

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 14/10/2020 and 18/11/2020

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

<u>SDNP/19/03032/FUL</u> Bignor Parish Council Parish Case Officer: Louise Kent Written Representation	Manor Farm Bignor Road Bignor RH20 1PQ - Change of use of agricultural land to a tourist use for the siting of 6 no. shepherds huts, camping and with a part conversion of an agricultural barn to provide ancillary facilities.
<u>SDNP/20/01635/LDP</u> West Lavington Parish Council Parish Case Officer: Derek Price Written Representation	Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU - Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters workshop, stores and offices.

2. DECIDED

<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.
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Appeal Decision: APPEAL ALLOWED

"... The main issues in respect of this appeal are the effect of the development upon the South Downs International Dark Sky Reserve (IDSR) and the effect on the character and appearance of the West Ashling Conservation Area. Reasons Dark skies - The appeal site is within a buffer zone surrounding a critical core of the IDSR. Policy SD8 of the South Downs Local Plan 2019 (LP) requires proposals to conserve and enhance the intrinsic quality of dark night skies and demonstrate that all opportunities have been taken to reduce light pollution. The Policy indicates that lighting should be avoided, and where that is not achievable, adverse impacts should be mitigated to the greatest reasonable extent. The Dark Skies Technical Advice Note 2018 (TAN) indicates that glazing should be designed to a minimum, with large single areas avoided. However, as the dwelling has been designed to take advantage of outward views and maximise natural light penetration, the rear part would include extensive areas of glazing. As large glazed windows can produce more light pollution than external lights, there is potential for significant adverse effects. To mitigate, measures such as tinted glass and automated external roller shutters have been proposed. Although these features may have been retrofitted to the design, such that the design-led approach with less glazing advocated by the TAN has not been considered, there is no substantive evidence that they would not be effective. Moreover, while the use of blinds and the like would require proper operation, they are specified in the TAN as a mitigation option on non-domestic facilities, there is no compelling reason that they could not be equally used on a dwelling. Therefore, I find that the mitigation measures would prevent harm to the IDSR. Accordingly, there would be no conflict with the aims of LP Policy SD8. ... The public facing part of the replacement dwelling would be simple with few openings. However, although the dominant form would be its brick wall and roof, the elevation, including a glazed link and metal cladding would be articulated and not bland. A single storey section with pitched roof facing the lane along the side of the site would reflect the existing boundary treatment and range of buildings at the property across that lane. 10. These simple public facing elevations would be similar to the public facing elements of the existing dwelling, so would respond to their context and the site's role in the conservation area. Even if the roadside planting were removed at some point, this part of the building, finished predominantly in vernacular materials, would not be harmful to the street scene. Whilst the opportunity has not been taken to provide a strong frontage development, there is no substantive evidence that such a change in relationship from the existing situation would benefit the conservation area. The rear section, with a large amount of glazing, balconies and terraces would be unlike other surrounding buildings. It would be visible from the access lane alongside the site, but there is no clear indication that these views are particularly sensitive or fundamental to defining the character and appearance of the area. Moreover, these elements would be shielded from the main public viewpoints by the remaining building. Any glimpses of them would indicate a dwelling, contemporary with the time that it was built, and so compatible with the areas' character. Although the conservation area is intrinsically dark and has no street lighting, the

**Appeal Decision: APPEAL ALLOWED -
continued**

measures described in relation to the first main issue indicate that this would be respected. I, therefore, find that the development would be appropriate to the site, there would be no harm to the significance of the heritage asset and the character and appearance of the conservation area would be preserved. ..."

SDNP/19/01956/HOUS
East Dean Parish Council
Parish

Case Officer: Derek Price

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.

