

## 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 17-08-2022 and 13-09-2022

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

NONE

## 2. DECISIONS

Reference/Procedure	Proposal
<p><a href="#">SDNP/18/00609/BRECO</a> Rogate Parish Council</p> <p>Case Officer: Steven Pattie (EX SDNPA)</p> <p><b>Written Representation</b></p>	<p>Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>" Summary of Decision: the appeal is dismissed Ground (d) appeal 1. This ground of appeal is that at the date the notice was issued no enforcement action could be taken. In order to succeed on this ground it is necessary for the Appellant to demonstrate that the use alleged (the stationing of a shepherd's hut and use of wooden building for the purposes of human habitation) took place for a period in excess of four years before the notice was issued and without any material change in the use since that date. The burden of proving relevant facts falls on the Appellant and the relevant test of evidence is the balance of probability. ... the shepherd's hut provides sleeping accommodation, a dining area, cooking facilities and wood burner. A short walk away the wooden building provides shower and toilet facilities. Together they provide the facilities necessary for day to day living and human habitation. ... The Appellant says that the shepherd's hut has been on the land for in excess of 10 years and the wooden building in excess of 4 years. He says that they were repaired and refurbished in Summer 2017 and that their use as tourist accommodation began in 2018. ... The Council argue that regardless of when the hut and building were stationed on the land their previous use was extinguished when the hut was refurbished in 2018 to provide overnight accommodation and a larger wooden building fitted with shower and toilet facilities to be used in association with the hut. They argue that a new chapter in the planning history of the site commenced when the structures became a single habitable residence. ... On balance I do not consider that the evidence produced by the Appellant satisfies the burden of proof that rests upon him in this appeal. He has not demonstrated that the use alleged (the stationing of a shepherd's hut and wooden building for the purposes of human habitation) took place for a period in excess of four years before the notice was issued and without any material change in the use since that date. ... The appeal is dismissed and the enforcement notice is upheld."</p>	
<p><a href="#">SDNP/21/04110/LDE</a> Lynchmere Parish Council</p> <p>Case Officer: Louise Kent</p> <p><b>Written Representation</b></p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Lynchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>" ... The reason for refusal is that the rear garden cabin would not fall within Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would be located outside the domestic curtilage of the dwellinghouse. ... There is a material difference in the character of the land where it is proposed to site the cabin compared to the well defined and terraced domestic garden land nearer the dwellinghouse. ... Taking all of the evidence into account the parcel of land on which it is proposed to erect a cabin does not as a matter of fact and degree have the kind of intimate association with the dwellinghouse that is required for it to be reasonably interpreted as within its curtilage. ..."</p>	

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><a href="#">SDNP/21/04858/FUL</a> Kirdford Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Former Cricket Pavilion The Old Coach House Hawkhurst Court Kirdford Billingshurst West Sussex RH14 0HS - Retrospective planning application for the conversion of a former cricket pavilion into a holiday let.</p>
<p><a href="#">SDNP/21/03816/FUL</a> Funtington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>	<p>Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.</p>
<p><a href="#">SDNP/21/03068/LIS</a> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p><a href="#">SDNP/21/04109/FUL</a> Lurgashall Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>	<p>Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.</p>
<p><a href="#">SDNP/21/01971/FUL</a> Lurgashall Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p><b>Written Representation</b></p>	<p>Abesters Quell Lane Lurgashall GU27 3BS - Erection of replacement gates.</p>

Reference/Procedure	Proposal
<p><a href="#">SDNP/21/00910/FUL</a> Rogate Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p><b>Written Representation</b></p>	<p>Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.</p>
<p><a href="#">SDNP/20/02935/CND</a> Harting Parish Council Case</p> <p>Officer: Derek Price</p> <p><b>Informal Hearing</b> <b>28/02/2023</b></p> <p>SDNPA - South Downs Centre</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><a href="#">SDNP/21/03067/HOUS</a> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p><a href="#">SDNP/21/03527/FUL</a> Tillington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>	<p>Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Erection of timber stable building and change of use of the land for the keeping of horses for private use.</p>
<p><a href="#">SDNP/21/05908/HOUS</a> Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Oakleaves School Lane Lodsworth GU28 9DH - Extension of existing bungalow to provide first floor accommodation and construction of a new garage building.</p>
<p><a href="#">SDNP/21/04454/HOUS</a> Lurgashall Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.</p>

<b>Reference/Procedure</b>	<b>Proposal</b>
<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

<b>Reference</b>	<b>Proposal</b>	<b>Stage</b>

#### 6. COURT AND OTHER MATTERS

<b>Injunctions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>

<b>Court Hearings</b>		
<b>Site</b>	<b>Matter</b>	<b>Stage</b>

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>

#### 7. POLICY MATTERS