

# 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 17/06/20 and 21/07/20

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
<u>SDNP/19/05938/HOUS</u> Lurgashall Parish Council Parish  Case Officer: Jenna Shore  <b>Written Representation</b>	Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section. Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS.  Linked to <u>SDNP/19/05939/LIS</u>
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## 2. DECIDED

Reference/Procedure	Proposal
<p><u>SDNP/19/04930/CND</u> Harting Parish Council Parish</p> <p>Case Officer: Piotr Kulik</p> <p><b>Written Representation</b></p>	<p>Spindles East Harting Street East Harting Petersfield West Sussex GU31 5LY - Replacement 1 no. dwelling - variation of condition 2 of planning permission</p> <p>SDNP/18/01754/FUL - substitute plans 57b for 57 and add new plans 21b and 27.</p>
<p><b>Appeal Decision: APPEAL DISMISSED, APPLICATION FOR COSTS REFUSED</b></p>	
<p>"...the main issue is the effect that varying the condition to incorporate the car port would have on the character and appearance of the area, and whether the scheme would preserve or enhance the East Harting Conservation Area (CA) or the landscape character of the South Downs National Park. ... I find that the CA is defined by attractive vernacular buildings generally set back from the roadside edge which are largely enclosed by trees and hedgerows but where gaps between buildings and vegetation afford views out to the surrounding countryside. Whilst these views are limited by the size of the gaps the views contribute positively to the significance of the CA.... The building under construction on the site has an appropriate set back from the road and its proportions are symmetrical... The introduction of a significant built form in front of the dwelling would obstruct the view through to the surrounding down land and would undermine the justification for the dwelling allowed on appeal...Whilst the appellants argue that the car port would have less of an impact than the dwelling it is significant that the earlier appeal scheme recognised the enhancement to the CA which would be achieved by setting the dwelling back into the site and by the enhanced spacing between buildings. The position and bulk of the proposed car port would eradicate those enhancements and would dominate the space at the front of the dwelling... the position of the proposed car port given its height and mass would be both visible and dominant when approaching from the west. That prominence would be emphasised as the land level is elevated around 1.5 metres above the road and by the size and height of the car port... Such prominence would lead to a dominant and inharmonious feature within the CA causing harm its established character... Taking all the above into account, the development would neither preserve nor enhance the character or appearance of the CA and would have an effect, albeit more limited, on the natural beauty of the National Park... The appellants have cited examples of other dwellings in the hamlet where garages have been constructed between the house and the road; however those which I did see were not comparable to this proposal in relation to their scale, mass or elevation above the road such as they are examples that would alter my judgement in relation to this appeal... For the above reasons and having had regard to all other matters raised, I have concluded that the plans condition should be retained unaltered and the appeal does not therefore succeed. ..."</p>	
<p><b>Costs decision</b></p> <p>"...It will be seen from my decision that having dealt with the planning issues separately and on their own merits I have found that the condition should not be varied to enable an additional structure to be included. Within this assessment I have found no evidence to demonstrate that the behaviour of the SDNPA was unreasonable, nor has it been demonstrated by the applicant that unnecessary expense in the appeal process has been incurred... I find that that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, no award of costs is made..."</p>	

<p><u>SDNP/18/00082/GENER</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Emma Kierans</p> <p><b>Written Representation</b></p>	<p>Coombe House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Appeal against FH/27</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>" The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision. ...I conclude that, on the balance of probability, the change of use has taken place. The placing of items, including vegetable beds, fruit cage, compost bin and plant pots, comprise part of that change of use. ...I conclude that the appeal under ground (c) should fail. ...As it has been accepted that the change of use occurred within the last 10 years, the glasshouse and log store have not become lawful through the passage of time. ... I conclude that the appeal under ground (d) should fail. ...the appearance contrasts with the more natural and rural landscape and scenic beauty of the surrounding SDNP. ...I conclude that the change of use of the land at Coombe House does not conserve or enhance the landscape and scenic beauty of the SDNP. As such, it conflicts with Policies SD1, SD4, SD6 and SD7 of the South Downs Local Plan and the Framework that seek to both conserve and enhance the natural beauty and landscape character of the area, including by preserving the relative tranquillity, visual integrity, identity and scenic quality of the SDNP. ... The appeal on ground (a) therefore fails. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.</p> <p>Cost Decision</p> <p>The application for an award of costs is refused Taking all of the above into account, the Council did not behave unreasonably in not identifying the previous use of the land. ...However, on the legal grounds of appeal, such as grounds (c) and (d), the burden of proof is on the appellant. The Council did not act unreasonably in this regard I consider the Council's behaviour in relation to this matter was not unreasonable."</p>	

