

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 16/05/2019 and 21/06/2019

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

<u>SDNP/19/00273/FUL</u> Fittleworth Parish Council Case Officer: Charlotte Cranmer Written Representation	Stables North-West of Hesworth Common, Hesworth Common Lane, Fittleworth, West Sussex - Replacement of existing equestrian buildings with a building to be used for stabling and an associated self-contained unit of holiday accommodation.
<u>SDNP/18/05112/FUL</u> Easebourne Parish Council Case Officer: Charlotte Cranmer Written Representation	Cowdray Café, Easebourne Lane, Easebourne, Midhurst West Sussex, GU29 0AJ - Proposed extensions and minor internal alterations.

2. DECIDED

<p><u>SDNP/17/00585/GENER</u> Bury Parish Council</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>
Appeal Decision: APPEAL DISMISSED	
<p>... In considering use as a dwellinghouse I have applied the test established in the Gravesham case, namely whether as a question of fact the building is constructed or adapted to afford those who use it the facilities required for day to day private domestic living including sleeping, cooking and washing facilities. I have determined that the appeal site includes the building in which the toilet is situated but even had I not done so I do not find the absence of a toilet within the main building to be determinative as to whether the building is a dwellinghouse. ... There is no dispute that at the date of issue of the notice one of the buildings comprised a bedroom, bathroom and living room and that a toilet was housed in the other building. The parties disagree as to whether the site has continuously contained sufficient basic cooking facilities to meet the Gravesham case dwellinghouse test. ... There is no dispute that a kitchen area was functional in 2018 as evidenced by photographs taken by the Council at that time. But the Council casts doubt on the assertion that basic cooking facilities have been continuously present since the relevant date. I am referred to photographs taken at a site visit in October 2017 which show no microwave or cooking facilities on display in contrast with the 2018 site visit when more cooking equipment is visible. ... I also find the Council's note of the 2017 site visit which records that the kitchen area was not equipped and that the Appellant's father stated that the Appellant used both the appeal site and facilities in the main bungalow as more likely to be correct than the counter evidence produced by the Appellant. I have no reason to doubt that this note was made at the time of the visit. In this case I consider a contemporaneous note by a Council officer likely to be more reliable than the recollection recorded in a statutory declaration sometime later. ... The onus of proof rests of the Appellant. I find as a matter of fact that she has not discharged the burden of proof to show continuous use of the appeal site as a dwellinghouse since the relevant date. The photographic evidence from the site visit in 2017 and the notes taken at that visit cast doubt on the Appellant's version of events. On balance as a matter of fact and degree I cannot conclude on the evidence before me that the appeal site has continuously contained basic cooking facilities for the relevant period. In the absence of that evidence it follows that I cannot conclude that the appeal site has been used as a single dwellinghouse for the relevant period. ... It is directed that the enforcement notice be corrected and varied by (i) the substitution of the plan annexed to this decision for the plan attached to the enforcement notice (ii) the substitution of eight months as the period for compliance. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld. ...</p>	

<p>SDNP/17/01762/FUL Tillington Parish Council 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>Appeal Decision: APPEAL DISMISSED</p>	
<p>The proposal would introduce a tennis court into the grassed area that due to the necessary levelling, hard surface and surrounding fencing would be a harmful, discordant incursion into this undeveloped area. Notwithstanding the apparent efforts to reduce the impact of the proposal by locating the tennis court some distance from the main house, using reduced levels of fencing and a green coloured hard surface, there would nevertheless be an adverse impact out of character with the informal appearance of this part of the grounds. For similar reasons, it would have an adverse impact on the significance of the registered park and garden itself. ... I acknowledge that screening is provided by existing stone walls, mature trees and hedgerows such that the tennis court would not be readily apparent from public vantage points. However, I am required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and this is not restricted to the impact on the public domain. I accept that the measures to a certain degree, would limit the visual harm that would result to the setting of the listed building and the registered park, but would not mitigate it entirely. Consequently, there would be residual, unacceptable harm to the surroundings within which the listed building is experienced. Given the limited scale of the proposal, the harm would be less than substantial to the setting of the listed building and to the registered park and garden. ...Accordingly, I find that the proposal would cause harm to the setting of the Manor of Dean a Grade II* listed building. In addition, it would cause harm to the significance of the Grade II Registered Historic Park and Garden at the Manor of Dean. On this basis, the proposal would conflict with the first statutory purpose of the National Park, as it would not conserve or enhance, amongst other matters, the cultural heritage of the area. Therefore, the proposal would conflict with saved policies BE4 and BE11 of the Chichester District Local Plan First Review, 1999 (LP). ... Paragraph 196 of the Framework advises that such harm should be weighed against the public benefits of the proposal. Given the domestic nature of the proposal, the sporting and health benefits arising from the development would be largely confined to the occupants and associates of the dwelling. Moreover, the overall benefit to the environment from a reduction in car movements currently necessary to access tennis courts is likely to be negligible. Therefore, these do not amount to public benefits that outweigh the harm to the designated heritage assets.</p>	

<p>SDNP/18/05645/HOUS Harting Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</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>
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Appeal Decision: APPEAL ALLOWED

