

Application No.	Authority	Site	Description of Development	Decision and Appeal Method
16/06166/HOUS  APP/Y9507/D/17/3175809	Chichester	New Barn Cottage Newbarn Lane Lordington Stoughton, PO18 9DU	Proposed two storey side extension	Allowed (2 August)  Written Representations
<p><b>Commentary – Inspector’s Reasoning</b></p> <ul style="list-style-type: none"> <li>• No reference was made in this appeal decision to the site being within a National Park.</li> <li>• This appeal turned on the effect of the proposed development on the character of the host building, in its setting.</li> <li>• The Inspector noted that the extension would be constructed in a style to match the existing building and would be of matching materials</li> <li>• It was found that the appeal scheme would add considerably to the bulk of the existing dwelling but that the building on site is relatively isolated and inaccessible and that there was no sound reason why a substantial extension should be unacceptable in principle. It was noted that the extension would not have a significant impact on the wider surrounding area or on public views.</li> <li>• The benefit of creating a ‘much more useful dwelling’ (less cramped) was considered to outweigh the harm to the architecture of the original building and the appeal was allowed.</li> </ul>				
Application No.	Authority	Site	Description of Development	Decision and Appeal Method
Appeal A: APP/Y9507/C/ 16/3160807  Appeal B: APP/Y9507/C 16/3164171 (16/04559/FUL)	Chichester	Part of Old Hearne Farm Jays Lane Lurgashall Haslemere, GU27 3BL	Appeal A was withdrawn by the applicant whilst Appeal B was granted planning permission (subject to conditions) on 28 <sup>th</sup> July. The applicant made an application for costs on both appeals.  Appeal A – Appeal against an enforcement notice concerned with the erection of a building and laying of a stone pavement.  Appeal B – Retention of east barn and its immediate surroundings for mixed agricultural and equestrian purposes.	Appeal B allowed (28 July)  Costs Decision – both refused (2 August)  Informal Hearing
<p><b>Commentary – Inspector’s Reasoning</b> Appeal Decisions (received 28 July)</p>				

- Appeal A was withdrawn by the applicant
- Appeal B was allowed. The Inspector considered there to be two main issues. Firstly, whether there was an agricultural/equestrian need for the barn and, secondly, whether the barn would conserve the landscape and scenic beauty of this part of the National Park.
- Chichester’s Local Plan policy permits equestrian facilities provided that they do not conflict with the environment policies of the Local Plan, including adversely affecting the quality and character of the landscape. The LPA were sceptical that the barn was being used for equestrian or agricultural use given some of the barn’s characteristics (roof lights, lack of natural ventilation, cavity walls, limited height for storage, large area set aside for use as a farm office and number of toilets). The Inspector noted that Old Hearne Farm was used for forestry purposes, for grazing by sheep, cattle and horses, for the growing of hay and by Chiddingfold Pony Club. The Inspector noted the barn was, from his site inspection, used for agricultural and equestrian purposes and that on the basis of evidence before him that there was an agricultural/equestrian need for the barn in accordance with development plan policy.
- The Inspector considered the barn conserved the landscape and scenic beauty of the National Park.
- Multiple conditions were imposed, including to ensure that the barn is not used other than for the purposes of agricultural or equestrian storage, that certain specified external alterations are carried out and that details of external lighting are provided and approved.

Costs Decisions (received 2 August)

- In relation to appeal A the Inspector found that the issuance of the enforcement notice was not unreasonable and that no unreasonable behaviour by the LPA had been demonstrated.
- Regarding appeal B the Inspector considered that there was no evidence to suggest that the LPA unreasonably delayed or frustrated the planning process. The Inspector noted that whilst he had allowed appeal B he had taken a different decision to the LPA given i) additional information and concessions that he received from the applicant at the hearing and, ii) based upon his planning judgment based on the evidence before him.

Application No.	Authority	Site	Description of Development	Decision and Appeal Method
16/05918/HOUS APP/Y9507/D/17/3171533	Chichester	Summerfield Cottage Graffham Street Graffham, GU28 ONP	Proposed new driveway with off road parking	Allowed (2 August)  Written Representations

**Commentary – Inspector’s Reasoning**

- No reference was made in this appeal decision to the site being within a National Park.
- The Inspector noted that the scheme would involve the loss of a length of attractive boundary retaining wall on the site frontage but that the access proposed had been tightly planned and designed to minimise its visual impact, for example by adopting reduced visibility splays.

- The Inspector noted that an extant planning permission existed for the construction of a garage and access in the general location where the new access was proposed. This was considered to be an important planning consideration and that this ‘fallback’ scheme would have a similar effect on the boundary wall and its surroundings. It was noted the off road parking would deliver a planning benefit and the appeal was allowed.
- The Inspector clearly considered that the appeal scheme had very similar impacts to an extant planning permission. Given this position it is perhaps unsurprising he allowed the appeal.

