

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 12-01-2022 and 11-02-2022

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/21/04007/FUL</u> Milland Parish Council Parish Case Officer: Louise Kent Written Representation	Aston House (formerly Dellwood Cottage) Wheatsheaf Enclosure Milland Liphook West Sussex GU30 7EH - Replacement 1 no. 2 storey dwelling.
<u>SDNP/20/05011/FUL</u> Ebernoe Parish Council Parish Case Officer: Jenna Shore Written Representation	Bittlesfield Ebernoe Road Balls Cross Ebernoe GU28 9JU - Demolition of 1 no. existing dwelling, garage and outbuildings, replaced with 1no. detached dwelling and 1no. detached garage/storage including access, driveway, parking and amenity space.

2. DECIDED

Reference/Procedure	Proposal
<p data-bbox="108 248 448 353"><u>SDNP/20/04081/FUL</u> Petworth Town Council Parish</p> <p data-bbox="108 383 437 456">Case Officer: Beverley Stubbington</p> <p data-bbox="108 479 469 517">Written Representation</p>	<p data-bbox="549 248 1378 353">The Grove Inn Grove Lane Petworth GU28 0HY - Change of use to 1 no. dwelling and replacement garaging and associated alterations.</p>
Appeal Decision: APPEAL ALLOWED	
<p data-bbox="108 577 1390 931">“... I have found partially in favour of the appeal in relation to the first main issue (specifically in relation to the front boundary wall), and also found in relation to the second main issue, that the proposal would not adversely affect occupiers of The Hollow. ... However, these findings are outweighed by my concerns in relation to the failure of the proposal to satisfactorily integrate with the character and appearance of the area and consequent harm to the landscape of the national park and setting of the Conservation Area, as well as the adverse impact on the occupiers of Oldways through overbearing effects. I do not consider the replacement of the existing dated dwelling with a more energy efficient house with micro generation power technologies would outweigh these concerns. ...</p>	

Reference/Procedure	Proposal
<p data-bbox="113 208 448 309"><u>SDNP/21/00350/HOUS</u> Petworth Town Council Parish</p> <p data-bbox="113 342 496 376">Case Officer: Jenna Shore</p> <p data-bbox="113 439 427 472">Householder Appeal</p>	<p data-bbox="555 208 1382 275">Leith House Angel Street Petworth GU28 0BG - Proposed domestic ancillary outbuilding.</p>
<p data-bbox="475 506 1046 539">Appeal Decision: APPEAL ALLOWED</p>	
<p data-bbox="97 544 1418 1668">"... The main issue is the effect of the proposed outbuilding on the character and appearance of the area, the wider landscape, the setting of listed buildings and the Petworth Conservation Area (the CA). ... The CA Statement and the Petworth Neighbourhood Plan 2018 (the NP) describe the Angel Street character area as an early suburb developed from the C16 onwards and distinct from the more densely developed commercial core. The buildings provide a historic reflection of the rich variety of architectural forms which have developed over six centuries or more, emphasised by the many Listed Buildings locally. This lends the richness and interest to the streetscape which is a vital element of the predominantly residential character of the Angel Street area. Leith House is a mid C20 two storey brick house with a timber garage building connected at ground floor level by a flat roofed link. ... ue to its modest scale, appearance and traditional simple form and appearance, it does not compete with, or detract from, the surrounding and historic street scene. I judge it has a neutral effect on the CA. ... The proposed shed would be to the side of Leith House and would project forward of the main house wall. ... The shed would be well set back from the road. Although together with the neighbouring outbuilding it would present an appearance of two gables to the front, this would not be intrusive in the historic street scene which has various heights and styles of buildings much closer to the road side than the proposed shed would be. Nor, due to its the relatively small scale, do I consider the juxtaposition with Leith House to be so awkward as to justify refusal of permission. ... The proposed shed would be viewed in the context of an outbuilding on the Leith Cottage side of the boundary. ... I consider it would have a neutral effect on the setting of Leith Cottage and the way in which it is appreciated. For similar reasons I consider that, ... it would not harm the character or appearance of the CA taken as a whole. Overall, the effect would be neutral, which amounts to preservation. ... The outbuilding (described on the plan as a garden shed – “the shed”) would be less than the 30% floor space guideline at Policy SD31 of the South Downs Local Plan 2019 (the LP). The character of the site as residential would be unchanged. Overall I find no material conflict with Policy SD31. I conclude that the development would not harm the character and appearance of the area, the wider landscape, or the setting of listed buildings and would preserve the character and appearance of the CA and the National Park. I find no material conflict with the objectives of ... the LP... or the National Planning Policy Framework ... The appeal should be allowed."</p>	

