

South Downs National Park

Planning Committee 08.09.2021

Report of the Director of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 14/07/2021 and 19/08/2021

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/20/05361/FUL</u> Duncton Parish Council Parish Case Officer: Beverley Stubbington Written Representation	Laudacre Cottage Beechwood Lane Duncton GU28 0NA - Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).

2. DECIDED

Reference/Procedure	Proposal
<p><u>SDNP/20/01391/LIS</u> Heyshott Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Dunford House Dunford Hollow West Lavington GU29 0AF - Demolition of modern extension and external and internal alterations to facilitate the change of use of the building to a single dwellinghouse.</p>
<p><u>SDNP/20/01390/FUL</u> Heyshott Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Dunford House Dunford Hollow West Lavington GU29 0AF - Change of use of listed building (Use Class C2) to a single dwellinghouse (Use Class C3), including demolition of modern extension and external and internal alterations.</p>
<p>Appeal Decisions: Application for Planning Permission – Appeal Dismissed. Application for Listed Building Consent - Appeal Allowed.</p>	
<p>Listed Building Consent: Curious that listed building consent was refused. The reason given is that the works would be unnecessary. The necessity of any alterations can be a factor to consider when deciding whether harmful works should take place, but it is not something that should prevent alterations that would preserve (do no harm to) the building. ...Proposal can therefore be regarded as better revealing the building's original architectural significance and character as a Victorian country house.</p> <p>Planning Permission: Built around 1852 for the eminent politician Richard Cobden. Involved in several national political campaigns, organisations and associations. Most notably working against the Corn Laws and for international peace, which included an important trade mission to France. Also occupied by his children Ellen, Anne and Jane who became notable figures in the suffragist and suffragette movement as well as novelists and politicians. Dunford House is therefore of historic and associative value and significance as an artefact linked to their lives. ...Since around 1920 the building has been used for educational purposes to advance the ideals of Cobden. Endurance and historic significance of this use, which has included tenures by the London School of Economics and the YMCA, provides the building with historic, associative, and communal value as a record and narrative linked to the Cobden legacy. Public education and training has continued during the YMCA's tenure. The continuity of public access for training and education resulting from the Cobden legacy is an historic attribute of the building that adds to its historic significance. The proposed change of use to a dwelling would harm this continuity and thus the historic significance of the building. ...</p> <p>Dunford House was constructed to be a dwelling but reverting to this use would harm the historic significance of the building as an educational facility borne out of the legacy of Cobden. Use for publicly accessible education and training has harmed the architectural value of the building. I share the view of the NPA's Historic Buildings Officer that a use linked to the values and legacy of Cobden, which also allows public access, is going to be the optimum viable use of Dunford House.</p> <p>The current dormant use a conference and training facility is nearer to the optimal viable use than as a private dwelling. It has not been demonstrated that this existing use is unviable. As such, the evidence before me does not demonstrate the proposal would be the optimum viable use of the building. ... The scheme would enhance the architectural value of the listed building and its setting. Modestly improve the natural beauty of the National Park. ... Considerable importance and weight must be given to the special regard I must pay to the desirability of preserving the listed building. The matter is finely</p>	

balanced as the proposal would harm the historic value of the building but includes significant public benefits.

Policy SD43 of the LP states that proposals which would result in the loss of an existing community facility will not be permitted unless it meets certain tests. With commercially run community facilities it is necessary to provide evidence, in the form of a robust marketing campaign, that there is no market demand for the existing use or an equivalent community use. Protect existing community facilities that serve the local communities of the National Park. LP glossary defines 'community facilities' as services and facilities used by residents. This allows for a very broad interpretation. ... Common ground between the parties that Dunford House is currently a training and conference centre. The definition of community facilities is intentionally broad. It is a matter of fact and degree whether a conference and training centre can be considered a community facility. The NPA believes that in this instance it is an educational community facility. ... Education can be defined as the process of being educated or the imparting or receiving of knowledge. Those attending conferences or training at Dunford House were engaged in education of sorts because they were there to learn something. ... Activities included seminars and conferences, including one on the concept of a United States of Europe. In around 1951/2 the YMCA took on the building and was granted planning permission for use as a 'YMCA College'. To this end the building was apparently known as Dunford College. ... Evidence provided from interested parties provides a flavour of activities that took place during the YMCA's tenure, which lasted until 2018 and was apparently predicated on a deed that the building should be used for 'general educational purposes'. The evidence before me points towards Dunford House being a conference and training centre focused on education which has been regularly used by residents. The proposal would result in the loss of this community facility. As a result, a two-year marketing campaign is required to demonstrate there is no market demand for the existing use or an equivalent community use. There has been marketing for over 28 months and this has been unsuccessful in finding an alternative community use. However, it has not been demonstrated that the marketing was as robust as envisaged by Appendix 3 of the LP. Subject to the imposition of planning conditions, the proposal would modestly enhance the natural beauty of the National Park by improving the setting of both the listed building and the Serpent's Trail through a sensitive landscaping scheme and the removal of the 20th Century extension. Use as a single dwelling could also reduce vehicular movements thereby improving the tranquility of the landscape. ...

