

**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 16/09/2019 and 16/10/2019

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 (Lodged)

SDNP/18/06427/HOUS Duncton Parish Council Case Officer: Beverley Stubbington Written Representation	Duncton Mill House, Dye House Lane, Duncton, GU28 0LF - New detached domestic garage/store.
SDNP/17/00447/GENER Lurgashall Parish Council Case Officer: Shona Archer Written Representation	Jays Farm, Jays Lane, Lurgashall, Haslemere West Sussex, GU27 3BL – Appeal against LG/16
SDNP/18/00082/GENER Fernhurst Parish Council Case Officer: Emma Kierans Written Representation	Coombe House, Marley Heights, Fernhurst, Haslemere West Sussex, GU27 3LU – Appeal against FH/27

2. DECIDED

<p>SDNP/18/05112/FUL Easebourne Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Cowdray Cafe Easebourne Lane Easebourne Midhurst West Sussex GU29 0AJ - Proposed extensions and minor internal alterations.</p>
Appeal Decision: APPEAL DISMISSED	
<p>The grouped buildings are associated with a wider historic estate that is of great significance to the area. Due to the manner in which they have been converted and extended, even with a link between the two, the appeal buildings retain much of their original character and allow an appreciation of their former uses. The former cottage is the dominant, low two storey building with a traditional form and appearance. The former barn sits immediately to the rear of the cottage and is a single story building with a large hipped roof form. There are some small lean-to extensions on the rear of the cottage and side of the barn... The appeal proposal would extend the former barn, elongating it further into the courtyard. Another projection would extend from the side elevation of the former cottage with a lean-to roof and would adjoin the barn extension at a right angle... Whilst the appellant highlights that the extensions have been designed to reflect the original character and appearance of the buildings, they would result in them having a convoluted arrangement of add-on elements. The extensions would obscure a greater proportion of the rear and side elevations of the former cottage, concealing its domestic proportions and features and undermining the appreciation of its former use. The additional bulk of the extension to the former barn would also undermine the primacy of the two story cottage building within its courtyard arrangement. Due to their siting, scale and massing, the extensions would also result in the conjoined buildings becoming an imposing feature at the entrance to the courtyard, undermining their proportionally and subtlety in the context of their historic form and that of the wider courtyard...I note that the existing lean-to extensions are not sympathetic to the host buildings. They are nonetheless, modest in size, below the eaves line and observe the building lie of the former cottage. Whilst the proposal would lengthen, the barn in a manner that would appear sympathetic to its existing character, the lean-to extension to the former cottage would ostensibly appear to be a larger, repositioned version of that which already exists and cannot be said to be a marked improvement. As such, the existing extensions are not sufficient justification for the appeal proposal...Despite not being in the most important views towards the Grade I listed Priory, Refectory and Parish Church of St Mary and the Grade II listed Registered Park and Garden of Cowdray House, given the proximity and visual relationship of the proposal thereto, it would be visible in the context of these assets. Due to the additional bulk of the proposal, its prominent siting and the manner in which it would obscure some original features of the buildings, the proposal would form an unsympathetic addition within views to and from these assets, thus harming their significance.... Insofar as the proposal would harm the character and appearance of the host buildings, the proposal would conflict with, in particular, Local Plan</p>	

Policy SD5, which seeks to ensure that new development, contributes to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern... Policies SD12, SD13 and SD15 of the Local Plan require that proposals conserve and enhance the historic environment, including listed buildings and conservation areas, and their settings. As the proposal would not at least conserve the settings of the assets, it would also conflict with these Policies.