Reference/Procedure	Proposal
<p data-bbox="183 230 544 338">SDNP/18/00087/GENER Heyshott Parish Council Parish</p> <p data-bbox="183 365 595 398">Case Officer: Emma Kierans</p> <p data-bbox="183 459 539 492"><b>Written Representation</b></p>	<p data-bbox="625 230 1461 300">Northend House Polecats Heyshott Midhurst West Sussex GU29 0DD - Appeal against Enforcement Notice HY/3</p>
<p data-bbox="539 526 1125 560"><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p data-bbox="167 568 1422 1671">Appeal A succeeds in part and permission for that part is granted, but otherwise the appeals fail and the enforcement notice is upheld in the terms set out below in the Formal Decision. ... The appeal is dismissed. ... As a result, as a matter of fact and degree the tarmac surfacing and granite setts comprise an engineering operation, such that they constitute development as defined by s55 of the Act... I consider that, as a matter of fact and degree, in this case the brick piers and gates are not adjacent to the highway. ... I have to conclude that they did not benefit from the planning permission granted by the GPDO. ... For these reasons, I conclude that the appeals under ground (c) should fail. ... For these reasons, I conclude that the appeals under ground (d) should fail. ... As at the date of the application, the surfacing of the driveway was not lawful. That is an intrinsic part of the development. On that basis, I conclude that it would not be possible to alter the description of the development in such a form that I could issue a certificate. ... For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of retention and continued use of the existing driveway was well-founded and that the appeal should fail. ... For the reasons set out above, I conclude that on balance the proposed development would not accord with the development plan. The development in its current position and form is therefore unacceptable. ... Consequently, I conclude that planning permission should be granted ... for the brick piers and gates that now exist on the site. ... For the reasons set out above, I conclude that, on balance, the brick piers and gates as currently constructed should be granted planning permission. The appeal on ground (a) therefore succeeds to that extent. ... As such, the requirements of the notice are not excessive in terms of restoring the land to its condition before the breach took place. ... With regard to the remainder of the development, however I conclude that the requirements of the notice do not exceed what is necessary in order to remedy the breach of planning control. As such, the appeal fails on ground (f). ... The appeal is allowed insofar as it relates to the land edged in red on the plan at Land at Northend House, Polecats, Heyshott, Midhurst, West Sussex granted on the application deemed to have been made under s177(5) of the 1990 Act as amended, ... The appeal is dismissed and the enforcement notice is upheld. ... The appeals are dismissed."</p>	

Reference/Procedure	Proposal
<b>Appeal Decision: APPEAL DISMISSED – Cost Decision</b>	
<p>Cost Decision:  "... The application for an award of costs is refused. ... Consequently, the Council's decisions were not unreasonable in this regard. ... As a result, the Council's behaviour was not unreasonable insofar as it relates to this. ... The enforcement notice did not require use of the access to cease. ... Given that I have concluded that the works did comprise development, I have to conclude that the decisions of the Council in relation to this LDC and the enforcement notice subject of appeals A and B were not unreasonable. ... Consequently, I have to conclude that the Council's decision to serve an enforcement notice due to the effect of the development on the character of the area was not unreasonable. ... Consequently, I conclude that, whilst the appellants may not be satisfied that the Council met their expectations, the Council did not act unreasonably in this regard. ... For the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs must fail. ..."</p>	
<p><u>SDNP/17/00447/GENER</u>  Lurgashall Parish  Council Parish</p> <p>Case Officer: Emma  Kierans</p> <p><b>Written Representation</b></p>	<p>Jays Farm Jays Lane Lurgashall Haslemere West Sussex GU27  3BL - Appeal against LG/16</p>
<b>Appeal Decision: APPEAL SPLIT DECISION</b>	
<p>"... The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld in the terms set out below in the Formal Decision .....In relation to the hardstanding, I conclude that it does not conserve or enhance the landscape and scenic beauty of the SDNP. As such, it is contrary to Policies SD1, SD4, SD5 and SD11 of the South Downs Local Plan (LP) and the Framework that seek to conserve and enhance landscape character, including by conserving and enhancing woodland that contributes to that character. However, I conclude that, as it enhances the landscape and scenic beauty of the SDNP, the track complies with those policies.....the hardstanding does not conserve or enhance the ecology and biodiversity in the area, although the track would conserve ecology and biodiversity ....I accept that the track is needed for forestry operations and that this is the best route to link the rides permitted through the woodland to other tracks on the farm and the wood barn.....For the reasons set out above, I conclude that on balance the hardstanding does not accord with the development plan. However, taking account of Policy SD39 of the LP, I conclude that the need for the track outweighs the lack of compliance with other policies of the development plan. The appeal on ground (a) therefore fails insofar as it relates to the hardstanding but succeeds insofar as it relates to the track. "</p>	

