

## 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 17.11.21 and 14.12.21

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.

## 2, DECIDED

Reference/Procedure	Proposal
<u>SDNP/20/01960/LIS</u> Harting Parish Council Case Officer: Rebecca Perris <b>Written Representation</b>	Ffowlers Bucke, The Street South Harting GU31 5QB - Replacement windows to the front elevation and like for like replacement roof tiles.
<b>Appeal Decision: APPEAL ALLOWED</b>	
"...I consider that the current windows are non-historic windows which were inserted in the 1970's when the front façade was extensively remodelled. Furthermore, I observed on site that the secondary glazing which has been installed in a number of windows is visually very prominent and given its depth results in a noticeable double reflection. ... I acknowledge that double glazed units can have a thicker and heavier appearance than single glazing and can require unsympathetic alterations to frames and glazing bars to accommodate the additional weight and thickness of the double-glazed units. However, because the proposal would use slimline double-glazed units, I consider that there would be limited visual effect on the bulk and detail of the proposed windows and whilst there would be some double reflection this would be far less noticeable than that caused by the current secondary glazing. ... The proposed two pane window design and the use of slimline double-glazed units would enable the removal of the visually prominent secondary glazing and would introduce a window design that would reflect the design of windows elsewhere in the Conservation Area. ... The Council have cited a number of appeal decisions as setting precedent for refusing the use of double glazing. However, I consider that the circumstances for these appeals differ to the appeal site and as a result they do not lead me to a different view in this case. ..."	

Reference/Procedure	Proposal
<p data-bbox="108 181 414 219"><u>SDNP/20/05128/FUL</u></p> <p data-bbox="108 255 485 327">Stedham with Iping Parish Council</p> <p data-bbox="108 362 480 400">Case Officer: Louise Kent</p> <p data-bbox="108 436 464 474"><b>Written Representation</b></p>	<p data-bbox="552 181 1302 253">The Old Dairy Mill Lane Stedham GU29 0PR - New agricultural barn.</p>
<p data-bbox="464 479 1050 510"><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p data-bbox="108 517 1420 1973">"...Policy SD39 relate to siting and design, the proposed building would be a large modern agricultural storage shed. Whilst it would thus bear no relation to the more traditional agricultural structures which characterise the broader landscape of the National Park, examples of which cluster towards the northwest, its siting in the corner of the field would also lack a close relationship with other buildings. In this regard there would be no obvious physical or visual relationship between the building and a few cylindrical concrete structures located on a sewerage works towards the south of the site. In order to reduce the extent of resulting intrusion into the open landscape, a green roof and bunding are proposed. The type of green roof intended is unclear, but it is apparent that this would provide the building with an unusual appearance. The bund would itself appear as a wholly alien feature within the existing sloping terrain of the field, and this would be the case whether or not it was planted. In each regard therefore, the proposed measures would serve to highlight rather than mitigate the intrusive presence of the building. In the absence of these trees, it is likely that the building would be clearly exposed to view from the public footpath along the river. Within the field itself, and particularly from higher ground toward the northwest, the intrusion caused by the building and associated landscaping would otherwise be obvious. In view of my findings above the development would not conserve and enhance the natural beauty of the National Park. ... The agricultural activity claimed to generate a need for the proposed building is the production of hay. Excluding those parts of the field which contain trees, its productive area is relatively small, and it is further reduced by perimeter mowing and the open-air storage of machinery and implements. ... Evidence has also been provided of proof of ownership. Here I have little reason to doubt that the machinery and implements are or have been used in the field at various points in the past, albeit some more recently than others. It is also apparent that storage under cover would be beneficial. The machinery and implements in question are however of varied size, and most are reasonably compact. In this regard I acknowledge that the height of the proposed building has been dictated by that of the appellant's tractor, and that this would facilitate access. However, it is far from clear that this would be essential in relation to all parts of the building, and all of the machinery and implements which could be hooked to the tractor. In this regard the scale of the proposed building appears excessive. The extent to which the area designated for storage of hay would correlate with the volume of hay yielded by the field is additionally unknown in the absence of any figures. Moreover, at the time of my visit I saw no evidence that a hay crop had actually been produced this summer. Indeed, though the appellant reports that the crop is stored outdoors wrapped in plastic, and that this caters for a peak winter demand, I observed no such bales within the field or anywhere else within the blue line area. As the stated need for indoor storage of hay provides one of the key reasons for the proposed building, the apparent absence of the crop casts some doubt on the nature of need, as too on the nature of the hay making enterprise which ultimately generates it. ... the evidence before me is insufficient to clearly establish the full nature of the agricultural need for the building, both in terms of the operation generating it, and</p>	