The building has been a private dwelling for only part of its existence. For the last hundred years or so the public have been able to use the facilities for education and training and this use has had a cultural backdrop linked to Cobden and his association with the area. This would dilute the ability of the public to experience the associative value of the building as a cultural asset linked to Cobden. Thus, limiting public access to the building would have an adverse impact on the social and cultural history and heritage of the National Park. ... Loss of a community facility contrary to Policy SD43 of the LP and undermine the first purpose of the National Park in conflict with Policy SD1 of the LP. Accordingly, Appeal A should fail. ... Appeal A - The proposal would be at odds with the development plan as a whole. There are no material considerations of sufficient force to outweigh this conflict. Consequently, the appeal has failed

Reference/Procedure	Proposal
<p data-bbox="150 197 518 302">SDNP/20/02881/FUL Fernhurst Parish Council Parish</p> <p data-bbox="150 331 518 365">Case Officer: Louise Kent</p> <p data-bbox="150 427 518 548">Informal Hearing 10/08/2021 10:00:00 Virtual Hearing Or Inquiry</p>	<p data-bbox="595 197 1444 342">Ashurst Lickfold Road Fernhurst GU27 3JB - Demolition of existing dwelling and replacement with detached two-storey dwelling house with associated parking and landscaping, including reinstatement of walled garden.</p>

Appeal Decision: APPEAL DISMISSED

The appeal is dismissed.

The main issue is the effect of the proposal on the character and appearance of the area, with particular reference to the impact on the non-designated heritage asset of the existing building, the designated heritage asset of the Fernhurst Conservation Area (FCA), and the cultural heritage of the South Downs National Park (SDNP).

Fernhurst Conservation Area Character Appraisal and Management Plan (2016) (the CACAMP).

The CACAMP confirms that the setting of Fernhurst, in its rural surroundings, is a crucial component of its character, and that the close proximity of open countryside bestows a rural feel to the historic village, so that the dispersed siting of buildings, landscape topography and trees, contributes to a distinctively rural quality of the FCA. Together with the richness of construction materials, the rural, historic and architectural qualities form the defining characteristics of the FCA. These characteristics are of significance and value, and are of special interest to the FCA.

More specifically, the site lies within an area to the southeast of the Green based around Lickfold Road and Ropes Lane, which was added to the FCA in 2016 and, according to the CACAMP, includes a series of fine, later 19th Century or early 20th Century cottages, villas and houses, inserted into an intricate landscape and adding much to its interest. This area includes the dwelling at Ashurst, together with a number of buildings and dwellings sited along its access lane, which collectively form the Ashurst Estate. This is specifically referred to within the CACAMP, which notes that it survives as a well-preserved Edwardian small-scale country estate, not just a house, but a lodge, staff cottages and early motor house as well.

Original half-timbered Arts and Craft style dwelling at Ashurst dates back to the early 20th Century. Not statutorily or locally listed and has been notably changed as a result of demolition, alteration and extension works, so that many of its original Edwardian architectural features have been lost.

Notwithstanding the alterations that have taken place, the house at Ashurst is specifically acknowledged within the CACAMP as making a positive contribution to the character of the FCA alongside other buildings within the 2016 FCA extension.

