

South Downs National Park

Planning Committee Wednesday 04 December 2019

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 17/10/2019 and 19/11/2019

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/19/01585/HOUS Lynchmere Parish Council Parish Case Officer: Louise Kent Householder Appeal	Dormer Cottage Lower Lodge Road Lynchmere GU27 3NG - Two storey rear extension with associated roof works and alterations and additions to fenestration. Single storey extension to outbuilding
SDNP/18/06427/HOUS Duncton Parish Council Parish Case Officer: Beverley Stubbington Householder Appeal	Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached domestic garage/store.
SDNP/17/00755/COU Fittleworth Parish Council Parish Case Officer: Tara Lang Written Representation	Lithersgate Common Bedham Lane Fittleworth West Sussex - Appeal against FT/10

2. DECIDED

Reference/Procedure	Proposal
<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>
Appeal Withdrawn	
<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>
Appeal Withdrawn	
<p>SDNP/18/01575/FUL Sutton & Barlavington Parish Council Parish</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>Linked to SDNP/19/00893/MPO</p>
Appeal Decision: SPLIT: PART DISMISSED/PART ALLOWED	

"... The Council has informed me that its members have resolved to agree to their officer's recommendation to discharge the planning obligation and not to defend appeal A. This unilateral undertaking contains a similar restriction to a planning condition attached to permission ref. SN/11/02662/DOMNP relating to The Stables. ... No evidence has been presented to demonstrate that this obligation serves a useful purpose. I therefore agree with the Council and the appellant that it should be discharged. Appeal A therefore succeeds. ... Whether the proposal would be tantamount to the creation of a new dwelling - The appeal site lies within the countryside and outside the confines of any defined settlement boundary. A new dwelling within this part of the National Park would be at odds with the character of this sensitive landscape. Unless it met a proven or essential need, any such dwelling would conflict with the provisions of the development plan and the Framework⁵. It could also set a precedent for other similar development elsewhere⁶ within the National Park which would be difficult to resist and likely to result in cumulative adverse harm to the character of a landscape which is of national importance. The Stables is a sizeable building⁷ that is located in the north western corner of the extensive curtilage to The Croft. ... The Croft and The Stables share the same access onto the public highway and the same residential curtilage. However, there are separate parking areas alongside both buildings and it would take little effort to sever the lawn area in front of The Stables from the remainder of the garden. With all the facilities necessary for independent living (two bedrooms, a bathroom, sizeable kitchen/living space and garage/storage space) the appeal building, without adequate restriction on its use, could be capable of operating as a separate dwelling to The Croft. Those acting for the appellants have informed me that they are not seeking permission for a new dwelling ... However, circumstances can change, as has already been the case with the appeal building, which was originally permitted as a replacement stable in 2003. The property could also be sold in the future. ... I concur with the Council that the proposed use of The Stables for garaging, stables and/or a hobby room in association with the residential use of The Croft would not result in any harmful impact or conflict with any local and national planning policies. Permission should not therefore be withheld for these uses. ... Whilst The Stables would be capable of operating as a separate unit, members of the appellants family and their guests would be likely to use some of the facilities within The Croft for relaxing and main meals, as well as making use of the separate swimming pool building that is ancillary to the main house. To prevent/deter the appeal building from being used as a separate dwelling, a condition restricting the duration of any visitor/family members staying within The Stables to 90 days would be necessary and reasonable. I note that the appellants wish to have flexibility over the uses proposed for The Stables. A condition to the above effect would be likely to prevent use of the building by a dependent relative. ... In the absence of details regarding any dependent relative and a failure to adequately demonstrate the functional and physical dependency on The Croft, I share the concerns of the SDNPA that this use of The Stables would be at odds with the provisions of the development plan. ...there is no evidence to demonstrate that there is an essential or proven need for any staff to reside on site or be employed at The Croft. There is also nothing to demonstrate that The Stables would help address the likely shortfall in the supply of affordable housing within the National Park or assist in meeting local housing needs. In the absence of such details there is considerable risk that The Stables would be tantamount to a new dwelling and erode/unacceptably harm the character of this part of the National Park. Even if planning conditions were attached to a permission restricting

