

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 21/06/2019 and 19/07/2019

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/18/06032/LIS Duncton Parish Council Case Officer: Beverley Stubbington Written Representation	Burton Mill, Burton Park Road, Barlavington, GU28 0JR - Replacement of all existing windows with new double glazed units and revised frame design and reveal an obscured window.
SDNP/18/06483/FUL Marden Parish Council Case Officer: John Saunders Written Representation	East Marden Farm, Wildham Lane, East Marden, Chichester, West Sussex, PO18 9JE - Replacement of former agricultural buildings with 3 no. dwellings for tourism use.

<p>SDNP/18/05093/LDE Elsted and Treyford Parish Council</p> <p>Case Officer: John Saunders</p> <p>Informal Hearing</p>	<p>Buryfield Cottage, Sheepwash, Elsted, Midhurst, West Sussex, GU29 0LA - Existing lawful development certificate for occupation of a dwellinghouse without complying with an agricultural occupancy condition.</p>
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2. DECIDED

SDNP/18/01754/FUL Harting Parish Council Parish	Spindles East Harting Street East Harting Petersfield West Sussex GU31 5LY - Replacement 1 no. dwelling.
Case Officer: Charlotte Cranmer	
Informal Hearing	

Appeal Decision: APPEAL ALLOWED

The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, with particular regard to

- i) the East Harting Conservation Area;
- ii) the landscape character of the South Downs National Park;
- iii) light pollution; and
- iv) the effect on existing trees on the appeal site. ...The character of the East Harting Conservation Area is therefore typified by attractive vernacular buildings arranged in a dispersed fashion, where outward vistas towards the surrounding countryside contribute positively to its significance. ...The proposed building would be set further back from the road than the existing building on the site ... The proposed building would be set further back from the road than the existing building on the site ... Considering the detailed design of the building ... in common with the existing building on the site and the two existing properties to the immediate east, this would appear as a modern building. ...However, this design approach is appropriate given that it sits in a group of predominantly modern buildings in terms of style. The use of timber cladding would complement the sylvan character of East Harting Street. The building has an appropriate set back from the road and its proportions are symmetrical. Consequently, the departure from the prevailing vernacular within the wider Conservation Area is on this occasion justified and there would be no harm ... *Landscape Character of the South Downs National Park* ...To the south of the site the land rises sharply to a chalk scarp, known as Harting Down. The site is clearly visible from parts of this hilltop, which is crossed by paths, including the South Downs Way, and open access fields. It forms part of a dramatic rural landscape which encompasses large fields of arable interspersed with pasture and woodland, together with roads and small settlements. These views would be appreciated by both long-distance walkers on the South Downs Way, and recreational walkers accessing the site from the nearby car park off the B2141. ... From this vantage point ... None of these buildings are of a scale whereby they appear unduly conspicuous or prominent in the rural landscape. The proposal ... would be comparable in height to the immediate neighbouring properties. ...The increase in height would not be of a scale whereby views of natural landscape features in the area immediately surrounding the site would be materially diminished. ...The new building would also be visible at various points along Elsted Lane, and the footpath that runs from here to East Harting Street. ... the new building would be more visible than the existing building due to its raised height. However ... In this respect it would follow the existing pattern of development and there would be no harm. ... In shorter views in and around East Harting the new building and particularly its roof would be visible on occasion through gaps in the vegetation. However ...it would not appear obtrusive or out of place ...It would not materially obstruct views of the surrounding downland from East Harting. Overall there would be no harm to the landscape character of the South Downs National Park, arising from this proposal. ... *Light Pollution* ...Both the existing and the replacement building comprise a source of artificial light in the hours of darkness. ...it is argued that there would be less light leakage from the building in the hours of darkness.

