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| Report to         | <b>Planning Committee</b>  |
| Date              | <b>14 March 2019</b>   |
| Title of Report   | <b>Summary of appeal decisions received from 27 November 2018 – 26 February 2019</b> |
| Purpose of Report | <b>To update SDNPA Members on appeal decisions received</b>                          |

**Recommendation: To note the outcome of appeal decisions.**

**I. Overview**

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers both those appeals dealt with by the host authorities and directly by the Authority.
- I.2 In summary, in the last 3 months there were:
- 29 appeal decisions (some dealt with simultaneously), 18 of which were dismissed (62%) and 11 (38%) allowed.
  - 1 application was made by appellants for an award of costs, which was refused.
  - No Judicial Reviews.
- I.3 The Authority's appeal performance in the financial year to date remains good with 69% of appeals being dismissed.
- I.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the National Park as a whole. In the appeal decisions contained in this report there has been varying weight given by Inspectors to the emerging South Downs Local Plan. However, the weight given to the Local Plan is now generally expected to be significant given that the Authority is currently consulting on relatively minor Main Modifications.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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 Appendices: I. Appeal Decisions  
 SDNPA Consultees: Director of Planning, Legal Services

Key to Appeals Reporting

|                           |  |                  |   |
|---------------------------|--|------------------|---|
| <b>Method of decision</b> | All are delegated decisions unless otherwise specified             | <b>Allowed</b>   | A |
| <b>Appeal method</b>      | All are through written representations unless otherwise specified | <b>Dismissed</b> | D |

| <b>Planning Appeals</b>   |                          |  |  |  |
|---|--------------------------|--|--|--|
| <b>Planning Application No</b>  | <b>Authority</b>         | <b>Site</b>  | <b>Description of Development</b>                  | <b>Decision</b>                          |
| SDNP/17/00844/FUL<br><br>APP/Y9507/W/17/3192614   | SDNPA<br>(Mid<br>Sussex) | Lower Kents,<br>Clappers Lane, Fulking,<br>BN5 9ND | Conversion of building from office to residential. | A<br><br>27 Nov 18<br><br><b>HEARING</b> |
| <b>Inspector's Reasoning</b>  |                          |  |  |  |
| <ul style="list-style-type: none"> <li>• The SDNP Local Plan had been submitted for examination at the time of the hearing. While the policies of most relevance to the development are not subject to significant levels of objection the emerging Local Plan as a whole remains subject to change and it was therefore considered that it should be afforded limited weight.</li> <li>• A unilateral undertaking was submitted that would restrict the sale of the property to a price less than market value.</li> <li>• Lower Kents comprises the office building to be converted, a partly constructed storage building and external space/grounds. The site is enclosed by a combination of hedging, with some interspersed trees, and a mixture of solid timber and post and rail fencing. The site is to the north of the Fulking settlement policy area.</li> <li>• The conversion of the building would involve very limited external alterations. The use of a modest self-contained area of land for a garden would not result in any significant visual change in character and appearance of the site. The domestication would be no more significant than Lower Kents' occupation solely for commercial purposes. The development would therefore conserve the National Park's natural beauty.</li> <li>• Lower Kents is in the countryside but close to other dwellings. It would not be an isolated home.</li> <li>• Fulking is not well served by services and facilities. The occupation of 1 additional dwelling would not be a significant generator of traffic or emissions. Its use for small scale employment would also give rise to high levels of motor vehicle dependency.</li> <li>• Although the intention is to use the Lower Kents on a live/work basis, this cannot be secured. Therefore there is potential for the site to be lost as an employment site. However, the building has a gross internal floorspace of 57 m2. Its limited size tempers the contribution it can make to the rural economy and therefore its loss would not be significant enough to withhold planning permission. The existing Mid Sussex Local Plan policies are inconsistent with national policy because as a matter of principle they resist conversion of commercial buildings to dwellings in rural areas.</li> </ul> |                          |  |  |  |