Reference/Procedure	Proposal
<p data-bbox="113 203 451 309"><u>SDNP/20/05361/FUL</u> Duncton Parish Council Parish</p> <p data-bbox="113 338 437 409">Case Officer: Beverley Stubbington</p> <p data-bbox="113 434 469 468">Written Representation</p>	<p data-bbox="555 203 1380 344">Laudacre Cottage Beechwood Lane Duncton GU28 0NA - Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).</p>

Appeal Decision: APPEAL ALLOWED

"... Conclusion ... A number of policies have been sited in the Council's reason for refusal. While the proposal would conflict with policy SD30 insofar as it restricts the floorspace uplift of a replacement dwelling, the proposal would comply with policies SD1, SD4, SD6, SD5, SD7 which together seek to conserve and enhance the landscape character and include a requirement for sensitive design. Given the clear conflict with policy SD30 of the Local Plan, the proposals would not be in accordance with the development plan as a whole. However, I have found that material considerations indicate a decision should be made otherwise. I therefore find that the appeal should be allowed.

Conditions ... The Authority have suggested a number of conditions and I have considered these against the tests contained in the Framework and Planning Practice Guidance. I have imposed conditions requiring compliance with the submitted plans to provide certainty for all parties. The Authority have recommended that permitted development rights for the property be removed for various works including any alterations, extensions, new windows, roof level openings or outbuildings. The reason why this is recommended has not been given and, as the General Permitted Development Order already limits permitted development rights for properties within National Parks, I am not convinced that further restrictions are necessary in this case. I am also mindful in this respect of the advice in Planning Practice Guidance that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. A condition is imposed to ensure that the soft landscaping shown on the plans is delivered to ensure the proposal sits comfortably within its verdant setting and delivers enhancements to the landscape. A condition is also imposed in relation to storage of construction materials on the site so as to protect the adjacent water course. Given the size of the proposed structure as the conversion of the garage into a separate unit of accommodation would likely require planning permission in its own right, I do not consider it necessary to impose a condition in relation to its use. ..."

Reference/Procedure	Proposal
<p data-bbox="113 199 448 304"><u>SDNP/21/00278/HOUS</u> Petworth Town Council Parish</p> <p data-bbox="113 333 494 367">Case Officer: Jenna Shore</p> <p data-bbox="113 427 427 461">Householder Appeal</p>	<p data-bbox="555 199 1409 304">Leith House Angel Street Petworth GU28 0BG - Demolition of an existing double garage and alterations and extensions to existing dwelling.</p>

Appeal Decision: APPEAL DISMISSED

"... The appellant has requested that I consider amendments as shown on proposed elevations and sections Plan Ref 0074/05 REV H and associated revised montages. ... the Council has confirmed that its decision was taken on the basis of proposed elevations and sections Plan Ref 0074/05 REV F. ... I cannot confidently conclude that the revisions would not prejudice the interests of interested parties. Accordingly I have determined the appeal on the basis of the plans on which the Council reached their decision. ... The CA Statement and the Petworth Neighbourhood Plan 2018 (the NP) describe the Angel Street character area as an early suburb developed from the C16 onwards and distinct from the more densely developed commercial core. The buildings provide a historic reflection of the rich variety of architectural forms which have developed over six centuries or more, emphasised by the many Listed Buildings locally. This lends the richness and interest to the streetscape which is a vital element of the predominantly residential character of the Angel Street area. ... Due to the road layout, the Grade II Listed Church of the Sacred Heart and its Presbytery are particularly prominent and contribute significantly to the historic street scene of this part of the CA. The appeal site occupies a central, prominent and highly visible position near them. When approaching the appeal site along Angel Street, from the west in particular, the Church and Presbytery can be clearly appreciated to the north of the appeal site. ... Leith House is a mid C20 two storey brick house with a timber garage building connected at ground floor level by a flat roofed link. It is unlike the nearby prevailing architectural character ... Nevertheless, due to its modest scale, appearance and traditional simple form and appearance, it does not compete with, or detract from, the surrounding and historic street scene. I judge it has a neutral effect on the CA. ... The garage and single storey link would be replaced by a two storey extension and link. ... This would project above the eaves of the main house whereas the ridge of the existing garage appears to sit level with the eaves. ... The extension would be wider than the garage, projecting further towards Angel Street, and the roof would be asymmetrical. In views from the east the proposed building would obscure more of the Church than the existing garage. ... the ... modern contemporary character ... would be at odds with the host property and the combining of two distinct styles would introduce a discordant feature within this historic setting. The appearance would be of two separate buildings rather than a subservient extension. This together, with the modern and contemporary design, would overwhelm and draw attention away from its unassuming host, and compete with views of the Church and Presbytery. The original proposal for a dark grey zinc roof would add to the contemporary appearance of the extension. ... slate could have a modern or traditional appearance. Because of this, and as the overall scale and design would remain the same, the different roof material would not lead me to any different conclusion. Overall, the proposed extension would result in an incongruous addition that would be out of keeping in this historic location, harming the setting of the Presbytery and Church, ... These buildings are of significant importance, not only in terms of their listing, but also because of the important contribution they make to this historic street scene. The proposed extension would, in my view, cause significant harm to their setting. However, ... the proposal would have a neutral effect on the setting of Leith Cottage and how it is appreciated. The appellant has offered to install low level lighting, internal lighting sensors, internal automated blinds that can close during darker hours, and sliding shutters which, when used, could overcome the effect of lit windows in relation to the street scene. ... no mechanism has been offered to ensure these measures would be used and maintained. ... Accordingly I give these matters little weight in this case. ... The Parties do not agree as to the extent by which the proposed extension would increase the floorspace compared to the existing house. ... Even the appellant's calculation of 35% exceeds the approximately 30% increase considered acceptable under Policy SD31 of the South Downs Local