Householder Appeal

Appeal Decision: APPEAL DISMISSED

"...Although the design of the proposed extension is not objectionable in isolation, its footprint, together with its overall massing and height, would cumulatively be larger than other examples found within the complex..... I am concerned that the proposed addition would, by reason of its scale and within such a sensitive context, appear unduly prominent. As a result, it would harmfully erode the intrinsic agricultural character and appearance of the host building and the East Dean Conservation Area, and in turn lead to an urbanisation of the plot. The proposal would also fail to conserve and enhance the surrounding landscape and scenic beauty of the National Park, to which I ascribe great weight. The Authority considers that the two proposed rooflights would constitute overly domestic additions to the building, which would incrementally erode its simple agricultural character. However, they would remain modest in scale and discreet within the roof plane, and would not thus compromise the agricultural character of the appeal building ...the proposed extension would nevertheless cause less than substantial harm to the East Dean Conservation Area, albeit at the lower end of the spectrum.....Whilst it is accepted that the appeal scheme could assist with reducing the domestic paraphernalia within the site, the harm which would be caused by the development would not be outweighed by the limited benefit derived from the proposal. The appeal site lies within the intrinsic zone of darkness of the Dark Night Skies Reserve of the South Downs National Park, immediately outside of the Dark Sky Core, which is the darkest part of the reserve. Rooflights spill light directly upward into the open night sky and surrounding landscape. The proposed openings, which would face towards the adjacent countryside, could therefore erode the character of the Dark Night Skies Reserve ... I have been presented with limited information to demonstrate what form mitigation measures would take in this particular case, or whether they would be achievable. There is no guarantee that the rooms would only be used occasionally, and whilst blinds could be installed, this would be very difficult for the Authority to enforce... For these reasons, I conclude that the proposed development does not demonstrate adequate mitigation in relation to light emissions and could therefore have an adverse effect upon Dark Night Skies. The appeal scheme would therefore not accord with LP Policy SD8 which, amongst other things, requires development proposals to conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. ... "

<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>Appeal Decision: APPEAL DISMISSED</p>	
<p>"... effect of the proposed dwelling on the character and appearance of the Lavant Conservation Area (CA) and the South Downs National Park (SDNP);... proposed amenity space and parking are adequate; ... part of the curtilage of the existing property ... sited close to or on the western boundary of the plot and with a narrow gap between the rear wall and the northern boundary with 1 Meadow Close. ... However, it is also necessary to consider the appearance of the proposed dwelling in terms of its impact on the CA. The appeal site is constrained, with the building being close to two boundaries and with an access drive to the new parking spaces for Roughmere on the third side. This would result in a cramped site with extremely limited amenity space at the front of the plot which would remain at least in part unfenced to allow for access to the driveway. As such the proposed dwelling would cause less than significant harm to the appearance of this part of the CA. ... The proposed dwelling would make a very modest contribution to the housing stock of the area, but I do not consider that benefit to outweigh the harm caused to the CA. ... Policy LNDP6 of the Lavant Neighbourhood Development Plan (LNDP) sets out development principles, one of which is that proposals should be of a scale, form density, character and appearance that is complementary to the surrounding built environment. ... The area in front of the proposed dwelling would have to include space of parking and turning of cars and for the driveway to Roughmere. As a result, the remaining amenity space is limited and not private. Due to the constrained nature of the site and the lack of good quality amenity space, I consider that the proposed dwelling would appear cramped and be an overdevelopment of the site. It would therefore be contrary to Policy LNDP6. the policy also requires that where practical, development proposals affecting existing dwellings should also comply with the above. The proposed development creates three spaces for Roughmere which is a four bedroomed house and under the policy could be expected to have four spaces. ... introduce vehicles along the drive to the parking court for Roughmere and manoeuvring into and out of those spaces, together with the vehicles accessing the proposed dwelling. ... The introduction of parking and maneuvering of vehicles serving two properties would be contrary to this design principle. ... contribution to the Solent Recreation Mitigation Strategy would be required for the proposed dwelling. However, although the Appellant appears to accept that a contribution is payable, it is not quantified or secured by way of a planning obligation. ... There would be an adverse impact on the limited amenity space at Rose Cottage caused by the new access to Roughmere. ..."</p>	

<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>
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Appeal Decision: APPEAL DISMISSED