| Planning Application No   | Authority  | Site   | Description of Development                         | Decision             |
|---|------------|--|--|----------------------|
| SDNP/18/01195/HOUS<br><br>APP/Y9507/D/18/3210613  | Winchester | Nurses Cottage,<br>Highfield Avenue,<br>Twyford SO21 1QP | Single storey side extension                       | D<br><br>27 Nov 18   |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The dwelling was considered to be a non-designated heritage asset. It appears to be the site for the nurse of the Parish. There is an inlaid plaque on it stating that it was erected in 1897 to commemorate the diamond jubilee of Queen Victoria. It has some historic significance for Twyford.</li> <li>It is a single storey late Victorian Cottage. Architecturally, the building retains its original front entrance door with a canopy over it and the plaque adjacent to it. This door is no longer used as the main entrance to the dwelling. The gables, quoins and elevational details give the building an attractive appearance.</li> <li>The proposed extension would obscure the plaque from external views and the front canopy and corner entrance would be lost. Whilst it would not be unduly large or domineering, the extension would infill a part of the building which gives it a distinct charm and a cottage-like character. The view of its principal historic entrance is an important factor in the overall interest of the building. The canopy is particularly characterful.</li> <li>The extension would detrimentally affect the significance of the non-designated heritage asset resulting in a loss of historic and architectural interest of the building. It would not be a sympathetic extension.</li> <li>The Inspector considered that the lack of a formal designation as a non-designated heritage asset was not an impediment to it being treated as one for decision-making purposes and that the building has sufficient significance in historic and architectural terms to warrant being a non-designated heritage asset. The lack of a Local List does not affect the finding that the proposal would cause harm.</li> </ul> |            |  |  |                      |
| Planning Application No   | Authority  | Site   | Description of Development                         | Decision             |
| SDNP/18/01678/HOUS<br><br>APP/Y9507/D/18/3209045  | Eastbourne | 10 Dene Close, East<br>Dean, Eastbourne<br>BN20 0JJ      | First floor extension above an existing flat roof. | D<br><br>30 Nov 2018 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>Policy SD31 includes a 30% limit on the increase in floorspace as a result of extensions.</li> <li>The property has been extended as a result of permissions granted in 2009 and 2012. The floorspace, together with the floorspace of the proposals already carried out would represent a cumulative increase in the floorspace of the original building of 97%. Over three times the 30% limit. The Inspector considered the NPA correct to regard the proposed extension as potentially resulting in the loss of a medium sized home in the National Park.</li> <li>The Local Plan is at an advanced stage, there are both representations of support and objection to draft Policy SD31. Having read these, the Inspector</li> </ul>   |            |  |  |                      |

considered that the policy is likely to be adopted. The Inspector considered that if he was wrong and there is a material change in the policy or the policy is deleted, any further application for the extension would be determined afresh in the light of the changed circumstances. It was therefore considered that the policies should be afforded considerable weight.

- The grounds of appeal refer to the proposed accommodation being needed for a dependant family member, although no details have been provided so it would be inappropriate to give any steer to whether such a proposal would be acceptable on these grounds.
- The appellant argued that the building is not prominent and that the extension would improve the character and appearance of the existing dwelling with its flat garage roof. The Inspector agreed but noted that the NPA has refused permission solely on the basis of the effect on the mix of housing supply in the National Park and did not consider the points raised to be of either sufficient relevance or weight to overcome its decision.
- In conclusion, the proposed extension was found to have an incremental but harmful effect on the supply of small and medium sized homes in the National Park, in conflict with emerging Local Plan Policy SD31 and Government policy in the March 2010 publication: 'English National Parks and the Broads: UK Government Vision and Circular 2010', which includes policies to 'foster and maintain vibrant, healthy and productive living and working communities'.

| Planning Application No                         | Authority  | Site  | Description of Development    | Decision            |
|---|------------|---|-------------------------------|---------------------|
| SDNP/17/06292/FUL<br><br>APP/Y9507/W/18/3198137 | Chichester | Down Haven, A286<br>Oldwick Meadows to<br>Sheepwash Lane,<br>Lavant, PO18 0BQ | 2 Storey Replacement dwelling | A<br><br>4 Dec 2018 |