<p>SDNP/18/01138/FUL Milland Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Informal Hearing 06/08/2019 10:00:00 CDC - Old Court Room</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>
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Appeal Decision: APPEAL DISMISSED

National Planning Policy Framework ("the Framework") seeks to ensure a safe and suitable access to the site can be achieved for all users, where new development is proposed ... SD19 ... development demonstrates the continued safe and efficient operation of the local road network ... pre-school children, are particularly vulnerable as they have little awareness of traffic and its associated dangers. This justifies a precautionary stance towards highway safety ... busy road with constant traffic running along it ... no footpath or cycle route ... TRICS1 data indicates that there would be considerably fewer than 90 drop offs at the site in the morning rush hour. ... degree of uncertainty ... site would almost certainly be accessed by car as it is physically remote from any built-up area. ... given that 90 children would potentially attend the nursery there is still a risk, particularly at the time of the morning rush hour, that the 12 assigned parking spaces provided would be insufficient to serve the amount of cars that would seek to visit the nursery ... adjacent road is subject to fast moving traffic with no clearly defined on-street parking. ... visibility ... restricted due to the proximity of a bend ... clear to me on inspection that this stretch of road is an unsafe place for parents to be stopping, to drop off and pick up young children. ... whilst measures such as ride sharing could be imposed on staff, such measures cannot be reasonably imposed on the parents of pre-school children, who would expect flexibility in how and when they access the nursery. ... unacceptable risk that there would be insufficient on-site parking when children are being dropped off and picked up from this facility. ... little control over the behaviour of its future customers, particularly when they are pressed for time. ... not confident that the operation would be carried out in a way that ensures that there is no unacceptable risk of waiting and overspill parking on the adjacent road. Accordingly, given the hazards posed by such an arrangement, a safe and suitable access would not be achieved. ... community infrastructure facilities include education. A nursery and preschool use is centred around education. ... primarily functions as a community use. ... marketed and attracted an offer from an equivalent community use, the requirements set out in policy SD43 (part 2(a)) of the adopted local plan have been followed ... aim of the policy is to safeguard existing

community facilities from development proposals for non-community uses. ... premises as a community use, rather than a tourism use which triggers different marketing requirements where a change of use is proposed ... the proposal would be no less accessible or sustainable than the existing community facility on the site ... effect of the development would be neutral, and there is no conflict with policies SD1, SD19 and SD43 of the adopted Local Plan ... location is appropriate in principle for the proposed development. However, this finding does not overcome the concern set out in the first main issue in relation to access and parking. ... scale of the operation and the fact the road is already busy, the overall effect on the character and volume of traffic along this road would be insignificant. ... no material change to the character and appearance of the area arising from any variation in traffic ... no conflict with the statutory purposes of the National Park ... agree that the development would lead to improvements in highway safety. However, this does not overcome the harm that arises due to the lack of a safe and suitable access ... facilitate the growth of a business in a rural area, providing new employment opportunities. There is support for this in the Framework, along with the promotion of new community facilities including education facilities. ... Whilst the loss of the existing public house is justified, the location is acceptable in principle and there would be no harm to the character and appearance of the area, a safe and suitable access would not be achieved. ... dismissed.

COSTS DECISION

As a specific community use would be lost, it is reasonable to conclude that the tests summarised above were engaged. ... the position taken by the authority in its first reason for refusal was based on a reasonable interpretation of the most relevant development plan policy to the issue under examination. It elaborated on why it considered there was still a demand for the facility and provided specialist advice to substantiate its position in advance of the hearing. ... did not act unreasonably ... The authority provide a different interpretation of this policy, advancing the argument that the proposed use was not a community use and insufficient marketing had taken place to justify the loss of the existing facility ... this is a matter of planning judgement and policy interpretation which the appeal process fundamentally seeks to resolve. As such, the Authority did not act unreasonably taking the position it did. ... none of these involve the change of use of a pub to a nursery ... predate the adoption of the new Local Plan ... not directly comparable to the proposed development. ... lack of information about the demand within the community for such a use, this description does not apply here. ... Authority provided an adequate justification as to why a different approach was adopted. It did not act unreasonably in taking the stance it did. ... no question that the Applicant was put to unnecessary or wasted expense. ... costs is not justified

