

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 18-10-2023 and 14-11-2023

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

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| SDNP/22/05020/HOUS Funtington Parish Council Case Officer: Louise Kent Householder Appeal | 6 Heather Close West Ashling West Sussex PO18 8DR - Proposed rear dormer with internal alterations. |
| SDNP/21/00526/GENER Lodsworth Parish Council Case Officer: Michael Coates-Evans Written Representation | Erickers The Street Lodsworth Petworth West Sussex GU28 9BZ - Appeal against LD/17 |
| SDNP/22/04387/CND Fernhurst Parish Council Case Officer: Jenna Shore Householder Appeal | Copyhold Copyhold Lane Fernhurst West Sussex GU27 3DZ - Construction of extensions, following the partial demolition of detached dwelling. Construction of replacement annex. (Variation of condition 2 of permission SDNP/21/04805/HOUS - introduction of a solid roof lantern light). |

2. DECIDED

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| <p>SDNP/22/02956/FUL Sutton & Barlavington Parish Council</p> <p>Case Officer: Beverly Stubbington</p> <p>Written Representation</p> | <p>Carriage House Burton Park Road Barlavington West Sussex GU28 0JS - Demolition of stables and pole barn. Construction of replacement building comprising a one- bedroom holiday let and vehicle store.</p> |
| Appeal Decision: APPEAL DISMISSED | |
| <p>Decision</p> <p>1. The appeal is dismissed.</p> <p>Main Issue</p> <p>2. The main issue is the effect of the development on the character and appearance of the landscape and the intrinsic qualities of the South Downs National Park.</p> <p>Reasons</p> <p>3. The stables and pole barn lie in a roughly L-shaped field that borders the domestic garden of Carriage House to the south. There is a large care home to the west and a loose line of dwellings, beyond an area of woodland, to the east. However, all of these buildings lie within a wide expanse of otherwise open countryside. The stables and pole barn are sited in the lowest part of the field, backed by the tall trees in the woodland. There is also substantial tree cover along the northern boundary so, together with the built development on the other two sides, the field is visually separated from the surrounding landscape. The buildings are set well back from Burton Park Road, and are accessed via a winding hedge-lined drive, so are not visible from the highway.</p> <p>4. The buildings are in a poor state of repair, but their low profile, rustic materials, and secluded location mean that, although they cannot be described as a positive feature, they have become assimilated into the landscape and do not detract from its rural character. The replacement building would be in a similar location, but it would be considerably wider and higher, with a metal-clad exterior. It would, therefore, be a much more strident feature, with domestic scale windows and doors, giving it a residential appearance that would be uncharacteristic of its rural surroundings. Furthermore, a considerable area of land in front of the building would be levelled and surfaced, with stone gabions installed to retain the sloping field beyond. The overall proposal would, therefore, have a much greater visual impact than the existing, rather unassuming buildings.</p> <p>5. The increased scale of the structure, the extensive excavations to provide the vehicle manoeuvring area, and the domestic appearance of the building, would result in the development being incongruous and harmful to the character of its rural surroundings. Notwithstanding this, the proposed building would be in the same location as the existing stables and pole barn, so would not intrude into the open gap between the site and the dwellings beyond the woodland. It would also be well-screened from most viewpoints by the adjacent woodland and boundary vegetation, and the existing buildings on two sides. Consequently, it would not be widely visible, so the harm to the landscape would be limited. Nevertheless, the development would not conserve and enhance landscape character, as required by Policy SD4 of the South Downs Local Plan (2014-33) (the Local Plan).</p> <p>6. I have a duty, under Section 62 of the Environment Act 1995, to have regard to the purposes for which National Parks are designated. One of these is to conserve and enhance their natural beauty, wildlife, and cultural heritage. Paragraph 176 of the National Planning Policy Framework (the Framework) also says great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.</p> | |

