

## 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 14-09-2022 and 18-10-2022

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   |
|--|--|
| <a href="#">SDNP/21/02690/HOUS</a><br>West Lavington Parish Council<br><br>Case Officer: Beverley Stubbington<br><br><b>Written Representation</b>       | St Andrews Selham Road West Lavington GU29 0EG -<br>Proposed erection of a single storey orangery to the rear of the property. |
| <a href="#">SDNP/19/00375/BRECON</a><br>Stedham with Iping Parish Council<br><br>Case Officer: Michael Coates-Evans<br><br><b>Written Representation</b> | Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL- Appeal against ML/26   |

## 2. DECISIONS

| Reference/Procedure  | Proposal   |
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| <u>SDNP/18/00609/BRECO</u><br>Rogate Parish Council<br><br>Case Officer: Steven Pattie<br>(EX SDNPA)<br><br><b>Written Representation</b>  | Land South of Harting Combe House Sandy Lane Rake<br>Rogate West Sussex - Appeal against Enforcement Notice<br>RG/37 |
| <b>Appeal Decision: APPEAL DISMISSED</b>   |  |
| <p>" Summary of Decision: the appeal is dismissed<br/>Ground (d) appeal<br/>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> |  |

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#">SDNP/21/04110/LDE</a><br>Lynchmere Parish Council<br><br>Case Officer: Louise Kent<br><br><b>Written Representation</b>  | 1 Stone Pit Cottages Marley Combe Road Camelsdale<br>Linchmere GU27 3SP - Existing lawful development - rear garden cabin. |
| <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> |  |

| Reference/Procedure  | Proposal  |
|--|---|
| <a href="#">SDNP/21/00910/FUL</a><br>Rogate Parish Council<br><br>Case Officer: Rebecca Perris<br><br><b>Written Representation</b>  | Land North East of Paddock Lodge London Road Hill Brow<br>Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway. |
| <b>Appeal Decision: APPEAL DISMISSED</b>   |   |
| <p>"... Policy SD25 of the South Downs Local Plan 2019 (LP) contains a list of settlements with defined boundaries where development, including housing, is supported in principle. Although relatively recently adopted, the LP does not specifically address isolated homes in the countryside. I have taken this into account in my decision. ... Hill Brow to the west and nearby Rake to the east ... are not defined settlements. They are, therefore, in the countryside, as is the site. ...</p> <p>Albeit an outlying part ... with limited visual connectivity to the centre of Hill Brow ... the site, is in my view nonetheless physically part of the settlement at Hill Brow. The proposed dwelling would therefore not be an isolated new home in the countryside. As a result, Framework paragraph 80 e) is not engaged in this appeal.</p> <p>In the countryside development will only be permitted exceptionally in any of the circumstances set out in LP Policy SD25(2)(a) to (d). There is no evidence of an essential need for the dwelling to be in the countryside, the site is not allocated or safeguarded for development and the proposal is not community infrastructure. ... the ... majority part of the site which would be developed, including by change of use of land, is not previously developed land. ... Accordingly, even a single dwelling on the site would undesirably consolidate a more dispersed pattern of residential development, at odds with aims of the Authority's spatial strategy and settlement hierarchy.</p> <p>Considering the above, I find that the site is not an appropriate location for a dwelling, having regard to local and national policy for the provision of housing. Consequently, the proposal would conflict with LP Policies SD1 and SD25 which collectively seek to focus housing development in, or at, the most sustainable locations unless exceptionally justified and with regard to cumulative impacts. ... Despite its flat roof, part single-storey design and use of land levels, the dwelling would have appreciable vertical scale and massing, overall built form and physical presence. ... in relation to the size of the site, the proximity of retained and proposed planting and the size of some other dwellings nearby, including some plot sizes, it would not appear overly cramped. However, infilling most of the centre of the site with the dwelling would unduly erode openness and result in a notable intensification of residential development and related activity in this part of the frontage. It would alter fundamentally the innate essence of the site, reduce tranquility and result in an undesirable consolidation of development along this road in the direction of Rake. The ... design ... would be unexpected and incongruous given the more conventional design of gabled and hipped roof, mainly brick and tiled dwellings nearby. The proposal would, therefore, be out of keeping with the prevailing pattern, sequence and appearance of open spaces and dwellings in this part of Hill Brow and along this part of London Road. The secluded location of the site in a corridor of roadside trees means that the dwelling would not have any meaningful direct visual or physical effect on the wider surrounding countryside or landscape of the NP. However the proposal would be conspicuous in elevated views from the pavements in London Road, overlooking the site, and result in unwarranted visual intrusion. ... The significant contrast between the open undeveloped nature of the site and as developed by the dwelling would be plain to see in these short distance views. Moreover, the absence of greater public visibility does not mean the absence of intrinsic harm to the countryside or NP. The dwelling would have a high standard of design and ... would incorporate techniques or technologies to mitigate the effects of climate change, achieve zero carbon outcomes and deliver biodiversity net gains. ... This would be a comprehensive and meaningful package of such measures. However, while this would deliver a more efficient and effective building in these respects, that is not the same as innovative. Many of these measures are well-established, no longer new and regularly and routinely used in new homes. Even though not reflected in dwellings in the NP, this includes Passivhaus principles. ... it is a mature design philosophy over 25 years old. There is no compelling evidence that the proposal would introduce or feature</p> |   |

