

# 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 19/10/22 and 15/11/22

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><a href="#">SDNP/22/01045/HOUS</a></u> Petworth Town Council Case Officer: Beverley Stubbington <b>Householder Appeal</b>	16 Old School Close Petworth GU28 9BF - Proposed side extension to create a single garage.

## 2. DECIDED

Reference/Procedure	Proposal
<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
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>"...It is directed that the enforcement notice be varied by adding the words "that are associated with the use of the land and buildings as a storage and distribution centre" to the end of the sentence in Section 5(ii). Subject to this variation, due to the appeal succeeding to this extent under ground (f), the appeal is otherwise dismissed. The enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. ... Therefore, due to the totality of the planning harm I have found above, the development is in conflict with Policies SD1, SD2, SD4, SD5 and SD7 of the South Downs Local Plan 2014-2033 (2019) and Policy FITT1 of the Fittleworth Neighbourhood Plan 2018-2033 (2019). It is also in conflict for the same reasons with the National Planning Policy Framework, including Chapter 16 which seeks to conserve and enhance the natural environment. ... The development does not comply with the development plan as a whole, and there are no other considerations which outweigh this finding. Accordingly I will not grant planning permission for the development, and ground (a) does not succeed. ... Technically the requirement of the notice to "Remove all portable toilets and vehicles from the Land" would prohibit vehicles on the land associated with its lawful agricultural use. It is therefore excessive and ground (f) succeeds to this extent only. Accordingly, I am varying the notice so that this requirement relates only to the removal of all portable toilets and vehicles associated with the unauthorised material change of use. ... While the appellant says that more time (6 months) is necessary to terminate contracts and relocate the business, no substantive evidence has been submitted as to the contracts to support the appellant's case and I otherwise find that 3 months is reasonable notice to the companies concerned ground (g) does not succeed I conclude that the appeal should not succeed other than to the extent I have indicated as regards grounds (f). I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application..."</p>	

Reference/Procedure	Proposal
<p data-bbox="108 197 475 264"><u>SDNP/21/01971/FUL</u> Lurgashall Parish Council</p> <p data-bbox="108 293 475 327">Case Officer: Derek Price</p> <p data-bbox="108 387 475 421"><b>Written Representation</b></p>	<p data-bbox="515 197 1310 264">Abesters Quell Lane Lurgashall GU27 3BS - Erection of replacement gates.</p>
<p data-bbox="459 439 1043 472"><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p data-bbox="92 479 1412 1456">“...However, the application forms do not indicate that the development has been completed, and I cannot be certain that the development which has taken place reflects the development as indicated on the submitted plans. Therefore, this appeal is considered as a scheme for proposed development. ... the appeal site occupies a tranquil and remote countryside location. The winding narrow road past the appeal site and the trees and woodland bordering the road and appeal site positively inform the intimate, secluded, shady and rural character and appearance of the area. In terms of materials, the oak gates would relate well to the sites woodland setting. ... However, due to the significant height of the gates and the location of the gates and gateposts close to the edge of an outside bend in the lane, they would be prominent when viewed on approach from Fernden lane and when entering or exiting the adjacent public right of way (reference LUR/2014/4). ... the gates and gateposts would starkly contrast with the site’s rural setting and natural beauty and would have a harmful urbanising effect upon this part of the National Park. ... it would be detrimental to the special qualities of the National Park, including its visual tranquility. This harm weighs heavily against granting permission. ... the proposed development could help to deter criminal activity within the site. This lends some limited weight to the argument for granting permission. ... No cogent evidence has been submitted which demonstrates that either the site context or settings of other planning permissions referenced, are directly comparable with the appeal scheme. Furthermore, in those cases where copies of the officer report have been supplied, the design and scale of the developments were found to be appropriate having regard to nearby development and the settings of the sites. This would not be the case in this appeal. ... I have found that the development would fail to conserve or enhance the natural beauty of the area. This would not be outweighed by the benefits of the appeal scheme that I have identified above. ... It would conflict with the requirements of Local Plan Policy SD1 which seeks to ensure sustainable development. In addition, it would conflict with Local Plan Policies SD4, SD5 and SD7 which together seek to secure development which is sensitive to landscape character, and which would conserve and enhance relative tranquility. ...”</p>	

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/21/04858/FUL</u> 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><u>SDNP/21/03816/FUL</u> 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><u>SDNP/21/04109/FUL</u> 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><u>SDNP/20/02935/CND</u> Harting Parish Council</p> <p>Case Officer: Derek Price</p> <p><b>Informal Hearing</b> <b>28/02/2023</b> 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><u>SDNP/21/03527/FUL</u> 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>

Reference/Procedure	Proposal
<p><u>SDNP/21/05908/HOUS</u> 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><u>SDNP/21/02690/HOUS</u> West Lavington Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>St Andrews Selham Road West Lavington GU29 0EG - Proposed erection of a single storey orangery to the rear of the property.</p>
<p><u>SDNP/21/04454/HOUS</u> 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>
<p><u>SDNP/19/00375/BRECO</u> Stedham With Iping Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p><b>Written Representation</b></p>	<p>Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26</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