Appeal Decision Continued

Policy SD1 of the Local Plan says that permission will be refused where development fails to conserve the National Park landscape, unless there are overriding benefits, or the proposal substantially complies with other relevant policies in the development plan. 7. Policy SD23 of the Local Plan specifically addresses proposals for visitor accommodation. It draws on evidence from the Authority's Visitor Accommodation Review (2015) and Sustainable Tourism Strategy 2015-20, which identified shortages of all types of holiday accommodation at peak times, a strong demand for high quality accommodation, and increasing demand for all types of accommodation in the future. Policy SD23 is positively worded, saying that proposals will be permitted where a range of criteria are satisfied. It does not require proposals to be located within settlement policy boundaries, but, where they are not, it requires that accommodation is closely associated with other attractions/established tourism uses, including the public rights of way (PROW) network. In this regard, the evidence indicates that the nearest PROW is within 400 metres, and the nearest long-distance PROW is within 800 metres.

8. However, outside settlement policy boundaries, Policy SD23 requires that proposals positively contribute to the natural beauty, wildlife, and cultural heritage of the National Park. I have already concluded above that the proposal would result in harm to the rural landscape. I acknowledge that there is some tension between Policy SD23 of the Local Plan, which encourages new visitor accommodation, and those policies that seek to conserve and enhance the landscape of the National Park, and that some balancing of these competing interests is necessary. Some limited landscape harm may be outweighed by the benefits of increased visitor accommodation. In this case, however, much of the landscape harm arises from the increased size of the building, and the enlarged hardstanding and manoeuvring area. These result mainly from the inclusion of the vehicle store, which would provide secure storage for the appellants' motorhome and other vehicles, rather than providing any tourism benefits. The landscape harm resulting from this element of the proposal cannot, therefore, be outweighed by any support derived from Policy SD23.

9. It has been suggested that the vehicle store is supported by Policy SD31 of the Local Plan. However, the policy is entitled Extensions to Existing Dwellings and Provision of Annexes and Outbuildings. As the appeal site lies in a field outside the residential curtilage of Carriage House, it would not derive support from this policy.

10. The proposed holiday let would result in some additional activity within the site and on the surrounding roads. However, its small scale means that the impact would be very limited. The largely concealed location of the building means that any additional on-site activity would not be readily evident. Furthermore, it would be located close to a cluster of buildings, including a large care complex, which already result in a degree of activity. Overall, the relative tranquillity of the locality would not be significantly affected, so I find no conflict with Policy SD7 of the Local Plan.

11. I have been provided with little evidence by either party regarding compliance with the level of lighting protection set out in the table in Policy SD8 of the Local Plan. However, no external lighting is proposed. The holiday let would have limited window openings, and any light spill would not be readily evident from any public viewpoints, due to the level of tree screening. Furthermore, it is likely that curtains within the accommodation would be drawn after dark. Consequently, there would be insignificant impact on dark night skies, and I therefore find no conflict with Policy SD8.

12. The Council's reason for refusal cites Policies SD9 and SD10 of the Local Plan, however, no evidence has been provided to demonstrate that there would be any harm to biodiversity or international wildlife sites as a result of the development. I therefore find no conflict with these policies. 13. In coming to my conclusion, I am mindful that paragraphs 84 and 85 of the Framework seek to support a prosperous rural economy, and advise that planning decisions should enable sustainable rural tourism. However, this is caveated by the need to respect the character of the countryside. I also acknowledge that one of the National Park purposes is to promote opportunities for the understanding and enjoyment of its special qualities by the public, and that, in pursuit of its purposes there is a duty to seek to foster the economic and social wellbeing of its local communities.

Appeal Decision Continued

However, where there is a conflict between the National Park purposes, greater weight should be attached to the conservation purpose. 14. The proposal would result in harm to the character and appearance of the National Park landscape, which would not be outweighed by the benefits to the rural economy through increased visitor accommodation. Consequently, it would be contrary to Policies SD1, SD4, SD5 and SD23 of the Local Plan which, taken together, seek to conserve the natural beauty and landscape character of the National Park, whilst allowing for appropriately located and well-designed visitor accommodation.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