**Appeal Decision: APPEAL DISMISSED - continued**

genuinely new ideas, fresh creative thinking or authentic advanced or original measures. ... I am not satisfied that the dwelling would be remarkable or impressive, thus truly outstanding, or innovative or reflect the highest standards of architecture. In addition, the dwelling and associated domestic activity on the site would not enhance the immediate setting of the site or be sensitive to the defining characteristics of the built and natural environment of the local area. Overall, the proposal would not be a novel or exemplar scheme in these regards. ... Taking all of the above into account, I find that the proposal would cause significant harm to the character and appearance of the area, including the South Downs National Park. Consequently, it would conflict with LP Policies SD1, SD4, SD5 and SD7 which include that the landscape of the NP will be conserved. ..."

### 3. CURRENT APPEALS

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#">SDNP/21/04858/FUL</a><br>Kirdford Parish Council<br><br>Case Officer: Beverley Stubbington<br><br><b>Written Representation</b>    | 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. |
| <a href="#">SDNP/21/03816/FUL</a><br>Funtington Parish Council<br><br>Case Officer: Lauren Cripps<br><br><b>Written Representation</b>         | Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.   |
| <a href="#">SDNP/21/03068/LIS</a><br>Fittleworth Parish Council<br><br>Case Officer: Beverley Stubbington<br><br><b>Written Representation</b> | Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.   |
| <a href="#">SDNP/21/04109/FUL</a><br>Lurgashall Parish Council<br><br>Case Officer: Lauren Cripps<br><br><b>Written Representation</b>         | Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.  |
| <a href="#">SDNP/21/01971/FUL</a><br>Lurgashall Parish Council<br><br>Case Officer: Rebecca Perris<br><br><b>Written Representation</b>        | Abesters Quell Lane Lurgashall GU27 3BS - Erection of replacement gates.   |

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

| Reference/Procedure  | Proposal  |
|--|---|
| <u>SDNP/19/00386/COU</u><br>Fittleworth Parish Council<br><br>Case Officer: Sue Payne<br><br><b>Written Representation</b> | Douglaslake Farm Little Bognor Road Fittleworth<br>Pulborough West Sussex RH20 1JS - Appeal against FT/11 |
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#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

#### 5. CALLED-IN APPLICATIONS

| Reference | Proposal | Stage |
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|           |          |       |

#### 6. COURT AND OTHER MATTERS

| Injunctions |        |       |
|-------------|--------|-------|
| Site        | Breach | Stage |
|             |        |       |

| Court Hearings |        |       |
|----------------|--------|-------|
| Site           | Matter | Stage |
|                |        |       |

| Prosecutions |        |       |
|--------------|--------|-------|
| Site         | Breach | Stage |
|              |        |       |

#### 7. POLICY MATTERS