Appeal Decision: APPEAL DISMISSED - continued

Plan 2019 (the LP). One of the purposes of this policy is to avoid the over extension of existing properties due to the adverse impact this can have on the character and appearance of the settlement. I do not consider that the appellant's contention that the property would regularly accommodate the extended family would amount to sufficient exceptional circumstance to justify an extension of the size proposed. ... a second purpose of Policy SD31 is to protect the limited supply of small and medium sized houses in the National Park. Due to its three bedrooms and modest living accommodation Leith House would currently meet the definition of a medium sized house as explained in the South Downs Local Plan Extensions and Replacement Dwellings Technical Advice Note. The proposed plans show the extended property would have three bedrooms. However, the plans show the existing house would be re-modelled into very generous living accommodation on both floors and there would be no mechanism to prevent parts of this being converted to bedroom(s) in the future. ... I also conclude that the extended dwelling would no longer amount to medium sized in the terms of the LP. Taking both purposes together I do not consider the proposal accords with the thrust of Policy SD31. ... There would be a higher ratio of glazing within the proposed development compared to existing. However, the appeal site is within the built-up area of Petworth. Taking account of existing street lighting and light spill, I do not consider any increase in light spill resulting from the larger areas of glazing would have such a significant effect in terms of Dark Skies policies as to justify the refusal of planning permission. Beyond Leith Cottage are the Grade II Listed Buildings of Holly Tree Cottage, Hill Cottage and Grays. ... the extensions proposed would not harm the setting of these buildings or the appreciation of their historic and architectural characters. I conclude that the proposed extensions would have a harmful effect on the character and appearance of the area, the setting of listed buildings and on the CA. Accordingly there would be conflict with Policies ... of the Local Plan; ... the NP and those principles of the Framework that seek to ensure development respects the character and appearance of the local area and protects designated heritage assets. ... I have found no material considerations to outweigh this conflict. The appeal should be dismissed. "

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/20/01635/LDP</u> West Lavington Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing 22/02/2022 10:00:00 Virtual Hearing</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 Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>7 Luffs Meadow Northchapel Petworth West Sussex GU28 9HN - Retention of home office (retrospective).</p>
<p><u>SDNP/20/04086/HOUS</u> Bury Parish Council</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store</p>
<p><u>SDNP/21/04110/LDE</u> Lynchmere Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Lynchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>

Reference/Procedure	Proposal
<p><u>SDNP/20/04087/LIS</u> Bury Parish Council</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store</p>
<p><u>SDNP/20/04533/HOUS</u> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</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</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Hill View Cocking Causeway Cocking GU29 9QG - Replace an existing outbuilding within the curtilage of Hill View with a detached annexe.</p>
<p><u>SDNP/21/03427/HOUS</u> Trotton With Chithurst Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>Mottistone Cottage Terwick Hill Rogate GU31 5EJ - Erection of a new oak framed garage provided by English Heritage Oak.</p>
<p><u>SDNP/20/02935/CND</u> Harting Parish Council Case</p> <p>Officer: Derek Price</p> <p>Informal Hearing</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>

Reference/Procedure	Proposal
<p><u>SDNP/21/01877/FUL</u> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Rew Cottage Hesworth Common Lane Fittleworth RH20 1EW - Retrospective planning application for the retention of the realigned access road together with the replacement gates.</p>
<p><u>SDNP/20/04726/HOUS</u> Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>St Peters Well Vicarage Lane Lodsworth GU28 9DF - New timber-framed four-bay garage, brick retaining wall and relocation of existing oil tank.</p>
<p><u>SDNP/18/00609/BRECO</u> Rogate Parish Council</p> <p>Case Officer: Steven Pattie</p> <p>Written Representation</p>	<p>Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37</p>
<p><u>SDNP/19/00386/COU</u> Fittleworth Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11</p>

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