**Inspector's Reasoning**

- The chalet bungalow known as Down Haven is located within an area of low density development. The property shares a boundary with Little Manor, an Arts and Crafts styled house which is listed at Grade II. The listed building is set within extensive grounds and the surrounding area is verdant.
- The new dwelling would have greater physical presence in comparison to the existing bungalow but it would remain subservient to the listed building and the increased height and mass would be offset by the positioning of the dwelling further from the boundary than the current home.
- The glazed gable feature is not unattractive and would not compete with the listed building. Although there would be some light spill this is unlikely to have an adverse effect on the setting of the listed building, and any residual impacts would be mitigated by new trees. The development is on a visually enclosed site within the Settlement Policy Area where some light is to be expected.
- No material harm was considered to result to the setting of the listed building or the Conservation Area.
- The new dwelling would be around 40m from Little Manor, most windows are for bathrooms or circulatory space and additional tree planting would provide further screening. The proposal would not have an unacceptable adverse impact on the living conditions of residents of Little Manor.

| Planning Application No   | Authority                   | Site   | Description of Development | Decision                                  |
|---|-----------------------------|--|----------------------------|---|
| SDNP/17/05058/FUL<br><br>APP/Y9507/W/18/3196923   | SDNPA<br>(Arun<br>District) | Land East of Pony<br>Farm, Findon, BN14<br>0RS | New dwelling               | D<br><br>4 Dec 2018<br><br><b>HEARING</b> |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The site lies outside the settlement policy boundary of Findon where development is restricted. The proposed dwelling would not fall within any of the specified development types allowed for in such areas. There is a more positive approach to rural development in policy SD25 of the emerging South Downs Local Plan but at the time of the Hearing there had been a significant number of responses to the policy and therefore, there was uncertainty as to whether the policy would move forward in its current form. Therefore only limited weight was afforded to it.</li> <li>• The encroachment of equestrian uses into the countryside in this area has led to the deterioration in the quality and condition of the landscape and settlement edge. The appeal site has unsightly spoil heaps, disused buildings and an unkempt appearance. Nevertheless, it rises up to the north beyond which there is visible rolling undulating landscape. Vegetation, including trees, is also a dominant feature along boundaries in the area, including the appeal site.</li> <li>• The dwelling would be considerably larger than the nearby properties and would be sited on a high part of the site giving it an imposing presence. There would be a large four bay garage/storage building and extensive hard surfaced parking and turning area at the bottom of the site. The design is intended to reflect the nature of traditional rural buildings, in particular, the long pitched roof form has been chosen to reflect the roof forms of surrounding equestrian buildings and vernacular buildings in Findon. However, these design features do little to address the development's significant scale and prominent siting due to its size, width across the plot and elevated position.</li> <li>• There would be significant areas of hard surfacing and the narrow gaps between the buildings would limit the scope for meaningful landscaped edges. The development would have an adverse urbanising impact on the character and appearance of the countryside.</li> <li>• The appellant's LVIA has unjustifiably downgraded the sensitivity of the landscape receptors and the magnitude of the development's impact on the landscape including its character.</li> <li>• The proposal would be an unsympathetic development and would adversely affect the landscape and scenic beauty of the National Park.</li> <li>• The dwelling would provide a home in a non-isolated location which has good access to a range of services and facilities. The proposal would be located where it will enhance and maintain the vitality of a rural community and there would be economic benefits through the development's construction phase. The self-built nature of the dwelling is supported by policy HD4 of the Findon Neighbourhood Plan. The design of the dwelling would promote high levels of construction sustainability. Ecological enhancements would take place providing biodiversity benefits. However, these benefits do not outweigh the harm identified.</li> </ul> <p><b>Cost Decision – REFUSED</b></p> <ul style="list-style-type: none"> <li>• The Authority has provided objective evidence to substantiate its case and the lack of a site visit by the Authority's Landscape Officer is not a significant omission.</li> </ul> |                             |  |                            |   |

- The Authority’s main objections relate to the scenic beauty and landscape. This approach is not unreasonable.
- The Inspector disagreed with the Authority’s conclusions on weight for both adopted and emerging policies. Nevertheless, there is judgement required which involves some subjectivity. For these reasons, its position on the weight of policies is not unreasonable given the appeal has been dismissed on scenic beauty and landscape grounds.
- There was no statement on the dialogue the Authority had with the applicant. However, the appeal would still have been necessary and there is no evidence of any additional incurred expense.