Appeal Decision: SPLIT: PART DISMISSED/PART ALLOWED - continued

the occupancy to staff employed at The Croft and/or tying the buildings into the same ownership, it would be very difficult for the SDNPA to refuse permission for any future application to discharge such conditions. ... Tourism, including visitor accommodation, is important to the National Park. ... Unlike the proposed use of The Stables as staff accommodation, those staying within this building on holiday would be very unlikely to undertake journeys to main centres for accessing educational, healthcare and other essential services that would be required by more 'permanent' residents. ... Furthermore, in comparison to staff accommodation, holiday makers are far less likely in the future to want to enlarge the appeal building or alter the curtilage of the site to cater for their changing needs. Subject to the use of a planning condition restricting the duration of occupancy of The Stables to a maximum duration of 30 days by individual holiday makers, this building would function in a different way and take on a different character to that of a new dwelling. A holiday use would not harm the special landscape qualities of the National Park. ... I conclude on the first main issue that the proposed use of The Stables as staff accommodation or as an annexe would be tantamount to the creation of a new dwelling. It would be at odds with the provisions of LP policies LP1, SD25, as well as the thrust of MP policy 1, and the provisions of the Framework that are aimed at conserving and enhancing the National Park. These proposed uses would result in unacceptable harm to a nationally important landscape and would significantly and demonstrably outweigh the very limited benefits. I also agree with the Council that including these uses as part of the 'flexible permission' that is sought by the appellants would be likely to create enforcement difficulties for the SDNPA in monitoring these different uses in the future. ... I note the concerns of the SDNPA and some interested parties that the proposed uses would result in an increase in activity within this part of the appellants' property and result in noise and other disturbance. ... I conclude on the second main issue that there is no cogent evidence to demonstrate that the proposals would result in any harmful effect upon the amenity or living conditions of neighbouring residents. ... Given all of the above, I conclude that appeal A should succeed and appeal B should succeed in part but is otherwise dismissed. A split decision can be issued in respect of appeal B."

*[SDNP/19/00893/MPO](#)
Sutton & Barlavington Parish
Council Parish

Case Officer: Carol Garfield

Informal Hearing

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.

Linked to [SDNP/18/01575/FUL](#)

Appeal Decision: APPEAL ALLOWED

As Above

[SDNP/18/06032/LIS](#)
Duncton Parish Council
Parish

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.

Appeal Decision: APPEAL DISMISSED

This application proposes a more appropriate window design and includes the replacement of other, now decaying, 1990s windows with the same design...The main issue is whether the proposed double-glazed windows would preserve the special architectural or historic interest of the Grade II listed mill...The windows are an important element of the historic and architectural character of the former industrial building despite it having been converted into a dwelling in the early 1990s...modern windows, which the LPA point out do not benefit from listed building consent and are therefore unauthorised,.. The existing windows do not therefore constitute a 'fall-back' despite the fact they have been there for at least 20 years... The appellant and LPA agree that the proposed six pane windows in three vertical sections, with two outer casements and one fixed centre section all inset from the front face of the building by 50mm, would replicate the original design of the mill's windows. But the LPA objects to their double-glazed design...double-glazed windows would be inappropriate because the design of the proposed windows would simply replace one inappropriate window design with another for...These unfortunate drawbacks of the proposed double-glazed windows would give them a suburban residential appearance very much at odds with the overall character and appearance of this industrial building. It is important that such a prominent building in a local beauty spot should be properly restored to reflect its original historic architectural character and appearance...double-glazed units being proposed here would fail to match the historical and architectural character of the building. Since the fenestration is an important physical and visual component of the mill, the proposed windows would harm its significance as a listed building...There is no suggestion that its viable optimum use has not been secured...I conclude that the harm to the significance of the listed building would outweigh the benefits in terms of better thermal performance...NPPF paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that great weight should be given to assets' conservation...Policy SD5 requires new development to be locally distinctive and utilise appropriate and sympathetic materials. Policy SD12 states that development proposals must safeguard heritage assets. Policy SD13, which sets out more detailed criteria for listed buildings, requires proposals to preserve and enhance the significance of such buildings and applies the statutory and NPPF tests...For the reasons set out above the proposal would fail to comply with the statutory tests, the NPPF and the above Policies in the LP. Consequently.

