

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 15/12/22 and 10/01/23

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 |
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| SDNP/21/03290/FUL Singleton Parish Council Case Officer: Lauren Cripps Written Representation | North Lane House North Lane Charlton Singleton PO18 0HU - Replacement of existing domestic outbuilding with a single-storey barn to form a self-contained holiday let (C3). |

2. DECIDED

| Reference/Procedure | Proposal |
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| <p data-bbox="137 244 485 277">SDNP/21/03527/FUL</p> <p data-bbox="137 282 485 315">Tillington Parish Council</p> <p data-bbox="137 342 539 376">Case Officer: Lauren Cripps</p> <p data-bbox="137 439 493 472">Written Representation</p> | <p data-bbox="580 244 1422 387">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> |
| Appeal Decision: APPEAL DISMISSED | |
| <p data-bbox="121 584 1447 1014">" The appeal is dismissed. ... I do not regard the amendment to the proposal to be a significant change to that previously rejected by the Inspector in August 2020. It remains the case that a building would be introduced into an open and undeveloped landscape, which because of its location in a National Park warrants the highest level of protection in local and national planning policy. The change of use of the field for equine use would alter its appearance and would be likely to result in equine paraphernalia of various amounts on a permanent basis. ... as regards the specifics of Local Plan Policy SD24 I consider that the appeal application would have benefitted from evidence that efforts had first been made to comply with criterion c) and d) and that this would not be feasible (re-using existing buildings and location adjacent to existing buildings respectively). As regards re-use in criterion c), this cannot include the existing building on the site as the enforcement action has confirmed it is unauthorised. ..."</p> | |

| Reference/Procedure | Proposal |
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| <p data-bbox="137 192 504 226">SDNP/21/05908/HOUS</p> <p data-bbox="137 230 504 264">Lodsworth Parish Council</p> <p data-bbox="137 293 459 365">Case Officer: Beverley Stubbington</p> <p data-bbox="137 387 491 421">Written Representation</p> | <p data-bbox="584 192 1414 300">Oakleaves School Lane Lodsworth GU28 9DH - Extension of existing bungalow to provide first floor accommodation and construction of a new garage building.</p> |
| Appeal Decision: APPEAL ALLOWED | |
| <p data-bbox="121 508 1445 1379">The appeal is allowed and planning permission is granted for the extension of existing bungalow to provide first floor accommodation and construction of a new garage building, at Oakleaves, School Lane, Lodsworth GU28 9DH in accordance with the terms of the application, Ref SDNP/21/05908/HOUS ... the proposed development would not harm the character and appearance of the area. ... the proposed development would not result in any unacceptable harmful effects on the living conditions of the occupiers of Hollihurst with particular regard to light and privacy. ... Although the percentage increase outlined within Policy SD31 would be breached, the development proposal would not result in the loss of a medium sized house. ... the development would not give rise to risk of significant effect on the internationally important features of the sites. ... These materials are all found within neighbouring development. Conditions 3, 4 and 5 are not therefore deemed to be necessary in an area where houses include a wide range of design detailing, and where the design detailing and materials proposed would relate well to those used elsewhere within the area. ... amended versions of conditions 6 and 13 are imposed. ... Conditions 8 and 9 are not imposed ... Conditions 10 and 12 are therefore required in modified forms, to protect the ecological and biodiversity value of the site; and to secure onsite enhancements to biodiversity. The surveyor who undertook the preliminary roost assessment found the house on site to have negligible habitat value for bats, and that therefore the development proposals would have no likely impacts on bats or bat roosts. Condition 11 is not therefore relevant to the development to be permitted. ... it would be overly restrictive to require that the garage be used solely for vehicle parking and preventing its appropriate uses for other purposes incidental to the residential use of Oakleaves. ... No compelling reason has been provided for the imposition of condition 15, which would restrict permitted development rights at the property. ... I conclude that the appeal should be allowed.</p> | |
| <p data-bbox="121 1420 1445 1856">Costs Decision - Decision 1 - "The application for an award of costs is refused. ... costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The NPA considers that the appellant behaved unreasonably by submitting an appeal during a period in which the appellant and the applicant were engaged in on-going negotiations regarding the development proposals subject of the planning application. Whilst the NPA had indicated that it would have recommended the conditional approval of the application, this indication was not provided until the day following the date that the appeal was made. ... Whilst the NPA incurred costs in defending the appeal, had they determined the application within the prescribed time, then no such appeal on the basis of the failure of the Council to determine the planning application within the prescribed time could have been made. I therefore find that unreasonable behaviour by the appellant did not occur"</p> | |
| <p data-bbox="121 1897 1445 2040">Costs Decision - Decision 2 - "The application for an award of costs is allowed in the terms set out below. ... The applicant considers that the NPA exhibited unreasonable behaviour by not following decision making procedures; not making a decision within time limits; and, not following approved policy. They also indicate that the NPA were unreasonable by refusing to</p> | |