<p>SDNP/18/06483/FUL Marden Parish Meeting Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p>	<p>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>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>The proposal is to introduce 3 identical replacement dwellings, which exhibit features to reflect the local domestic vernacular in terms of materials and design. However, I find that the low density and ad-hoc layout of the buildings would conflict with the prevailing character of the denser historic layouts and more uniform twentieth century layouts evident within the conservation area.</p> <p>The site currently has a high degree of enclosure and the proposal would erode this. Furthermore, the arrangement of the buildings and associated access, parking, turning and landscaping would give the appearance of a somewhat suburban form of development that does not respond positively to the rural and agricultural context of the village and farmstead. The use of three identical designs that, for example, lack subtle variation in ridge heights and elevational reveals further contribute to that character. ... The site is prominent on approaches from the south along the public highway and also along right of way no.547. From these locations in particular the site is viewed both in the context of the built form of the village, and also the agricultural land that surrounds it. ... For the above reasons, I consider that the proposal would be prominent and appear incongruous within the context of both the built form of the village and the surrounding countryside. I consider that it would fail to positively respond to the agricultural heritage and context. Whilst the proposal exhibits some good features, such as the use of a traditional and local materials palette, these do not outweigh my concerns overall. Nor do I find that the detailed scheme of planting would mitigate my concerns, as landscaping should not be used to hide what is otherwise inappropriate development from view. Furthermore, elements of the landscaping scheme contribute to the creation of an overtly residential character and erode agricultural connections. ... Therefore, I consider that the proposals would not preserve or enhance the character and appearance of the EMCA. Although I consider that the harm to the EMCA would be less than substantial, great weight ought to be attached to any such harm having regard to paragraph 193 of the Framework. I am mindful of some potential public benefits from the scheme including bringing the site back into a viable use and its contribution to the economy of the National Park's communities. However, based on the proposed scheme I do not consider that the public benefits outweigh the harm identified. ... Furthermore, I have had regard to the conservation of the cultural heritage of the SDNP alongside the other purposes for which the National Park is designated, in accordance with s.11 of the National Parks and Access to the Countryside Act 1949 (as amended). I find that the proposals would be harmful to the agricultural landscape and cultural heritage of the SDNP and therefore, in accordance with paragraph 172 of the Framework, I also place great weight to this harm in my overall assessment. ... In conclusion, I consider that the proposal would harm the character and appearance of the area, the cultural heritage and landscape</p>	

of the SDNP and result in less than substantial harm to the significance of the EMCA without public benefit to outweigh it. The proposal would therefore fail to accord with policies SD4, SD5, SD15, SD23 and SD25 of the SDLP which amongst other aims seeks high quality development that responds to landscape character, conserves or enhances the character or appearance of conservation areas and protects the cultural heritage of the National Park. It would also fail to accord with the design, landscape and heritage objectives of the Framework.

[SDNP/19/00273/FUL](#)
Fittleworth Parish Council
Parish

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.

Appeal Decision: APPEAL DISMISSED

Access from Lower Fittleworth is via a single-track lane with few passing places which continues west past the site and then connects to the A283 towards the north west ... unmetalled for much of the distance running east ... the area is largely uninfluenced by built form and has a highly rural and tranquil quality, dominated by the woodland heath of Hesworth Common to the north, and the open landscape towards the south. ... National Parks ... conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and (ii) to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public ... Policy SD1 also confirms that where there is a conflict between the two National Park purposes, greater weight will be attached to the first of these. Policy SD23 specifies requirements for proposals for visitor accommodation, including that development does not adversely affect the character, appearance or amenity of the area and that new buildings are sensitive to character and their setting. ... replace the existing stable block on the site. ... additional openings for doors and windows ... agree that it would sit comfortably ... in addition to the new building, the proposal includes a large area for parking and turning, as well as provision of a new aggregate or chipped bark surfacing to the site access ... more formal and domestic appearance to the site. ... encroachment of development into the countryside ... detract from the generally undeveloped and rural appearance of the area. ... parking of vehicles associated with the holiday let on the parking and turning areas would be more sustained and take place over longer periods than would be likely in the case of the more intermittent existing use of the site. The use of these areas would further add to the proposal's intrusion to the rural landscape. ... while the building itself may be in keeping with its landscape surroundings, the use proposed and associated activity and development would be particularly apparent from the lane between Lower Fittleworth and the A283 ... unwelcome pocket of urbanising development in the countryside. ... notable change to the nature of the appeal site would encroach into the rural setting of these, reducing their appearance as isolated features in the landscape ... existing could generate some activity and associated comings and goings including those of vehicles. However, while there may be some seasonal ... may not be occupied continuously through the year, the creation of a unit of holiday accommodation together with the associated stables would be likely to result in increased levels and duration of activity ...