<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>Appeal Decision: APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHELD</p>	

As the ground (d) would be for the mixed use as alleged, the appellant agreed to withdraw this ground, as they only wished to contest the archery element and this would be more appropriately done as an appeal against the LDC...The appellant also withdrew the ground (c) appeal and confirmed the ground (b) appeal related solely to the question of forestry related activities, and the ground (f) appeal related to the issue of whether the Council should have asked for a reduction in activity rather than a cessation...The Council for its part accepted the notice should be corrected to include "forestry" within the mix of uses enforced against...The appellant argues that the production of timber products included in the allegation are ancillary to the lawful forestry use of the land... It seems to me it is the degree of processing that is important...The key issue is whether the production is genuinely incidental/ancillary, or does it amount to a separate activity and that must turn on the amount as well as the details of the activity...one of the outputs of the yard is pre-cut timber to make wooden framed buildings to order...It involves considerable added value and processing of the raw timber to create an artefact, that is then essentially taken in kit form to a site and erected. This goes beyond processing of timber to make it marketable but is part of the creation of a product itself and would not seem to me to be ancillary to forestry, but a separate and potentially commercial process...It was agreed that the occasional imports of wood from other nearby woodlands where they did not have the means to process it, for the sort of ancillary processing described above was lawful and there is no evidence of wood being imported in any quantity for educational purposes. In some of those cases Mr Walker had made an occasional simple bench or table out of a tree trunk.. But taken along with the framing and bus shelters, it adds up to a low level creation of timber products that go beyond what is ancillary to the lawful forestry activities...It would seem to me therefore that timber products are produced on site, albeit at a fairly low level, and so the appeal on ground (b) fails...As the Council pointed out, the appellant does not really want planning permission for what he has been doing on the land (the ground (a) of Appeal A) but wants planning permission for what he proposes to do (the s78 Appeal B)... However, the notice also requires the imported wood to be removed, whereas it seems the Council accepted the import of wood, as long as it was for ancillary purposes, was lawful...This is therefore a separate matter that the appellant will have to pursue with a s78 application...As to the enforcement appeal, ground (b) failed and planning permission should not be granted for the development alleged in the notice. The ground (f) was essentially that a low level of activity could safely be carried out on the site, but that has been overtaken by the grant of planning permission for the s78 appeal. The ground (g) is similarly rendered irrelevant. I shall therefore dismiss the enforcement appeal and uphold the notice. This will be overridden insofar as it conflicts with the planning permission granted by Appeal B. But it will require the scruffy archery equipment, tents, storage and portaloos to be removed as well as the temporary camp kitchen, compost toilets and so on. These will all be replaced by the structures granted permission by Appeal B. I shall remove from the requirements the need to remove the imported timber as it was agreed this was not unlawful...

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/17/04166/LDE</u> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Public Inquiry 07/01/2020 at 10 am 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><u>SDNP/18/00113/FUL</u> Bury Parish Council Parish</p> <p>Case Officer: Naomi Langford</p> <p>Informal Hearing 19/11/2019 10:00:00 Chichester Harbour Hotel</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><u>SDNP/19/01585/HOUS</u> Lynchmere Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>Dormer Cottage Lower Lodge Road Linchmere GU27 3NG - Two storey rear extension with associated roof works and alterations and additions to fenestration. Single storey extension to outbuilding</p>
Reference/Procedure	Proposal
<p><u>SDNP/18/06427/HOUS</u> Duncton Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached domestic garage/store.</p>
<p><u>SDNP/18/06143/FUL</u> 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><u>SDNP/18/03666/LIS</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/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>Reference/Procedure</p>	<p>Proposal</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/17/00755/COU</u> Fittleworth Parish Council Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Lithersgate Common Bedham Lane Fittleworth West Sussex - Appeal against FT/10</p>
<p><u>SDNP/16/00110/COU</u> Milland Parish Council Parish</p> <p>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>

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

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