV</u> Funtington Parish Council Case Officer: Shona Archer 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 Case Officer: Steven Pattie 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 Case Officer: Sue Payne (CHICH) Written Representation</p>	<p>Flint Acres Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1EZ - Appeal against BY/25</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.