| Planning Application No                         | Authority  | Site  | Description of Development | Decision            |
|---|------------|---|----------------------------|---------------------|
| SDNP/17/01554/FUL<br><br>APP/Y9507/W/18/3197845 | Chichester | Withies Cottage,<br>School Lane,<br>Fittleworth, RH20 1JB | New detached dwelling      | D<br><br>5 Dec 2018 |

**Inspector’s Reasoning**

- The site is within a Conservation Area.
- The southern part of School Lane contains a varied mix of dwellings which tend to be well spaced and set amongst mature vegetation. Many have on-plot parking to the front, but the visual impact of the hard surfacing is softened by trees and roadside hedging which create a verdant corridor, giving the street a distinctive semi-rural character.
- The position of the dwelling within the plot would give rise to a constrained form of tandem development, with one house in front of the other, which would be at odds with the pattern of development and prevailing sense of space in the area. For this reason, the scheme would fail to preserve the character or appearance of the Conservation Area.
- The benefits of the new home to the local economy would be very modest and not outweigh the harm.
- The garden depth (4.5m) would be too shallow to constitute useable outdoor space for a 3-bed family home. It would be directly overlooked from first floor windows in Withies Cottage, leading to poor privacy. The new home would also give rise to a significant loss of outlook from Withies Cottage. This conflicts with the NPPF which seeks to ensure a high standard of amenity.
- The suburban appearance of the proposed house would not be out of keeping with the area and it would not impact on a nearby protected tree. The domestic nature of the garden means the presence of protected species is highly unlikely.
- A permission granted in 1995 for a detached home on the site is not comparable. It was a decision taken before the designation of the South Downs National Park and the scheme is materially different.

| Appeal Reference   | Authority  | Site   | Description   | Decision  |
|--|------------|--|---|---|
| <p>APPEAL A Ref:<br/>APP/Y9507/C/17/3179213</p> <p>APPEAL B Ref:<br/>APP/Y9507/C/17/3179214</p> <p>Appeal C Ref:<br/>APP/Y9507/W/17/3179508</p> <p>SDNP/17/00949/FUL</p> | Chichester | <p>Land known as<br/>"Bermuda",<br/>Southbrook Road,<br/>West Ashling, West<br/>Sussex</p> <p>PO18 8DN</p> | <p><b>Alleged Breach of Planning Control (Appeal A &amp; B)</b></p> <p>Without planning permission, change of use of the land to use as a residential caravan site</p> <p><b>Description of Development (Appeal C)</b></p> <p>The siting of a residential caravan, together with the construction of a timber shed and refuse enclosure, for occupation by Gypsies.</p> | <p>A</p> <p>5 Dec 2018</p> <p><b>HEARING</b></p> <p>Enforcement notices are quashed.</p> <p>Temporary permission is granted</p> |

**Inspector's Reasoning**

- In August 2016, an application for planning permission was made by the previous owner of the site for the construction of a three bedroom home following clearance of the site. The application was refused and subsequently dismissed at appeal in February 2017. The site is now the subject of this current enforcement notice and appeal relating to the siting of a residential caravan.
- The Authority contends that the appellants do not meet the Government's definition of "gypsies and travellers". The Inspector notes that the first question whenever permission is sought for a traveller site is whether the use is acceptable in planning and policy terms; the status of the applicant is only relevant where the case for permitting the use is dependent on the personal circumstances of the applicant.
- However, it is common ground that Mr Watson is an ethnic Romany Gypsy and Ms Weale is not. However, her status would not prevent a grant of permission for a traveller site subject to a personal condition pertaining to the family. Mr Watson provided evidence of his travelling way of life and intends to travel in school holidays and fully resume a nomadic life once the children have completed their education. The appeal is determined on the basis that he accords with the relevant definition and has ceased to travel temporarily on the grounds of the educational needs of his dependants.
- The South Downs Local Plan was not considered by the Inspector to be sufficiently progressed to give it much weight and the Chichester District Local Plan contains no current policies relating to sites for gypsies and travellers.
- The site consists of hardstanding on which the mobile home and shed sit, and garden with well-kept lawn enclosed by ornamental hedges, some trees and shrubs. The area has been highly domesticated and is clearly perceived as residential. The NPPF states that the scale and extent of development within National Parks should be limited, and that would be the case here, given that the proposal is for one traveller pitch. However, the development not only fails to conserve and enhance the landscape and scenic beauty of the National Park, but further, causes significant harm to the character and appearance of this secluded and pastoral area.