Appeal Decision: APPEAL ALLOWED - continued

respond to correspondence and communication and to take heed of previous appeal decisions. ... The planning application submitted by the appellant was dated 24th November 2021. No decision was reached on that application within the prescribed eight week period. The appeal form was dated 16th February 2022. ... the relevant time limit, the Council's email would have been after the expiry of the prescribed period. ... it has not been satisfactorily demonstrated that the NPA entered into communications with the applicant regarding the development proposals, between the date of the prescribed period and the date of the planning appeal form i.e. 16th February 2021. ... they would have conditionally approved the planning application, ... Notwithstanding that the NPA sought to work pro-actively with the applicant post the submission of the appeal, ... I therefore find that substantive unreasonable behaviour, resulting in unnecessary expense during the appeal process has been demonstrated. ... "

| Reference/Procedure | Proposal |
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| SDNP/21/04454/HOUS Lurgashall Parish Council Case Officer: Beverley Stubbington Householder Appeal | Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding. |
| Appeal Decision: APPEAL ALLOWED | |
| <p>" The appeal is allowed and planning permission is granted for a garden outbuilding at Smugglers Cottage, Jobsons Lane, Windfall Wood Common Lurgashall in accordance with the terms of the application, Ref. SDNP/21/04454/HOUS, dated 9 September 2021 and subject to the following conditions</p> <p>1) The existing curtilage boundary with Jobsons Lane shall be supplemented with additional planting in the first planting season after the date of this Decision in accordance with details first approved in writing by the Local Planning Authority. ...3) The outbuilding hereby permitted shall not be used at any time other than for purposes ancillary to, or incidental to the occupation of, the dwelling known as Smugglers Cottage, Jobsons Lane, Lurgashall. The main issue is the effect of the outbuilding on the character and appearance of the host dwelling and its immediate surroundings in Jobsons Lane. Ostensibly, the siting of an outbuilding in front of the dwelling and close to the road is inappropriate and likely to draw the eye as a harmful visual intrusion into the dwelling's curtilage and its setting. In the event, the structure has already been constructed and I have therefore been able to assess its actual impact. ... psychotherapist on occasion has visiting patients including vulnerable children ... This is a factor that weighs in the balance and together with its 'non-permanent' construction as a garden building, in my view overcomes the policy objections on the increase in the dwelling's floorspace. However, even with that factor discounted, the overriding conclusion from my visit is that the building with its suitable exterior of green painted timber, simple design and largely hidden presence would not be in harmful conflict with the cited South Downs NPA policies, nor with Sections 12 & 15 of the National Planning Policy Framework 2021. ... I do not regard the emission of artificial light from the flank windows of the building (not shown on the submitted plans) to be harmful to the character and appearance of the area and the Dark Night Skies because of the mitigation from surrounding trees and vegetation, external lighting should be limited to that necessary to secure safe access and can therefore be the subject of a condition. Finally, a condition to restrict the use of the building to being ancillary or incidental to the dwelling will safeguard the character and appearance of the area."</p> | |

| Reference/Procedure | Proposal |
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| SDNP/22/01045/HOUS Petworth Town Council Case Officer: Beverley Stubbington Householder Appeal | 16 Old School Close Petworth GU28 9BF - Proposed side extension to create a single garage. |
| Appeal Decision: APPEAL DISMISSED | |
| <p>"The development proposed is a side extension to provide a single garage. The Appeal is dismissed. The main issue is the effect of the proposed garage on the character and appearance of the street scene of Old School Close. ... the proposed garage roof would create an awkward relationship with the roof of the single-storey part of the house and this would be clearly seen in both the front and flank elevations which are part of the street scene. The discordant effect would be accentuated by the projection of the garage in front of the dwelling's single storey element. This would increase the prominence of an essentially utilitarian building which, as the Council points out, is required by supporting paragraph 7.94 of the SDNP Local Plan 2014-33 adopted in 2019 ('the Local Plan') to be sensitively sited and not to detract from the character and appearance of the main dwelling. ... I consider that in these views the garage would be perceived negatively as a development that, because it does not integrate with the host dwelling, would also harm the street scene. As such it would also be harmful to the setting of the adjoining Petworth Conservation Area. ... the proposal would have an unacceptably harmful effect on both the host dwelling and the street scene of Old School Close. This would be in harmful conflict with Local Plan Policies, in particular Policy SD31, and with Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021. The appeal therefore fails."</p> | |

3. CURRENT APPEALS

| Reference/Procedure | Proposal |
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| <p>SDNP/21/04858/FUL Kirdford Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</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>SDNP/21/03816/FUL Funtington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p> | <p>Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.</p> |
| <p>SDNP/21/04109/FUL Lurgashall Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</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>SDNP/20/02935/CND Harting Parish Council</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing 28/02/2023 Chichester District Council</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>SDNP/21/02690/HOUS West Lavington Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p> | <p>St Andrews Selham Road West Lavington GU29 0EG - Proposed erection of a single storey orangery to the rear of the property.</p> |

| Reference/Procedure | Proposal |
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| SDNP/21/03290/FUL Singleton Parish Council Case Officer: Lauren Cripps Written Representation | North Lane House North Lane Charlton Singleton PO18 0HU - Replacement of existing domestic outbuilding with a single-storey barn to form a self-contained holiday let (C3). |
| SDNP/19/00375/BRECO Stedham With Iping Parish Council Case Officer: Michael Coates-Evans Written Representation | Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26 |

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

| Reference | Proposal | Stage |
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6. COURT AND OTHER MATTERS

| Injunctions | | |
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| Site | Breach | Stage |
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| Court Hearings | | |
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| Site | Matter | Stage |
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| Prosecutions | | |
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| Site | Breach | Stage |
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7. POLICY MATTERS