**Appeal Decision: APPEAL DISMISSED  
- continued**

minimum space requirements. That being so, I cannot be satisfied that there is a need for a building of the size, dimensions or type proposed. Even had I found otherwise, this would not directly justify the intrusive siting, design and landscaping proposed. Either way therefore, the failure of the scheme to conserve and enhance the natural beauty of the National Park would be unacceptable. ... fail to conserve and enhance natural beauty of the National Park, and that the adverse effect would not be justified by need. The development would therefore conflict with Policies SD4 and SD5 of the Local Plan, which each seek to secure development sensitive to landscape character, and Policies SD25 and SD39 of the Local Plan as considered above. ... Nonetheless, one of the items to be stored within the building would be a bale wrapper. It is also indicated that haylage would be produced according to demand. The claimed environmental benefits of not using plastic wrap are therefore open to doubt, and more so given uncertainty relating to the summer crop. As such they do not attract weight in favour of the scheme. ..."

Reference/Procedure	Proposal
<p data-bbox="108 181 440 219"><u>SDNP/20/03482/APNB</u></p> <p data-bbox="108 255 475 293">Lurgashall Parish Council</p> <p data-bbox="108 329 376 400">Case Officer: John Saunders</p> <p data-bbox="108 436 464 474"><b>Written Representation</b></p>	<p data-bbox="552 181 1326 253">Land to The North of Blind Lane Blind Lane Lurgashall West Sussex - 2 no. agricultural barns.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p data-bbox="108 517 1420 1937">"...Class A, Part 6, Schedule 2 of the 2015 GPDO establishes permitted development rights for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares in area of a) works for the erection, extension or alteration of a building; or b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit. ... Paragraph A.2 (1)(a) confirms that development is permitted with the condition that where the development is carried out within 400 metres of the curtilage of a protected building, the building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of Part 6. Paragraph D.1(3) confirms that the circumstances referred to above are a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and b)(i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or (ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions. The proposed location for the barns is within 400 metres of a protected building, and the original application form categorically states that the proposed building would be used to house livestock. This matter was subsequently clarified on a revised drawing to confirm that the proposed barns would be used as emergency shelters in adverse weather conditions, storage of animal feeds, bedding etc. and agricultural equipment. ... the appellant is of the view that the proposal should benefit from the circumstances identified within Paragraph D.1(3) and that the buildings would provide the temporary accommodation for the reasons referred to in D.1(3)(b)(ii). ... Paragraph D.1(3) is an important element of the permitted development right as it provides a degree of flexibility in how buildings are used. However, in my judgement, this flexibility should not be used as the regular interpretation of Part 6, Class A. It seems to me that the interpretation in Paragraph D.1(3) provides a form of insurance policy which enables buildings to be used in this manner in unusual circumstances. ... My interpretation is that Paragraph D.1(3) provides flexibility in how buildings may be used in the future where circumstances dictate. It should not be used as a means to justify the location of new buildings because this would be in direct conflict with the specific permitted development right. Accordingly, in my view, the permitted development right is not designed to enable buildings to be erected for these specific reasons, rather that when circumstances dictate, a building allowed under the permitted development right could be used for this purpose. ... I am satisfied that Paragraph D.1(3) does not provide justification for the proposal. Accordingly, I conclude that the proposal would not represent permitted development under Schedule 2, Part 6, Class A of the 2015 GPDO. ..."</p>	