I concur with the views of the previous appeal Inspector that the existing building has a considerable landmark quality reflecting its former function as a country house within an Edwardian estate. This is due in part to its size and its position at the end of a long drive and within a landscaped setting, including a formally laid out residential garden, former walled kitchen garden, and at the head of a side-positioned access drive to a historic forecourt dropping off area at the front of the house. The positioning of the house in relationship to its surroundings aids an understanding of how the Ashurst estate was developed and how it functions.

.....much of the original detailing remains discernible, such as a double row of pitched roofs and side gables, front porch feature, original window design, and window and door surrounds. Although the finish of the building has changed, including upper floor tile hanging, this is not out of keeping with the richness of materials used within the Conservation Area, and the current feature chimneys are not an unattractive addition to the building.

I consider the existing dwelling to comprise a non-designated heritage asset for the purposes of determining this appeal. The appeal site exhibits characteristics which are intrinsic to the character and appearance of the FCA, and the dwelling and its surrounds make a positive contribution to the significance of the conservation area. This weighs heavily in favour of the retention of the existing building. Having regard to Paragraph 203 of the Framework, as a non-designated heritage asset, there would be an adverse loss of significance by reason of the proposed total loss of the existing dwelling. This is in addition to the erosion of the significance of the designated heritage asset of the FCA arising from the proposed replacement of the dwelling.

The detailed design of the replacement dwelling would be the same as that previously proposed. As such, design benefits acknowledged by the previous appeal Inspector are still applicable, including a reflection of the Edwardian architecture and materials of the original building through a three-storey front gabled feature, double-pitched roof form to the side, roughcast rendering, and buttresses and chimneys.

.....an extant permission for a two-storey extension to the dwelling. This was in place at the time of the previous appeal decision, and was acknowledged by the previous appeal Inspector as being incorporated into the design of the replacement dwelling. A Certificate of Lawfulness in respect of the extension has been granted, confirming that work commenced prior to the expiration of the permission. I afford weight to this permission in reaching my decision.

The extant scheme would allow for the replacement of a large part of the existing building, the approved 'two storey side and rear extension' would limit the element of building replacement to that of the existing flat-roofed chalet style side extension. This, to my mind, comprises the part of the dwelling which has been most unsympathetically altered and extended. The completion of the approved scheme would enable a majority of the Edwardian design style elements of the current appeal proposal to be carried out, whilst retaining a substantial part of the existing building. This would enable the retention of the part of the historic building fabric which I find has been least harmed by previous alterations and extensions, and from which the original building design is still distinctly recognisable and where changes which have been made are more readily reversible. As such, I am not persuaded that the extant permission justifies the complete replacement of the existing building as is now proposed.

The previous appeal Inspector did not discount the potential of an alternative re-build scheme. I consider that this could potentially be achieved through the completion of the extant scheme, which would secure the existence of a large Edwardian-style country house within the surrounding estate, providing benefits to the existing dwelling design, without losing a substantial amount of historic significance in respect of the presence of historic building fabric which has evolved through time and bears the evidence of ageing over time.

This historic building patina and the appearance of a building which has aged and evolved over more than a century, would be very difficult to achieve through a replica replacement building, and I share the concern of the previous appeal Inspector, that there is no guarantee that, despite imposing planning conditions, an exact re-creation of Ashurst in its original Edwardian form and architecture could be ensured, due to the use of modern materials and current legislative requirements.

Since the proposed overall design scheme would be the same in both proposals, there would be no significant design improvements in the appeal scheme which would weigh in its favour compared to the extant permission.

For the above reasons, I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the designated heritage asset of the FCA, as a result of the total removal and replacement of Ashurst, a non-designated heritage asset, which makes a positive contribution to the special character and appearance and significance of the conservation area. As such, the proposal would fail to accord with Local Plan Policies SD12 and SD15.

3. CURRENT APPEALS

Reference/Procedure	Proposal
<u>SDNP/20/01635/LDP</u> West Lavington Parish Council Parish Case Officer: Derek Price Informal Hearing	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.
<u>SDNP/20/05361/FUL</u> Duncton Parish Council Parish Case Officer: Beverley Stubbington Written Representation	Laudacre Cottage Beechwood Lane Duncton GU28 0NA - Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).
<u>SDNP/20/03482/APNB</u> Lurgashall Parish Council Case Officer: John Saunders Written Representation	Land to The North of Blind Lane Blind Lane Lurgashall West Sussex – 2 no. agricultural barns.

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