The Authority ... suggest that as the site comprises new development, further savings should be achieved given sensitive location of the site. It is also argued that the addition of the first floor and rooflights would result in light spillage at a raised level, which does not occur at present. ... Overall the additional light spillage at first floor level is justified by the overall reduction of light spillage across the building as a whole. ... *Trees* ... The section drawing ... is inconsistent with the submitted tree protection plan ... which indicates that the trees and associated root protection areas will be protected throughout the course of building works. ... The appellant confirmed ... that, notwithstanding the section drawing, there was no intention of reducing the site levels in the area around these retained trees. It was agreed ... that the matter could be dealt with via a condition requiring the details of existing and proposed levels across the site ... *Emerging planning policy and the provision of small houses* ... Policy SD30 ... states that development proposals for replacement residential dwellings outside settlement boundaries will be permitted where, amongst other things, the structure does not result in a net increase of more than approximately 30% compared with the gross internal area of the existing dwelling ... There is no dispute that the proposed building would exceed the 30% limit ... Consequently, the proposal conflicts with this emerging planning policy. ... the Submission Local Plan explains that the purpose of this policy is to reduce the loss of small homes. It goes on to say that a key consideration is demonstrating that there is no increase in the overall visual impact of the replacement dwelling on the landscape of the National Park. ... The Authority have subsequently published guidance ... which suggests the aim is to protect the limited supply of small and medium sized homes in the National Park ... Both the existing and the new dwelling would comfortably fall within the "4+ bedroom dwelling" category for the purpose of policy SD27 ... Consequently, the proposal represents the replacement of one large dwelling with another one. ... and ... there would be no loss of a small or medium sized home. ... Consequently, whilst the proposal conflicts with policy SD30, on this occasion the proposal would not lead to harm in terms of the underlying purposes of the policy, which are to protect the supply of smaller homes and protect the landscape character of the National Park. ... The conflict with this emerging planning policy does not outweigh the accordance with the development plan, and planning permission should not be withheld on these grounds. ... *Self-Build* ... The proposal would comprise a self-build dwelling. It would fulfil a demand for this type of housing, within the National Park.

<p>SDNP/18/06373/FUL Stedham With Iping Parish Council Parish</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>
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Appeal Decision: APPEAL DISMISSED

Therefore, the main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of the adjoining dwelling, The Sorrells, in respect of outlook, noise and disturbance. ...*Character and appearance* ...The area is characterised by detached and semi-detached dwellings mostly set well back from the road frontage, of varied design and size, on reasonably generous sized plots. These characteristics along with trees, shrubs and other foliage, combine to give the street-scene a verdant and spacious appearance. ...Taking into account the relatively small size of the appeal site, the position and scale of the development, would unacceptably erode the spacious character that exists around existing buildings. It would result in a cramped form of development out of character with the established spacious pattern of built form in the area. Moreover, by virtue of being comparatively close to School Lane it would be conspicuous and dominant when viewed from within the street-scene. ...the development would nonetheless be very readily apparent from the public domain such that it would have an adverse visual impact when viewed against the immediate pattern of development. For these reasons, the proposal would be significantly harmful to the character and appearance of the area. ...*Living conditions* ...Considering the separation distance, the offset position, and the presence of mature tall trees in the garden of The Sorrells close to the common boundary with the appeal site, I do not consider that the development would result in a significant loss of outlook for the occupiers of The Sorrells when viewed from the windows on the front elevation. ...Taking into account the position of the parking area relative to The Sorrells, and the existing and proposed boundary treatments, I do not consider the development would have a significantly harmful effect upon the living conditions of the occupiers of The Sorrells in terms of noise and disturbance associated with the comings and goings of vehicles and any other activity. ...In conclusion, whilst the proposal would not cause significant harm to the living conditions of the occupiers of The Sorrells, this would not overcome the significant harm that would be caused to the character and appearance of the area. ...

3. CURRENT APPEALS

<p>SDNP/18/00149/FUL Fittleworth Parish Council Case Officer: Derek Price 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 Case Officer: Charlotte Cranmer 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 Case Officer: Derek Price Written Representation</p>	<p>Fitzleroi Farm Fitzleroi Lane Fittleworth Pulborough West Sussex RH20 1JN - Proposed grain and straw storage building</p>
<p>SDNP/18/03090/HOUS Kirdford Parish Council Case Officer: Beverley Stubbington Written Representation</p>	<p>Little Bignor Farm A272 Wakestone Lane To Croucham Lane Kirdford RH14 0LJ - Demolition and replacement of existing side extension.</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/18/03091/LIS Kirdford Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Little Bignor Farm A272 Wakestone Lane To Croucham Lane Kirdford RH14 0LJ - Demolition and replacement of existing side extension.</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/19/00273/FUL Fittleworth Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>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.</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>SDNP/18/04813/FUL 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>SDNP/18/03666/LIS Sutton & Barlavington Parish Council</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.</p>
<p>SDNP/18/03665/HOUS Sutton & Barlavington Parish Council</p> <p>Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.</p>

<p><u>SDNP/15/00492/COU</u> Rogate Parish Council Case</p> <p>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 Parish</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>
<p><u>SDNP/15/00210/COU</u> Compton Parish Council Parish</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/7</p>

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	Consent Order approved by the Court on 8 th July 2019. Certificate quashed and application remitted to defendant (CDC) to be reconsidered.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS