

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 19/08/20 and 21/09/20

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/20/00335/PA16</u> Stoughton Parish Council Parish Case Officer: Derek Price Written Representation	Church Farm, Stoughton Dairy Wildham Lane Stoughton PO18 9JQ - Prior Notification for the erection of a 12.97m high mast with 3 antennas within a shroud, one 0.3m dish, to be painted Bitter Chocolate, together with equipment cabinets, satellite dish and ancillary apparatus. Linked to <u>SDNP/20/01881/PA16</u>
<u>SDNP/20/01881/PA16</u> Stoughton Parish Council Parish Case Officer: Derek Price Written Representation	Church Farm, Stoughton Dairy Wildham Lane Stoughton PO18 9JQ - Proposed mast, antennas and cabinets. Linked to <u>SDNP/20/00335/PA16</u>
<u>SDNP/20/01881/PA16</u> Stoughton Parish Council Parish Case Officer: Derek Price Written Representation	Church Farm, Stoughton Dairy Wildham Lane Stoughton PO18 9JQ - Proposed mast, antennas and cabinets. Linked to <u>SDNP/20/00335/PA16</u>

2. DECIDED

Reference/Procedure	Proposal
<p><u>SDNP/19/02832/FUL</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</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>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>The rural aesthetic, historic and architectural qualities form the defining characteristics and are of significance and value, and are of special interest to the Conservation Area. Despite the hardstanding and remnants of the former building, the appeal site has a distinct rural quality because of the lack of substantial development. On the rural quality of the existing site contributes positively to the character and appearance of the Conservation Area. The new development would occupy an exposed position adjacent to open fields where there has been an absence of the former building for some considerable time. It would introduce a new built form with a domestic appearance in a distinctly rural context. ... Although not an independent dwelling, the building's use for tourism would also result in domestic type use being apparent in and around the new building. This would take the form of light, noise, activity and paraphernalia around the building. The plans do show some hatching annotation on the windows facing the countryside, as well as on the front entrance doors of the building light would inevitably spill out into the surrounding area which would intrude into the dark night sky in this area. Furthermore, activity and noise would also upset the rural tranquillity of the area. It is an area where human background noise would be minimal due to its countryside location. Occupiers would generate noise in everyday use of accommodation which would be difficult to control. There would also be domestic paraphernalia, such as tables and chairs, barbeque areas, etc., which you would reasonably associate with a tourist use. The original building dated back to 1875 perhaps earlier, given its appearance the appellant's Heritage Statement (HS) states that the building always had a close association with the house, through the sharing of yards between them. However, the use of the building would be different in introducing an intrusive tourist development in place of a building in incidental or ancillary use. For these reasons, there would be no improvement to the setting of the listed building. The development from Ropes Lane would be largely screened by existing dense and well-established vegetation and trees. However, the lack of public visibility is not an overriding consideration as a Conservation Areas is an irreplaceable resource. There would be an area outside a farm gate on Tanyard Lane where new development would be visible and intrusive especially when deciduous vegetation has lost leaves. There would also be harm to character, a quality that is perceived as well as seen which would be evident from activity, noise and lighting. For all these reasons, the tourist use would fail to preserve the rural character and appearance of the Conservation Area. It is necessary that this identified harm is weighed against the public benefits of the proposal. However, the heritage asset benefit on the setting of Baldwins would be benign and the tourist benefits would be diminished</p>	

**Appeal Decision: APPEAL
DISMISSED - continued**

by reason of the proposal being small-scale. Benefits also have to be weighed against the adverse impact on the significance of the Conservation Area for which considerable importance and weight is attached. Thus, the harm to the significance of the Conservation Area would outweigh the scheme's benefits site's location within the SDNP, the proposal would not conserve and enhance the landscape and scenic beauty of the NP by reason of its domesticated impact, including lighting, activity and noise. The NPPF states great weight should be given to this consideration and that NPs have the highest status of protection. In conclusion, the proposal would harm the character and appearance of the area, including the Conservation Area as a whole and the SDNP. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed.

SDNP/18/00733/COU
Tillington Parish Council Parish
Case Officer: Emma Kierans

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.

Written Representation

**Appeal Decision: APPEAL
DISMISSED**

“ The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. ... I consider that the notice was properly served and in this case there is no harm to natural justice as the appellant has been aware of the notice and has been able to make an appeal. The appeal on ground (e) fails. ... Whether a structure is a building or not will be a consideration of a combination of the factors. In this case, I find that the potential movability of the structure is outweighed by its size and permanence and therefore it is a building not a movable structure. The appeal on ground (b) fails. ... I have found that it is not a movable structure, is on less than 5 hectares and not for use in agriculture and it therefore requires planning permission. The appeal on Ground (c) fails. ... It has an unacceptable impact and does not conserve landscape character. It does not accord with LP Policies SD1, SD4 and SD6 and is not sustainable development. ...”

Reference/Procedure	Proposal
<p data-bbox="164 230 512 331"><u>SDNP/19/01293/LDE</u> Heyshott Parish Council Parish</p> <p data-bbox="164 365 531 398">Case Officer: Derek Price</p> <p data-bbox="164 454 520 488">Written Representation</p>	<p data-bbox="643 230 1390 331">Northend House Polecats Heyshott GU29 0DD - Lawful Development Certificate for the retention and continued use of the existing driveway.</p>
<p data-bbox="520 521 1050 555">Appeal Decision: SPLIT DECISION</p>	
<p data-bbox="164 566 1390 1697">"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. ... As that would be further works, it would add weight to my conclusion that the development comprises an engineering operation rather than maintenance or improvement, such that it constitutes development as defined by s55 of the Act. For these reasons, I conclude that planning permission is required for the surfacing of the access. ... 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 GU29 0DD and the erection of brick piers and gates and planning permission is 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> <p data-bbox="164 1731 384 1765">Costs Decision</p> <p data-bbox="164 1776 1390 1986">"... 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</p>	

**Appeal Decision: SPLIT DECISION
- continued**

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><u>SDNP/19/01322/LDE</u> Heyshott Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Northend House Polecats Heyshott GU29 0DD - Retention of existing gates and brick piers serving access to Northend House.</p>
<p>As above</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>* <u>SDNP/18/05093/LDE</u> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</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>
<p><u>SDNP/19/05107/FUL</u> Lynchmere Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Land at Farm Between Forest Mead and Stonefield Lynchmere Haslemere Surrey - Demolition of 2 no. existing outbuildings and the erection 2 no. self-contained holiday lets with associated parking and gardens and ancillary store.</p>
<p><u>SDNP/19/04625/LIS</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</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>

Reference/Procedure	Proposal
<p><u>SDNP/19/03168/LIS</u> Harting Parish Council Parish</p> <p>Case Officer: Piotr Kulik</p> <p>Written Representation</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>Written Representation</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>Written Representation</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>Householder Appeal</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>
<p><u>SDNP/19/05938/HOUS</u> Lurgashall Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>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.</p>

Reference/Procedure	Proposal
<u>SDNP/18/04604/FUL</u> Funtington Parish Council Parish Case Officer: Piotr Kulik Written Representation	The Coach House Southbrook Road West Ashling PO18 8DN - Replacement dwelling.
<u>SDNP/19/05939/LIS</u> Lurgashall Parish Council Parish Case Officer: Jenna Shore Written Representation	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.

4. VARIATIONS TO SECTION 106 AGREEMENTS

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