Reference/Procedure	Proposal
<p data-bbox="108 185 400 219"><u>SDNP/20/01960/LIS</u></p> <p data-bbox="108 259 443 293">Cocking Parish Council</p> <p data-bbox="108 333 437 400">Case Officer: Charlotte Cranmer</p> <p data-bbox="108 441 464 474"><b>Written Representation</b></p>	<p data-bbox="552 185 1385 293">Longmeadow Bell Lane Cocking GU29 0HU - Erection of 1 no. detached dwelling with associated garaging and associated surface parking.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p data-bbox="92 521 1415 622">“...there are 2 appeals on this site which relate to 2 different schemes. I have considered each on its individual merits, however, in order to avoid duplication, I have dealt with the appeals together, except where otherwise indicated. ...</p> <p data-bbox="92 629 400 663">The main issues are:</p> <ul data-bbox="92 669 1257 943" style="list-style-type: none"> <li>• the effect of the developments on the integrity of the Arun Valley Special Area Conservation, Special Protection Area, and Ramsar Site (collectively the Arun Valley sites);</li> <li>• in relation to Appeal B, the effect of the development on the living conditions of occupants of 8 High Meadow with regard to outlook and privacy; and</li> <li>• the effect of the developments on the character and appearance of the area, including the natural beauty and cultural heritage of the South Downs National Park (the National Park).</li> </ul> <p data-bbox="92 949 1415 1406"><i>Arun Valley sites</i> - The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) states that before deciding to grant planning permission for a project which is likely to have a significant effect on a European site, either alone, or in combination with other plans or projects, and which is not directly connected with or necessary to the management of that site, a competent authority must make an Appropriate Assessment of the implications of the plan or project for that site in view of its conservation objectives. ... absence of any imperative reasons of overriding public interest for the developments to proceed, allowing either appeal would be contrary to the Habitats Regulations. ... In view of my findings above, I conclude that the developments subject of both Appeal A and Appeal B would have a likely adverse effect on the integrity of the Arun Valley sites. This would conflict with the Habitats Regulations and Policy SD9 of the South Downs Local Plan 2019 (the Local Plan) which seeks to secure development in accordance with them.</p> <p data-bbox="92 1413 1415 2004"><i>Living conditions (Appeal B)</i> - The site forms part of the garden of Longmeadow and lies immediately towards the north of the modestly sized plot on which No 8 is located. The latter tapers towards its west, or back garden end, and given a steep fall in ground levels it mostly stands at a lower level than the site. ... Unit 2 would present a long 2-storey side elevation to the boundary. The development would as such have a significant physical and visual presence when viewed from within both No 8 and its garden. This would be amplified by the tapering shape of the plot, by falling ground levels, and by the fact that built form would occupy much of the space on the north side of the boundary. The resulting effects of physical overbearing would be somewhat oppressive, and would not be meaningfully balanced by the otherwise open outlook that would continue to exist towards the south. ... Unit 2 would be screened by a high hedge ... However, ... it would not be wholly effective in concealing the height, solid mass and physical form of Unit 2. The long-term retention of such a hedge cannot in any case be wholly guaranteed. A hedge would not therefore remove or adequately mitigate the effects of overbearing identified above, which would in consequence cause unacceptable harm to the outlook of occupants of No 8. ... in the scheme subject of Appeal A ... the dwelling would stand further to the north. The components of the dwelling closest to the boundary with No 8</p>	

**Appeal Decision: APPEAL DISMISSED  
- continued**

would also be single storey. The effects of the developments would therefore differ, and here I share the Authority's view that these effects would not be unacceptable in relation to Appeal A. ... No unacceptable harm to the privacy of occupants of No 8, or for that matter Unit 2, would therefore arise. For the reasons outlined above I conclude that whilst the development subject of Appeal B would not have an unacceptable effect on the privacy of occupants of No 8, its effects in relation to outlook would be unacceptable. ... *Character and appearance* - The size of the 2 small dwellings subject of Appeal B would relate poorly to the prevailing pattern. Though the size of the plots would nonetheless be comparable with that of No 8 to the south, the close proximity of the rear elevation of Unit 2 to that of No 8 would be atypical viewed in context. The uneasy nature of the resulting relationship would be further emphasised by physical overbearing. ... the development would appear unduly cramped. Its resulting incongruous appearance relative to its setting would not be altered by the use of vernacular materials. The single detached dwelling subject of Appeal A would relate more directly to the prevailing pattern. Its overall dimensions and massing would appear greater than that of some other nearby dwellings, but its footprint and form would be relatively compact. The size of the plot would otherwise fall at or above the higher end of the range found within High Meadow, and would be broadly comparable with those of other detached dwellings found on the north side of Bell Lane further towards the east. ... Taking these points together, the development would not appear cramped when considered either individually or in relation to other nearby developments. It would indeed fit reasonably well within the broader pattern. 22. The Authority additionally states that the dwelling subject of Appeal A would compete with the building of which Longmeadow forms part. This it has identified as a non-designated heritage asset, ... The building and its plot have therefore been partly absorbed and altered by later residential development. The developments subject of both appeals would continue this process, and to this end the Authority raised no objection on grounds of effects on setting. ... . Dwellings located on the north side of Bell Lane generally stand at a much higher level than the lane itself. The same would be true in relation to the dwellings subject of both appeals. This would ultimately highlight the cramped nature of the scheme subject of Appeal B. However, the physical and visual presence of the dwelling subject of Appeal A would not appear unusual. ... The site is located within the National Park within which there is a statutory duty to have regard to the purposes of its designation. ... given the limited nature of the view and the distance involved it is highly unlikely that the dwellings would stand out within their setting. The developments subject of both appeals would therefore conserve the landscape and scenic beauty of the National Park. ... In view of my findings in relation to the non-designated heritage asset, I find that the cultural heritage of the National Park would be conserved. ... For the reasons outlined above I conclude that the development subject of Appeal A would have an acceptable effect on the character and appearance of the area, including the natural beauty and cultural heritage of the National Park. ... The effects of the development subject of Appeal B on the character and appearance of the area would however be unacceptable. In this regard the scheme would again conflict with Policy ... The proposed dwellings would be constructed in an accessible location within the defined settlement. Both schemes would contribute towards the general need for new housing, Appeal B more so than Appeal A. In neither regard however would the associated social and economic benefits outweigh the harm I have identified above. The developments subject of Appeal A and Appeal B would have an unacceptable effect on the Arun Valley sites. That subject of Appeal B would also otherwise have an unacceptable effect on the living conditions of occupants of No 8 and the character and appearance of the area. In both regards the appeals conflict with development plan. ... I conclude that both Appeal A and Appeal B should be dismissed."