"... Insofar as it relates to this appeal, the special interest and significance of Rooks Cottage lies in the early nineteenth century date of the core of the dwelling, the decorative brickwork and simple arrangement of openings within the front elevation, and its prominent position within the streetscene. In view of the age of the dwelling, it is most likely that the windows originally installed within the front elevation were timber, flush faced, multi-paned, side hung, single glazed casements.The existing windows within the front elevation of the listed building are all modern. However, all are timber, of multi-pane configuration, with each pair either holding or sub-divided into 12 panes. All but one is also single glazed with solid glazing bars. In these regards the existing windows broadly reflect the characteristics of those likely to have been present originallyFlush faced side hung casements are proposed as replacements for the existing windows. In these regards the proposed design would represent an improvement upon the existing. The 4-pane configuration would not however reflect the design of the windows likely to have been present originally. This would be apparent in views of the front elevation, particularly with reference to other buildings within the setting that are of similar age. The replacement windows would also incorporate slimline double glazing. This is a generic term for double glazed sealed units with the panes set much closer together than in standard sealed units. Various sections are available. At 14mm, the proposed sealed units are not the slimmest. Though slimline double glazing can allow the use of solid glazing bars, these are generally thicker than those used for single glazing due to the thickness of the sealed units themselves. Some general glazing bar dimensions have been provided, however the plans do not show any detailed sections through them. I cannot therefore be certain of their design. Double glazing is otherwise an appreciably modern product. Though slimline sealed units are often less easy to detect from a distance than those of more standard width, upon closer inspection, and indeed close up, their presence is usually obvious. This is typically highlighted by the depth of the units, and the spacer strip between the 2 panes. The presence of double glazing within the replacement windows would thus be apparent in day to day use of the building, and most particularly so from inside. For this and the above reasons, use of the proposed sealed units would not complement the age, or the historic architectural character of the building, and would thus detract from its special interest and significance. In view of my findings above, and insofar as assessment is possible based on the information before me, neither the existing nor the proposed frame designs either do or would represent the most sympathetic treatments possible. The opportunity for enhancement would not therefore be fully realised. For these reasons, despite the fact that the proposed frame designs would represent an improvement in at least some regards, I attach little weight to the level of improvement that would be achieved. This would be insufficient to outweigh the harm that would be caused by the installation of slimline sealed units to the significance of the building, even taking into account the fact that one of the existing windows is already double glazed. ...The appellant states that installation of sealed units would help to improve energy efficiency. An improvement would indeed be most likely to

Appeal Decision: APPEAL DISMISSED - continued

occur. However, its extent and duration would be modest and of limited broader benefit, even if the most efficient gas was to be used. Furthermore, I am not convinced that other less harmful, or indeed, more sensitive ways of improving the energy efficiency of the building have been fully explored. ... In view of the above, I find that the proposal would cause less than substantial harm to the significance of both Rooks Cottage and to that of the Conservation Area. I attach great weight to the harm that would be caused to the significance of the listed building, and considerable importance and weight to the harm that would be caused to the significance of the Conservation Area. Having regard to paragraph 196 of the Framework, I have considered the benefits advanced in favour of the works above, and found that these would not outweigh the harm caused. This consideration weighs heavily against a grant of consent....."

3. CURRENT APPEALS

<p>* <u>SDNP/18/05093/LDE</u> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Informal Hearing 18/01/2021 11:00:00 Virtual 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/19/06009/LDP</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Meadow Cottage Hawksfold Lane East Fernhurst GU27 3JW - Proposed lawful development for single storey rear extension. The application is made under the auspices of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1 (Class A.) to build one single-storey rear extension to the detached dwelling known as Meadow Cottage.</p>
<p><u>SDNP/20/01745/PA16</u> West Dean Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>Chilgrove Farm Old West Dean Road West Dean PO18 9HU - Erection of 17.5 metre telecoms mast and associated equipment compound</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/19/04625/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>
<p><u>SDNP/20/00335/PA16</u> Stoughton Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>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.</p>
<p><u>SDNP/20/01881/PA16</u> Stoughton Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Church Farm, Stoughton Dairy Wildham Lane Stoughton PO18 9JQ - Proposed mast, antennas and cabinets.</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>
<p><u>SDNP/19/05939/LIS</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>

<u>SDNP/20/00500/FUL</u> Bury Parish Council Parish Case Officer: Jenna Shore Written Representation	The Barn Hale Hill West Burton West Sussex - Change of use of agricultural building and associated works to form 1 no. residential dwelling house.
<u>SDNP/20/02266/FUL</u> Fernhurst Parish Council Parish Case Officer: Charlotte Cranmer Written Representation	Fernhurst Place The Cylinders Fernhurst GU27 3EL - Demolition of existing dwelling and the erection of 4 dwelling houses and outhouses.

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
HART/SDNP/ 18/00587/TPO Three Cornered Piece Hollow Road East Harting	Non-compliance with BCN HT/28 – occupation condition	Prosecution papers forwarded to Legal Services
HART/SDNP/ 18/00587/TPO Three Cornered Piece Hollow Road East Harting	Non-compliance with EN HT/29 - Without planning permission, the erection of brick pillars and gates	Prosecution papers forwarded to Legal Services

7. POLICY MATTERS