holiday let would also operate 24 hours a day when in use and would lead to increased activity on the site overnight in comparison to the existing use of the site as stables. ... activity would lead to a considerable intensification of the use of the site and result in much higher levels of noise and disturbance than is currently the case in this quiet and peaceful rural area. ... conserving and enhancing the landscape and scenic beauty of the SDNP which has the highest status of protection. ... unacceptable harm to the rural character and tranquillity of the area and the intrinsic value and qualities of the local landscape and the SDNP.

COSTS DECISION

... Did not engage during the planning application process, that landscape information submitted with the application does not appear to have been considered by the Authority, and that a Landscape Officer was not consulted. ... clear from the officer's report that the Authority considered the impact of the development proposed on the wider landscape. There is no requirement to consult a Landscape Officer to inform this assessment and I see no reason why this would be necessary. ... the report provides an explanation of the factors which led to this position ... intensification of use of the site and associated ancillary works including the parking and turning area and access. ... I do not therefore find that the Authority acted unreasonably in reaching this conclusion. ... Ultimately, the further submissions did not overcome the Authority's initial concerns. ... However, given that the nature of the Authority's concerns essentially relate to the principle of the development being proposed, it is unlikely that further discussion or amendment could have addressed this concern or that the appeal could have been avoided. I do not therefore find that the Authority acted unreasonably

3. CURRENT APPEALS

<p>SDNP/17/04166/LDE Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Public Inquiry 07/01/2020 10:00 Chichester Harbour Hotel</p>	<p>Buriton Barn Buriton Farm Buriton Farm Lane Treyford GU29 0LF - Existing Lawful Development - C3 residential use for the site area and building.</p>
<p>SDNP/18/00113/FUL Bury Parish Council Parish</p> <p>Case Officer: Naomi</p> <p>Langford</p> <p>Informal Hearing</p>	<p>Bignor Park Nursery Bignor Park Road Bignor RH20 1HG - Construction of a bespoke joinery building for furniture making. Conversion and extension of an existing barn to equestrian use. Development of a horse walker and sand school plus temporary stationing of a log cabin to support the development of the equestrian business. Ancillary parking, drainage (foul and surface), PV solar panels and landscape planting.</p>
<p>SDNP/18/03090/HOUS Kirdford Parish Council Parish</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/18/01575/FUL Sutton & Barlavington Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Informal Hearing 06/11/2019 10:00:00 Chichester Cathedral</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 Parish</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/MP O</p> <p>Sutton & Barlavington Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing 06/11/2019 10:00:00 Chichester Cathedral</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/18/06032/LIS Duncton Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>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.</p>
<p>SDNP/18/06143/FUL Fittleworth Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Fittleworth House Bedham Lane Fittleworth RH20 1JH - Installation of freestanding solar array.</p>
<p>SDNP/18/03666/LIS Sutton & Barlavington Parish Council Parish</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/18/03665/HOUS</u> Sutton & Barlavington Parish Council Parish</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</p> <p>Parish Case Officer: Steven Pattie</p> <p>Public Inquiry 28/10/2019 10:00:00 Memorial Hall</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 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/9 erection of a dwellinghouse in a barn.</p>
<p><u>SDNP/16/00110/COU</u> Milland Parish Council</p> <p>Parish Case Officer: Steven Pattie</p> <p>Informal Hearing 07/01/2020 10:00:00 CDC - Old Court Room (OCR)</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

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