- On the balance of probabilities, there are currently no other suitable alternative sites available to them in the area. Even if the South Downs Local Plan policy in relation to Gypsies and Travellers remains unchanged, the supporting text acknowledges that the SDNPA could not identify sufficient land to cover the identified need across the National Park because very few sites were put forward by land owners or other interested parties and the SDNPA does not itself own any land on which sites might be provided.
- There is likely to be an outstanding need for gypsy and traveller pitches within both the SDNP and Chichester areas. There are no suitable alternative sites available to the Appellants, and the existing shortfall in provision is unlikely to be addressed through planning policy in the near future. The findings in relation to the need for, availability of, and provision of pitches together carry significant weight in favour of permitting the appeal development.
- If the appeals were dismissed, the requirements of the enforcement notice and the lack of other pitches being available elsewhere would mean that Mr Watson would be made homeless. Refusing permission would also mean that the child would lose the settled base where he lives with his father. It is not clear whether or not dismissing the appeals would necessarily make the child homeless as he may move in with his mother, but if it did, that would plainly be highly damaging to the health, wellbeing and continued education of a small child.
- The personal circumstances of the Appellants and their children carry considerable weight in favour of allowing the appeals.
- Permitting the development would be unlikely to cause harm to the living conditions of nearby occupiers or community cohesion.
- The lack of accessibility to services and facilities via sustainable modes of transport is a consideration which, in these circumstances, does not carry any appreciable weight against permitting the development.
- The consideration that the residential use of the appeal site amounts to intentional unauthorised development does not, in these particular circumstances, carry any appreciable weight against a subsequent grant of permission for that use. The failure of local policy to make sufficient provision for sites has clearly played a role in their ability to find a permanent location.
- The planning policy context is likely to change with the progression of the South Downs Local Plan and CDC are carrying out a new needs assessment. There is a reasonable prospect that suitable alternative accommodation for the appellants and the family may become available within the next 5 years. Granting a 5yr temporary permission would provide the appellants with a settled base for the immediate future. All the children involved would be in school and whether together or apart would have a more settled relationship. The harm caused to the National Park by a temporary planning permission would be of a lesser extent than the harm caused by granting permanent permission. A condition was imposed limiting occupation to Mr Watson and his family.

| Planning Application No                         | Authority  | Site   | Description of Development                               | Decision            |
|---|------------|--|--|---------------------|
| SDNP/17/02666/OUT<br><br>APP/Y9507/W/18/3202588 | Winchester | Amen Wood Yard<br>Fitzleroi Lane,<br>Fittleworth, RH20 1JN | Demolition of woodyard and replacement with single house | D<br><br>5 Dec 2018 |

- Inspector's Reasoning
- The site is a timber yard comprising a number of buildings set within a small clearing within a contained area of woodland. It is surrounded by rolling open countryside interspersed with woodland.
- Whilst the use of the site is not agricultural it appears to have a clear functional connection to its wooded surroundings, even though the materials may



in fact be transported to the site from another location.

- An unrestricted residential use of this site would have no functional connection to the working of the surrounding countryside. It is likely that any proposals would comprise a large freestanding building, with a defined residential curtilage and with associated domestic landscaping and paraphernalia, including a large area of hardstanding. This would have an urbanising effect that is at odds with the appearance of the undeveloped countryside that surrounds the site.
- The use of the site for residential purposes would be likely to create pressure to remove some of the trees.
- The proposal would lead to unacceptable harm to the character and appearance of the area.
- The existing use comprises business floor space. The site is still in use as a woodyard. There is no significant evidence to suggest that it is not viable or could not be otherwise used for business purposes. The loss of the existing employment use has not been justified. It therefore conflicts with policy
- The site is located well away from other residential properties. There is no significant evidence that the existing use is leading to unacceptable noise and disturbance for residential properties in the surrounding area.
- The site is located outside of any settlement. The site would comprise an isolated dwelling in the countryside. It would not involve the re-use of redundant or disused buildings. It has not been demonstrated that the proposals would be truly outstanding or innovative. Accessibility of services and facilities from the site would be poor. The location is inappropriate for the residential development and the appeal was dismissed.