The appeal site is elevated and has a steep bank that leads down to the lower level of the road. The proposal would excavate this to a width of just over 3m to provide for two tandem parking spaces parallel to New Lane, with a ramp also included to provide improved levels of accessibility to the appeal property. ... Despite the site's setting beyond the defined settlement boundary, I found the character of the immediate area to be mixed. In places the rural and open character of countryside and farmland is most dominant in views from the highways but in others the context is obviously residential in nature, with traditional front gardens, boundary enclosures, driveways and road junctions most evident. At the time of my visit I saw that the front garden to No 3, including the grassed bank, was manicured and well maintained as an obvious residential plot, as were the front gardens to the adjoining properties (Nos 1, 2 and 4 Loppers Ash). ...The proposal would undeniably change the appearance of the frontage to the appeal site. By its nature the works would be engineered. However, they would be seen within the immediate residential context of their setting and would simply represent an alternative form of intervention that is commonplace locally along the fringes of the settlement. The works would be at road level and the raised levels of the land beyond would be retained, albeit in a slightly different position and form. The use of a vegetated retaining wall system would create a verdant backdrop to the front face of the parking space that would mature over time. Brick faces to the retaining walls of the proposed ramp would merely reflect the wing walls to the stepped entrance to these properties that already exists on the corner of the junction. ... I understand that soft vegetated banks and verges are an important part of the historic rural lanes that permeate the National Park and that these contribute to its landscape qualities and scenic beauty. But in this case the proposed works would replace a bank that is an obvious and integral part of a residential plot. The construction of an additional expanse of hard surface and retaining walls would not be out of keeping with the context or visual appearance of the immediate surroundings. As such, I am satisfied that there would be no harm to the visual quality or distinctive character of the South Downs National Park. I therefore find no conflict with Policies BE11 or RE4 of the Chichester Local Plan First Review (1999) (LPFR) insofar as they seek to ensure that new development does not detract from its surroundings, and that the landscape and character of the area is protected.

<p>SDNP/18/06612/HOUS Midhurst Town Parish Council</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>
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Appeal Decision: APPEAL ALLOWED

The extension would replace an existing single storey addition. In this respect, the change to the footprint of the building would be minimal. A good amount of visual space between the building and its neighbour to the north east would be preserved. Consequently, whilst the proposal represents an increase in built form, particularly at first floor and roof level, the prevailing spacious character and appearance of the area would be preserved. ... It is argued that the extension would not be subservient to the host building. However, its design has clearly had regard to the character of the host building and replicates important elements of it in its design. Consequently, there would be little change to the overall appearance of the host building. It would not appear unduly unbalanced or dominant, in relation to the surrounding area. ...I therefore conclude that there would be no harm to the character and appearance of the host building and surrounding area, arising from this proposal. It complies with the requirements of policies BE11 and BE12 of the Chichester Local Plan First Review (1999) ("Local Plan") which seek to, amongst other things, ensure that new development does not detract from its surroundings. ...The reason for refusal specifically cites policy SD31 of the emerging South Downs Local Plan - Submission (2018) ("Submission Local Plan"). This sets out a 30% size restriction where increases to the size of existing dwellings within the National Park are proposed. On the evidence before me the proposal would exceed this limit. However, whilst this emerging Local Plan is at an advanced stage of preparation it has not yet been finalised and is not part of the development plan. Consequently, I can only attach moderate weight to this policy, and the conflict with it. I have found that the proposal, including its size and scale, is otherwise acceptable. The conflict with this emerging planning policy does not outweigh the accordance with the development plan. ...Other emerging policies in the Submission Local Plan seek to ensure development respects the local character and achieves high quality design. The proposal complies with these policies. It also complies with the National Planning Policy Framework, which seeks to achieve well-designed places. ...For the reasons given above and having had regard to all other matters raised I conclude that the proposal complies with the development plan, and there are no other considerations that outweigh this finding.

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/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</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>Informal Hearing</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/18/06373/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/19/00893/MPO Sutton & Barlavington Parish Council</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing</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>
<p>*SDNP/18/05965/FUL Bury Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>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.</p>

<p><u>SDNP/18/04813/FUL</u> Lynchmere Parish Council</p> <p>Case Officer: John Saunders</p> <p>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/15/00492/COU</u> Rogate Parish Council</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/15/00209/COU</u> Compton Parish Council</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/9 erection of a dwellinghouse in a barn.</p>
<p><u>SDNP/16/00110/COU</u> Milland Parish Council</p> <p>Case Officer: Steven Pattie</p> <p>Informal Hearing</p>	<p>Land West of Junction With Dangstein Road Borden Lane Borden Milland West Sussex - Appeal against ML/25</p>

<u>SDNP/15/00210/COU</u> Compton Parish Council	Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/7
Case Officer: Shona Archer	
Written Representation	

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

High Court		
Site	Matter	Stage
Laundry Cottage, Dangstein, Road, Rogate	Judicial Review of the Council's decision to grant a Lawful Development Certificate.	Draft Consent Order submitted to the court office on 20 th May 2019

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS