

Report to **Planning Committee**  
Date **7 December 2022**  
By **Director of Planning**  
Local Authority **Chichester District Council**  
Application No. **SDNP/22/03304/HOUS**  
Applicant **Mr & Mrs Liddle**  
Application **Replacement ancillary residential building and removal of 3 no. other ancillary buildings.**  
Address **Hurstfield House  
B2146 Ditcham Lane To Hurst Mill Lane  
Hurst  
South Harting  
West Sussex  
GU31 5RF**

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**Recommendation:** That the application be Refused for the reasons set out in paragraph 10 of this report.

**IMPORTANT NOTE:** This application is liable for Community Infrastructure Levy.

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### **Executive Summary**

#### **Red Card – Cllr Kate O'Kelly - Important information/opinion to raise in debate**

The application site has the benefit of an existing annexe building, the lawful status of which is informed by the grant of the lawful development certificate in 11/01443/ELDNP. This determined that the annexe is to be occupied solely in connection with and ancillary to the host dwelling of Hurstfield House (known as Badgers at that time). This was highlighted as a modest level of accommodation and a subsidiary element of the single residential unit. This proposal seeks to replace the existing subsidiary annexe with a structure that provides all the facilities to permit habitual living independent of Hurstfield House. Given the size and scale of the building and the facilities contained within it, it is believed that the proposed structure constitutes a new dwelling outside of a settlement boundary with no details of an essential need to live in the countryside provided and causes demonstrable harm to the defining landscape character of the National Park.

No evidence of the water neutrality of the development has been provided in accordance with the requirements of Natural England and therefore it has not been established that the proposal will not have a likely significant effect on the Arun Valley SPA..

Therefore, the proposed building is considered not to comply with the objectives of the South Downs Local Plan (2019) set out in this report and the application is recommended for refusal.

## **1.0 Site Description**

- 1.1 Hurstfield House is a large early C20th detached dwelling located approximately 1.5 miles west of the settlement boundary of South Harting and on the eastern side of the B2146 Harting to Petersfield road. It is situated in a relatively isolated position surrounded by open countryside.
- 1.2 Hurstfield House is a two-storey dwelling, partly timber-framed construction and tile hung under a clay tiled roof positioned toward the more open eastern boundary of the property's curtilage.
- 1.3 To the south and west of the main dwelling are a series of outbuildings, including an unassuming single storey annex building comprising three distinct elements, which is the subject of this application. This annex comprises living space, kitchen, WC, and bedroom and is constructed of a mixture of coloured render, faux timber framing and weather boarding under a shallow pitched clay roof. It is to be replaced under this proposal.

## **2.0 Proposal**

- 2.1 The proposal is for the replacement of the existing single storey annex comprising one bedroom, kitchen, wc and living space with a single storey, two bed roomed unit incorporating a ground floor open plan living, dining and kitchen space with a study, plant and storage areas.
- 2.2 The replacement building is to be located partially covering the footprint of existing annex, south of the principle dwelling on the site, Hurstfield House.

## **3.0 Relevant Planning History**

98/02645/DOM - Erection of 2 bay car barn - Approved

01/02664/DOM - First floor rear extension forming bathroom en-suite from existing bedroom Approved

11/01443/ELDNP - Existing Lawful Development for annex accommodation to dwelling known as 'The Badgers' - Approved

SDNP/18/03098/PRE - Temporary change of use for 3 years to dog training activities for 1 acre of the 9 acre field - Pre Application Advice Given

SDNP/20/00434/PRE - Convert existing detached garage into habitable standard workroom, studio and home office - Pre Application Advice Given

SDNP/21/05000/HOUS - Two side extensions to the north and the east elevations - Approved

SDNP/21/00807/PRE - Replacement of existing ancillary outbuildings and extensions to main house - Pre Application Advice Given

SDNP/21/05057/HOUS - Replacement ancillary residential building and removal of other ancillary buildings. - Refused

## **4.0 Consultations**

### **4.1 Parish Council Consultee**

No objection

## 4.2 CDC - Environmental Strategy

### Bats:

Following submission of the Bat Survey Report (Sept 20), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

### Hedgehogs:

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

### Nesting Birds:

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March ' 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the building / and or tree within the garden of the property.

## 5.0 Representations

No third-party representations received.

## 6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- N/A

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

## 7.0 Planning Policy

### Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

- 7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:
- NPPF04 - Decision-making
  - NPPF01 - Introduction
  - NPPF02 - Achieving sustainable development
  - NPPF05 - Delivering a sufficient supply of homes infrastructure
  - NPPF12 - Achieving well-designed places
  - NPPF15 - Conserving and enhancing the natural environment
- 7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 - Supply of Homes
- Strategic Policy SD27 - Mix of Homes
- Strategic Policy SD28 - Affordable Homes

## Partnership Management Plan

7.4 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 50

## **8.0 Planning Assessment**

### **The Principle of the Proposed Development**

- 8.1 The lawful status of the existing building is informed by the grant of the lawful development certificate in 11/01443/ELDNP. This determined that the occupation of an existing outbuilding on the site was solely in connection with and ancillary to the host dwelling (known as Badgers at that time). The Officer report highlighted that this very modest level of accommodation, as a matter of fact and degree was within and formed a subsidiary element of the same, single residential planning unit as the main dwelling and not a separate planning unit.
- 8.2 The assertion in the agent's application documents that the annexe can or has been lawfully occupied as a separate residential unit from Hurstfield House has not been tested; the fact that separate council tax has been levied on the building is not demonstrative evidence on its own as to the *use* it has been put to.
- 8.3 The principle of the replacement of the current, modestly sized annexe is considered acceptable given its lawful status. However, the acceptability of any replacement annexe is subject to the aims and objectives of national and local planning policies.
- 8.4 It is important to note that this application follows a recent pre-application advice response ref. SDNP/21/00807/PRE and a refused application ref. SDNP/21/05057/HOUS for a scheme that is similar to the structure proposed in this application.
- 8.5 The advice given within SDNP/21/00807/PRE concluded that in view of the substantial size, level of self-sufficiency and degree of separation, the intended replacement annexe would be tantamount to the erection of a new dwelling and could not be reasonably considered as an ancillary building serving the main dwellinghouse in the context of the lawful status of the existing building. This was also reflected in the reasons for refusal of application SDNP/21/05057/HOUS.
- 8.6 Policy SD31 of the South Downs Local Plan (Extensions to existing dwellings, and provision of annexes and outbuildings) which deals with matters relating to the provision of annexes states inter alia:

2. Proposals for annexes should demonstrate the functional and physical dependency on the host dwelling.
  3. Proposals for outbuildings should demonstrate that they are required for purposes incidental to the use of the host dwelling.
  4. Where permission is granted future extensions may be controlled by the removal of permitted development rights.
- 8.7 Paragraph 7.91 of the supporting text to the policy states, '...Proposals should respect local character and complement the scale, height, massing, appearance and character of the existing dwelling. All applications for extensions, annexes and outbuildings will therefore need to comply with SD4: Landscape Character and SD5: Design'. Paragraph 7.95 of the Local Plan goes on to advise that, 'Proposals for annexes to provide additional ancillary accommodation must demonstrate a functional link between it and the host dwelling. The annexe must be in the same ownership as the main dwelling and share utility services, access, vehicular parking and private amenity space. An annex should usually be incorporated within or physically attached to the host dwelling. Where an extension to provide an annexe is not practical, consideration will also be given to the size of the detached annexe and sub-ordinance to the host dwelling'.
- 8.8 The application proposal seeks to demolish the modest, single storey annexe, with a floorspace of 51.88 sq. metres which contains living space, kitchen, W/C and bedroom. This would be replaced with a substantially larger detached, single storey unit with a floorspace of 177.5sq. metres. The replacement structure would have a large open plan living room, kitchen and dining area, two bedrooms with ensuites, library/study, storage and plant room in a basement. The 'study/library' has the dimensions to be used as a third bedroom and must be treated as such in accordance with the TAN advice. The new building represents an increase of 240% over that of the existing annex.
- 8.9 The applicant suggests that existing outbuildings can be removed to facilitate a larger overall increase in GIA and could be regarded as a modest rationalisation of the site. On inspection, many of these are not of substantial enough construction to be considered as outbuildings such as the greenhouses located in the northwest of the planning unit. Potentially a single outbuilding could be removed, described as 'Coral Outbuilding' which even if the removal of is included in GIA calculations, the proposed scheme would still result in an increase of 175% on the existing annexe, far exceeding the 30% restriction of SD31.
- 8.10 The proposed building, by virtue of its height and massing would be visible from public vantage points and therefore add to the built development within the wider landscape and erosion of the rural character of the area. The reduction in ground levels is an attempt to mitigate against the scale of the new building but would not result in the structure becoming acceptably subservient to the host dwelling or overcome the concerns raised about the visual impact of the building on the surrounding area.
- 8.11 The structure has all the facilities to permit day to day living independently of Hurstfield House. The independence is emphasised through the incorporation of a bespoke plant basement room. This shows little reliance on the main house and is considered to be tantamount to a new dwelling and therefore contrary to Section 2 of SD31.

- 8.12 Policy SD25 of the South Downs Local Plan (SDLP) states that outside of designated settlement boundaries, development will be permitted where it complies with relevant policies in the Local Plan, responds to the context of the relevant broad area or river corridor, and:
- a) It is allocated for development or safeguarded for the use proposed as part of the Development Plan; or
  - b) There is an essential need for a countryside location; or
  - c) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
  - d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
- 8.13 The personal aspirations to have close relatives living close-by are acknowledged as capable of being a material consideration, but these fall far short of being an essential need to live in the countryside, nor as mentioned above would the consolidation of the built form result in the conservation and enhancement of the special qualities of the National Park. No details of an essential need have been provided with this application. The proposal is therefore considered to be contrary to policy SD25 of the SDNP LP.

**The effect of the proposed development on the surrounding area and its relationship with the host dwelling**

- 8.14 Policy SD4 states that proposals will only be permitted where they conserve or enhance the landscape character. This policy is closely linked to policy SD5 which requires proposals to adopt a landscape led approach and respect local character through sensitive, high-quality design that makes a positive contribution to the overall character and appearance of the area. This is not just in relation to the building itself, but to its effect on and relationship with existing development. Paragraph 176 of the NPPF requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Parks which has the highest status of protection in relation to these issues.
- 8.15 The site lies within a relatively isolated and visually sensitive rural position within the South Downs National Park. Whilst there is an existing structure in this location, the replacement with a larger building would result in the consolidation of sporadic residential development and associated domestic activity in the countryside and the unacceptable urbanisation of this sensitive rural landscape. It is believed that this will cause demonstrable harm to the defining characteristics and visual qualities of this part of the South Downs National Park. It is therefore considered to be inconsistent with and contrary to the policies of landscape led South Downs Local Plan.

**Impact upon amenity of neighbouring properties**

- 8.16 Policy SD31 of the SDNP Local Plan 2019 states that development proposal for extension to existing dwellings will be permitted where the proposal is not overbearing or of a form

which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.

- 8.17 The site is situated in a rural location with substantial distance between this development and the nearest neighbour, approximately 90 metres to the northwest across the B2146 highway.
- 8.18 As such, it is the officer's opinion that the proposed works would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

### **Dark Night Skies**

- 8.19 The appeal site lies within the intrinsic zone of darkness of the Dark Night Skies Reserve of the South Downs National Park, immediately outside of the Dark Sky Core, which is the darkest part of the reserve.
- 8.20 The proposed structure features no. 4 modest sized roof lights which are proposed to be fitted with automatic blackout blinds. The roof form extends over larger windows in order to minimise upward light spill from the apertures.
- 8.21 These mitigation measures are considered appropriate and reduce the unnecessary light spill and ensure that the development does not harm the quality of the Dark Night Skies Reserve.

### **Water Neutrality**

- 8.22 Hurstfield House is located within the Sussex North Water Resource (Supply) Zone. This area is served by groundwater abstraction near Pulborough, near to the Arun Valley designated sites as SSSI, SAC, SPA and Ramsar. Natural England (NE) are undertaking condition assessments of the Arun Valley designated sites and have identified significant negative changes in their condition. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on. NE advise that it cannot be ruled out that groundwater abstraction for water supply near Pulborough is contributing to the situation. The LPA has received an interim position statement from NE who advise development must not add to this impact and should only be permitted if it can be demonstrated that it is water neutral.
- 8.23 Having regard to the Local Planning Authority's statutory duties under The Conservation of Habitats and Species Regulations 2017 (as amended), it has not been shown that the proposed development would be 'Water Neutral' that is, "the use of water in the supply area before the development is the same or lower after the development is in place" and consequently a likely significant effect upon the Arun Valley designated sites would occur. In the absence of sufficient information to determine any likely significant effect upon the Arun Valley designations, and any potential mitigation being secured, it has not been demonstrated that the proposals accord with policies SD1, SD9 and SD17 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).

## **9.0 Conclusion**

- 9.1 The proposal will result in a building that is capable of being used as an independent dwelling. The provision of a unit of self-contained and independent accommodation within the Rural Area, with no explicit justification for a rural location, is contrary to Development



Plan and National planning policies that seek to restrict development and to protect the countryside for its intrinsic merit. Furthermore, no evidence of the water neutrality of the development has been provided in accordance with the requirements of Natural England. The application is therefore recommended for refusal.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Refused for the reasons set out below.

1. The proposal will result in a building that is capable of being used as an independent dwelling. This constitutes the provision of a unit of self-contained and independent accommodation within the Rural Area, with no explicit justification for a rural location resulting in demonstrable harm to the defining characteristics and visual qualities of this part of the South Downs National Park. The scheme is contrary to Development Plan and National planning policies that seek to restrict development and to protect the countryside for its intrinsic merit, which has added weight in National Parks. For these reasons the proposal is considered to be inconsistent with and contrary to policies SD1, SD4, SD5, SD6, SD7, SD25, SD26, SD27, SD28, SD29 and SD31 of the South Downs Local Plan 2019, the objectives of the NPPF, in particular the environmental sustainability dimension, paragraphs 8, 10, 11, 47, 59, 61, 78, 79, 80, 119, 120, 124 and 176 and the two purposes of designation of the South Downs National Park.
2. The application site falls within the Sussex North Water Resource (Supply) Zone. This area is served by groundwater abstraction near Pulborough, near to the Arun Valley designated sites as SSSI, SAC, SPA and Ramsar. Natural England (NE) are undertaking condition assessments of the Arun Valley designated sites and have identified significant negative changes in their condition. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on. NE advise that it cannot be ruled out that groundwater abstraction for water supply near Pulborough is contributing to the situation. The LPA has received an interim position statement from NE who advise development must not add to this impact and should only be permitted if it can be demonstrated that it is water neutral. Having regard to the Local Planning Authority's statutory duties under The Conservation of Habitats and Species Regulations 2017 (as amended), it has not been shown that the proposed development would be 'Water Neutral' that is, "the use of water in the supply area before the development is the same or lower after the development is in place" and consequently a likely significant effect upon the Arun Valley designated sites would occur. In the absence of sufficient information to determine any likely significant effect upon the Arun Valley designations, and any potential mitigation being secured, it has not been demonstrated that the proposals accord with policies SD1, SD9 and SD17 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).
3. The application has been assessed and determined on the basis of the plans noted below.

Reason: For the avoidance of doubt and in the interests of proper planning.

## **11. Crime and Disorder Implications**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**14. Proactive Working**

In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices

Appendix 1 - Site Location Map

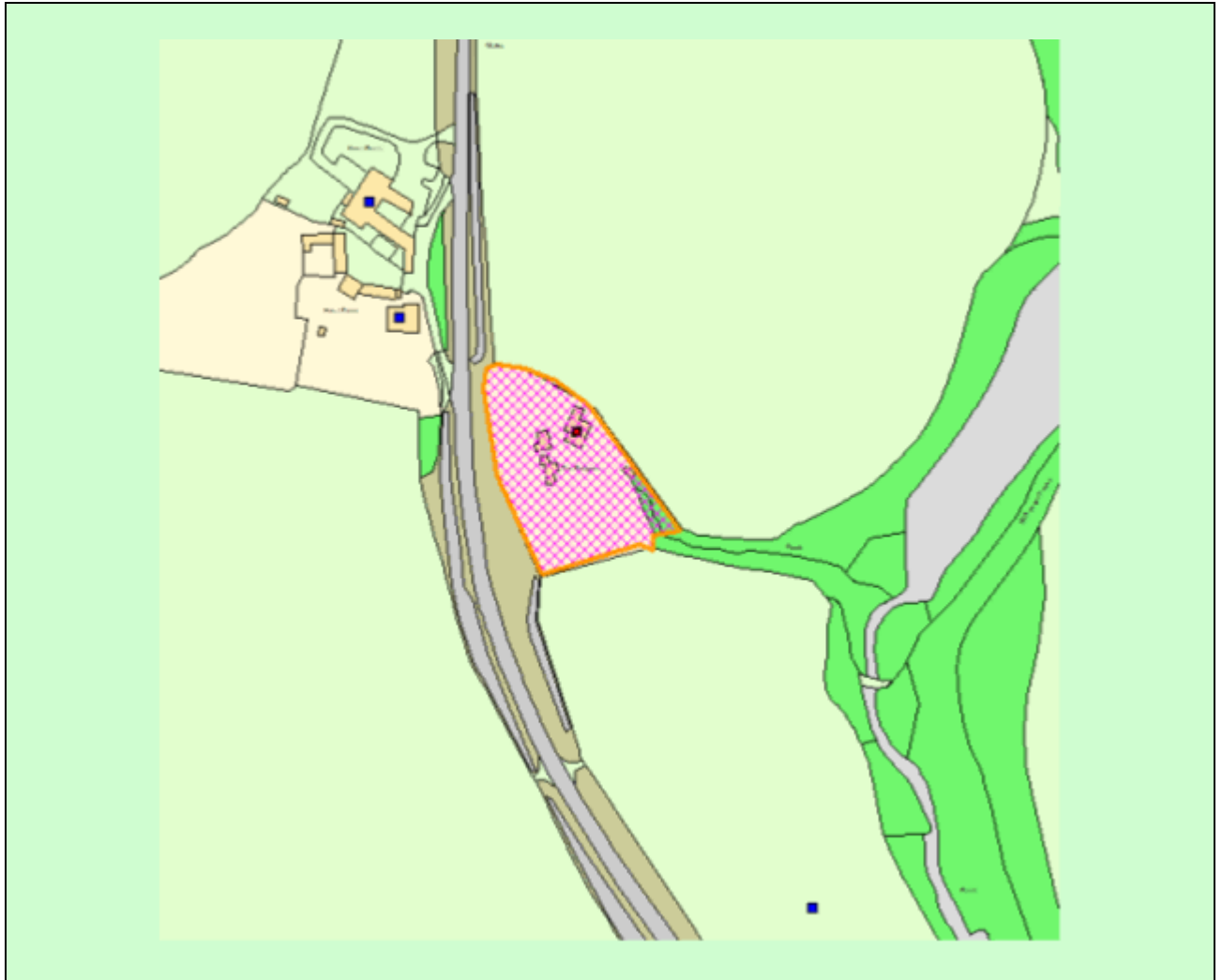
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date Received	Status
Plans -	2010684.HAR-01	LOCATI ON AND SITE PLANS		Not Approved
Plans -	2010684.HAR-02	LOCATI ON AND SITE PLANS		Not Approved
Plans -	2010684.HAR-03	GIA AND GEA EXISTIN G BU		Not Approved
Plans -	2010684.HAR-04	GIA AND GEA PROPO SED BU		Not Approved
Plans -	2010684.HAR-05	COTTA GE FLOOR PLAN - EX		Not Approved
Plans -	2010684.HAR-06	EXISTIN G COTTA GE ELEVAT I		Not Approved
Plans -	2010684.HAR-07	EXISTIN G COTTA GE ELEVAT I		Not Approved
Plans -	2010684.HAR-08	PROPO SED FLOOR PLAN		Not Approved

Plans -	2010684.HAR-09	PROPOSED BASEMENT FLOOR		Not Approved
Plans -	2010684.HAR-10	ROOF PLAN - PROPOSED		Not Approved
Plans -	2010684.HAR-11	ELEVATIONS - PROPOSED		Not Approved
Plans -	2010684.HAR-12	ELEVATIONS - PROPOSED		Not Approved
Plans -	2010684.HAR-13	EXISTING OUTBUILDING 6		Not Approved
Plans -	2010684.HAR-14	EXISTING OUTBUILDING 7		Not Approved
Plans -	2010684.HAR-15	EXISTING OUTBUILDING 8		Not Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.