Application No.	Authority	Site	Description of Development	Decision and Appeal Method
16/02852/FUL APP/Y9507/W/17/3170812	East Hampshire	Brewers Farm Brewers Lane West Tisted Alresford, SO24 0HQ	Erection of a two storey dwelling and cart shed following demolition of two existing agricultural buildings and concrete yard	Dismissed (14 August) Both costs applications refused  Informal Hearing

**Commentary – Inspector’s Reasoning**

Appeal Decision

- As the emerging South Downs Local Plan has not yet been examined policies in it were accorded little weight by the Inspector.
- The site is in the countryside and beyond any settlement boundary – East Hampshire Policy CP19 restrains development to that with a genuine and proven need for a countryside location, an exception not considered to apply here.
- East Hampshire Policy CP31 encourages sustainable modes of transport and reduced dependence on the private car. It was noted that there are limited facilities in the neighbouring area, that the roads close to the site are single track lanes (with no pavements or street lighting) and that the site is remote from bus services. Given such conditions the Inspector considered there would be a high probability that future occupiers would drive whilst for those that did not have access to a car the services and facilities in surrounding settlements would not be accessible.
- Policy CP10 permits housing outside settlement policy boundaries where it meets a community need or has clear community support through a process agreed by the Authority. The Inspector explained that it was clear that there was support for the proposal from members of the community but that this had not been recognised through a process agreed by the LPA. Overall the Inspector found that the proposed house would result in an isolated form of development remote from services and facilities, in clear conflict with the development plan.
- The self-build nature of the proposal weighed in its favour, though the lack of a planning obligation to ensure its execution as a self-build development limited the weight it could be accorded.
- The agricultural dwellings to be demolished were considered typical of the structures in this rural area and to be of a modest scale. Their removal was not considered to weigh in favour of the proposal.
- The Inspector considered that an additional house, with no direct link to an agricultural use, would conflict with the prevailing pattern of agricultural and equestrian development in the immediate area. The Inspector held that the very low density of settlement, its deeply rural character and the strong sense of remoteness and stillness are intrinsic, precious elements in the landscape character and the scenic beauty of

the National Park that are vulnerable to the appeal proposal. The proposal development would, he concluded, be at odds with development plan policy and NPPF paragraph 115 which accords great weight to the conservation of National Parks.

**Costs Decisions**

- The award of costs against the Authority was refused. The Inspector stated that to refuse a planning application not in accordance with the development plan, where no material considerations indicate that permission should be granted, does not amount to an unreasonable refusal.
- The award of costs against the appellant was refused. The Authority claimed that the proposal was not in accordance with the development plan and had no reasonable prospect of succeeding. The Inspector considered that the appellants' case was not without substance and that their arguments had had to be considered carefully. It cannot, in the Inspector's view, be said to have had no reasonable prospect of success.

Application No.	Authority	Site	Description of Development	Decision and Appeal Method
16/04862/FUL APP/Y9507/W/17/3170839	Lewes	5 Barnfield Gardens Ditchling, BN8 8UE	Replacement of a garden shed	Allowed (18 August)  Written Representations

**Commentary – Inspector's Reasoning**

- No reference was made in this appeal decision to the site being within a National Park.
- The main issue in this appeal was whether the shed preserved or enhanced the character or appearance of the Ditchling Conservation Area.
- The Inspector concluded that it did as although the shed was of non-traditional style it was ancillary and subservient to the host property. The shed was also considered to be set back from the road within a corner site and to be partially screened by vegetation and an existing fence, as well as being seen against the backdrop of mature trees to the rear of the garden.

Application No.	Authority	Site	Description of Development	Decision and Appeal Method
17/00321/HOUS APP/Y9507/D/17/3177644	Horsham	Lindalls Church Street Amberley, BN18 9ND	Demolition of existing single storey extensions and the construction of additional accommodation to provide increased living accommodation and a studio	Allowed (18 August)  Written Representations

**Commentary – Inspector's Reasoning**

- Horsham Policy DC28 requires that extensions should be in sympathy with and subservient to the scale and character of the existing dwelling. The Inspector explained that given the size and massing of the proposal (which was higher than the existing dwelling) it could not be considered to be subservient and was thus technically contrary to Policy DC28. However the Inspector explained that it would be a good standard of design

and that the height and massing of the resulting dwelling would i) appear relatively modest and, ii) would benefit from existing screening which would limit its visual impact on the surrounding rural area. The overall visual impact was considered not to be significant.

- The Inspector stated that Policy DC9 requires extensions not to overpower the existing building, but that the policy aims to generally seek a high standard of design and respect the rural character of the surrounding area which the Inspector considered would be satisfactorily achieved.

Application No.	Authority	Site	Description of Development	Decision and Appeal Method
17/00178/HOUS APP/Y9507/D/17/3177352	Chichester	Cottage on the Green Peace Road Midhurst, GU29 0DF	Demolition and replacement of detached annexe	Dismissed (18 August) Written Representations

**Commentary – Inspector’s Reasoning**

- The Inspector considered that the proposal would be of a considerably greater size and massing than the existing annex whilst the high roof in comparison to the existing outbuildings, including a dormer window, would appear unduly dominant. As a result, in this location at the front of the site, it would be significantly more prominent and visually intrusive than the existing building. The Inspector noted that additional landscaping would not overcome the harm identified.
- It was found that the proposal would result in considerable harm to the setting of the listed building together with the general historic character and setting of the area. Whilst the impact would be restricted to the immediate vicinity of the site it would also result in limited harm to the landscape and scenic beauty of the National Park.
- The new annex would be akin to a small independent dwellinghouse. It would also have a separate parking area and be physically detached from the main dwellinghouse. The new building would also be orientated with its front elevation facing away from the main dwelling, further diminishing the relationship between the two. The Inspector stated that the creation of a separate dwellinghouse in the location would be contrary to Chichester Policy RE1 but that if the appeal was to be allowed a condition could be attached requiring that the annex is occupied solely for purposes ancillary to the residential use of the main dwelling.