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/19/01293/LDE</u> Heyshott Parish Council Parish</p> <p>Case Officer: Carol Garfield</p> <p><b>Written Representation</b></p>	<p>Northend House Polecats Heyshott GU29 0DD - Lawful Development Certificate for the retention and continued use of the existing driveway.</p>
<p><u>SDNP/19/01322/LDE</u> Heyshott Parish Council Parish</p> <p>Case Officer: Carol Garfield</p> <p><b>Written Representation</b></p>	<p>Northend House Polecats Heyshott GU29 0DD - Retention of existing gates and brick piers serving access to Northend House.</p>
<p>* <u>SDNP/18/05093/LDE</u> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p><b>Informal Hearing</b></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>
<p><u>SDNP/19/02832/FUL</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p><b>Written Representation</b></p>	<p>Baldwins Ropes Lane Fernhurst GU27 3JD - Reconstruction of the former stables and storage building to provide a single holiday let for tourist accommodation.</p>

Reference/Procedure	Proposal
<p><u>SDNP/19/04625/LIS</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Riverbank High Street Petworth West Sussex GU28 0AU - Internal alterations including installation of dividing walls and sound/fire proofing party floors to facilitate change of use.</p>
<p><u>SDNP/19/03168/LIS</u> Harting Parish Council Parish</p> <p>Case Officer: Piotr Kulik</p> <p><b>Written Representation</b></p>	<p>Rooks Cottage North Lane South Harting GU31 5PZ - Replacement of 6 no. windows and 1 no. door on west elevation. Replacement of 1 no. door on adjacent single storey.</p>
<p><u>SDNP/19/04624/FUL</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Riverbank High Street Petworth West Sussex GU28 0AU - Change of use of rear room currently used as retail store and first floor offices to residential to form a self-contained two bedroom flat. Soundproofing and fireproofing internal walls. Formation of WC at ground floor level.</p>
<p><u>SDNP/19/04507/FUL</u> Lavant Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p><b>Written Representation</b></p>	<p>Roughmere Lavant Road Lavant PO18 0BG - Demolition of double garage and shed, and replacement with 1 no. chalet bungalow.</p>
<p><u>SDNP/19/01956/HOUS</u> East Dean Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p><b>Householder Appeal</b></p>	<p>1 Manor Farm Barns East Dean Lane East Dean PO18 0JA - Proposed side extension, relocation of 1 no. heritage style roof light , 2 no. new conservation type roof lights and 1 no. new painted timber double glazed window on west elevation.</p>

Reference/Procedure	Proposal
<u>SDNP/18/04604/FUL</u> Funtington Parish Council Parish  Case Officer: Piotr Kulik  <b>Written Representation</b>	The Coach House Southbrook Road West Ashling PO18 8DN - Replacement dwelling.
<u>SDNP/18/00733/COU</u> Tillington Parish Council Parish  Case Officer: Emma Kierans  <b>Written Representation</b>	Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Appeal against erection of stables and increased vehicular activity on the land, subject to Enforcement Notice LD/16.

#### 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.