3. CURRENT APPEALS

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| <p>SDNP/22/01619/FUL Compton Parish Council Case Officer: Louise Kent</p> <p>Written Representation</p> | <p>Land East of Noredown Way West Marden West Sussex - Laying of permeable hardstanding to facilitate access, turning and parking associated with existing private stable building (retrospective).</p> |
| <p>SDNP/19/00375/BRECO Stedham With Iping Parish Council Case Officer: Michael Coates-Evans</p> <p>Written Representation</p> | <p>Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26</p> |
| <p>SDNP/21/03679/FUL Compton Parish Council Case Officer: Derek Price</p> <p>Written Representation</p> | <p>Compton Farmhouse Church Lane Compton PO18 9HB - Retrospective installation of a single run of underground drainage piping.</p> |
| <p>SDNP/22/03718/CND Milland Parish Council Case Officer: Lauren Cripps</p> <p>Written Representation</p> | <p>Wardley Farm Cottage Wardley Lane Milland West Sussex GU30 7LX - Demolition of the existing residential dwelling and replacement with two storey three bedroom residential building - Variation of Condition 2 of Planning Permission SDNP/21/05788/FUL - addition of 1 no. dormer window on east elevation.</p> |
| <p>SDNP/21/04688/FUL Bury Parish Council Case Officer: Beverly Stubbington</p> <p>Written Representation</p> | <p>Stane Lodge Bury Gate Bury RH20 1HA - Demolition of existing dwelling and garage and erection of replacement dwelling, garage with tennis court.</p> |
| <p>SDNP/22/03527/FUL Bury Parish Council Case Officer: Lauren Cripps</p> <p>Written Representation</p> | <p>Foxbury Farm West Burton Road West Burton Pulborough West Sussex RH20 1HD - Convert main barn into 4 no. bedroom dwelling. Convert secondary barn to offices/storage and change of use of smaller barn to storage. Alterations to vehicle access from West Burton Road and new landscaping.</p> |

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| <p><u>SDNP/22/05020/HOUS</u> Funtington Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p> | <p>6 Heather Close West Ashling West Sussex PO18 8DR - Proposed rear dormer with internal alterations.</p> |
| <p><u>SDNP/22/02936/HOUS</u> Kirdford Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p> | <p>Scrubb House Farm Cottage Crimbourne Lane Kirdford West Sussex RH14 0HX - Construction of link to join house with annex.</p> |
| <p><u>SDNP/21/00526/GENER</u> Lodsworth Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p> | <p>Erickers The Street Lodsworth Petworth West Sussex GU28 9BZ - Appeal against LD/17</p> |
| <p><u>SDNP/22/04387/CND</u> Fernhurst Parish Council</p> <p>Case Officer: Jenna Shore</p> <p>Householder Appeal</p> | <p>Copyhold Copyhold Lane Fernhurst West Sussex GU27 3DZ - Construction of extensions, following the partial demolition of detached dwelling. Construction of replacement annex. (Variation of condition 2 of permission SDNP/21/04805/HOUS - introduction of a solid roof lantern light).</p> |
| <p><u>SDNP/23/00001/UNCM</u> Bury Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p> | <p>Roman Mile Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1HQ - Appeal against BG/6</p> |
| <p><u>SDNP/20/00622/GENER</u> Stoughton Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p> | <p>Green Lanes Farm Back Lane Forestside Stoughton West Sussex PO9 6EB - Appeal against SO/15</p> |

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| <p><u>SDNP/21/00367/COU</u> Compton Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p> | <p>Land East of Noredown Way West Marden West Sussex - Appeal against CP/10</p> |
| <p><u>SDNP/23/02896/LDE</u> Bury Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p> | <p>Roman Mile Farm (Plot 2) Bignor Park Road Bignor West Sussex RH20 1HQ - Existing lawful development certificate for the use of a caravan as a dwelling.</p> |
| <p><u>SDNP/23/00540/LDE</u> Lodsworth Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p> | <p>Land adjacent to Hazelnut Cottage The Street Lodsworth West Sussex GU28 9BZ - Existing lawful development certificate for the use of paddock north-east of Hazelnut Cottage as garden land in connection with Hazelnut Cottage for at least the past 10 years continuously.</p> |
| <p><u>SDNP/22/00156/GENER</u> Duncton Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p> | <p>Rose Cottage High Street Duncton Petworth West Sussex GU28 0LB - Appeal against DN/6</p> |

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