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/20/01635/LDP</u> West Lavington Parish Council Case Officer: Derek Price</p> <p><b>Informal Hearing</b></p>	<p>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.</p>
<p><u>SDNP/21/00587/HOUS</u> Northchapel Parish Council Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>7 Luffs Meadow Northchapel Petworth West Sussex GU28 9HN - Retention of home office (retrospective).</p>
<p><u>SDNP/21/04110/LDE</u> Lynchmere Parish Council Case Officer: Louise Kent</p> <p><b>Written Representation</b></p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Linchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>
<p><u>SDNP/20/04533/HOUS</u> Fittleworth Parish Council Parish Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>Dunrovin Limbourne Lane Fittleworth RH20 1HR - Erection of a two storey rear extension and front porch with associated roof works and installation of tile hanging at the first floor level.</p>
<p><u>SDNP/20/03967/HOUS</u> West Lavington Parish Council Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Hill View Cocking Causeway Cocking GU29 9QG - Replace an existing outbuilding within the curtilage of Hill View with a detached annexe.</p>

Reference/Procedure	Proposal
<p><u>SDNP/20/02935/CND</u> Harting Parish Council</p> <p>Case Officer: Derek Price</p> <p><b>Informal Hearing</b></p>	<p>Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent,non personal to increase the number of mobile homes by one to change the layout.)</p>
<p><u>SDNP/20/05361/FUL</u> Duncton Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Laudacre Cottage Beechwood Lane Duncton GU28 0NA - Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).</p>
<p><u>SDNP/21/00350/HOUS</u> Petworth Town Council Parish</p> <p>Case Officer: Jenna Shore</p> <p><b>Householder Appeal</b></p>	<p>Leith House Angel Street Petworth GU28 0BG - Proposed domestic ancillary outbuilding.</p>
<p><u>SDNP/21/00278/HOUS</u> Petworth Town Council Parish</p> <p>Case Officer: Jenna Shore</p> <p><b>Householder Appeal</b></p>	<p>Leith House Angel Street Petworth GU28 0BG - Demolition of an existing double garage and alterations and extensions to existing dwelling.</p>
<p><u>SDNP/20/04081/FUL</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>The Grove Inn Grove Lane Petworth GU28 0HY - Change of use to 1 no. dwelling and replacement garaging and associated alterations.</p>



Reference/Procedure	Proposal
<u>SDNP/20/04726/HOUS</u> Lodsworth Parish Council  Case Officer: Beverley Stubbington  <b>Householder Appeal</b>	St Peters Well Vicarage Lane Lodsworth GU28 9DF - New timber-framed four-bay garage, brick retaining wall and relocation of existing oil tank.
<u>SDNP/18/00609/BRECO</u> Rogate Parish Council  Case Officer: Steven Pattie  <b>Written Representation</b>	Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37
<u>SDNP/19/00386/COU</u> Fittleworth Parish Council  Case Officer: Sue Payne  <b>Written Representation</b>	Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11

#### 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