| Planning Application No                         | Authority  | Site                                  | Description of Development   | Decision            |
|---|------------|---------------------------------------|--|---------------------|
| SDNP/18/01075/FUL<br><br>APP/Y9507/W/18/3205781 | Winchester | Narnia, Upham Street, Upham, SO32 1JA | Change of use of 1-bedroom annex to 1-bedroom dwelling. Retention of Narnia on reduced curtilage, creation of new vehicular access and erection of a double bay carport. | D<br><br>7 Dec 2018 |

**Inspector’s Reasoning**

- The outbuilding was constructed following a successful appeal which gave permission for the erection of a garden room. Internal works were subsequently carried out to enable the use of the building as an annexe. The scale and subservient relationship to the host dwelling makes it clearly legible as an outbuilding to Narnia.
- The Winchester District Local Plan Part 1 lists Upham amongst the settlements which have no defined settlement boundary. In such cases, the policy adopts a restrictive approach to development. The proposal would therefore not be consistent with the strategy. Although the structure is already in place, it would nonetheless involve a new dwelling. It was not considered that the provision of a 1 bedroom dwelling is an exception allowed for within policy.
- The creation of a new residential curtilage, an additional vehicular access and the resulting duplication of domestic paraphernalia would cause a noticeable change to the character of the area.
- The personal circumstances of the appellant does not outweigh the harm identified.

| Planning Application No | Authority  | Site               | Description of Appeal | Decision |
|-------------------------|------------|--------------------|-----------------------|----------|
| SDNP/17/04013/FUL       | Winchester | Hillcroft, Hazeley | Replacement dwelling  | A        |

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| APP/Y9507/W/18/3199004  |                  | Road, Twyford, SO21<br>IPY                  |  | 11 Dec 2018     |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>Hillcroft is a detached 3 bedroom dwelling, just under 120 sqm in size. During the course of the appeal an extension was added under permitted development rights. The size of the property therefore now exceeds the size threshold set out in the explanatory text to Winchester Local Plan policy CE.23(ii). The proposed development therefore falls outside of the scope of this policy which seeks a restrictive approach to proposals for the replacement of smaller homes on the countryside.</li> <li>The proposed development would not comply with draft South Downs Local Plan Policy SD30 which restricts the net increase to 30%. At the point of the consideration of this appeal the Local Plan examination had not commenced and the Inspector could not be certain that the policy would be adopted in its current form.</li> <li>The Twyford NDP is at an early stage.</li> <li>Attention was drawn to the Public Examination Report into the Winchester / SDNPA Joint Core Strategy (December 2013) in which the Inspector noted the particular demand for dwellings in the SDNP. However, the Inspector had no further details and no policies from the JCS were cited by the LPA in its decision notice. Similarly, the LPA referred to, but did not provided evidence of, more recent housing needs studies and therefore limited weight was attached to them. The sources appear to indicate an on-going need for smaller / medium size dwellings but applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. On the basis of the limited information, the housing needs do not outweigh the fact the proposed development accords with the development plan.</li> </ul> |                  |   |  |                 |
| <b>Planning Application No</b>  | <b>Authority</b> | <b>Site</b>                                 | <b>Description of Development</b>                          | <b>Decision</b> |
| SDNP/18/01998/HOUS  | Chichester       | Burnel, Dodsley Lane,<br>Midhurst, GU29 9AS | Erection of retaining wall, boundary fence and outbuilding | A<br>4 Jan 2019 |
| APP/Y9507/D/18/3208445  |                  |   |  |                 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>Retrospective application</li> <li>The Inspector felt that all aspects of the scheme had been carried out to a high standard.</li> <li>It represented a significant improvement to the appearance of the boundary and the property as a whole.</li> <li>None of the individual elements of the development are of an inappropriate scale, material or design.</li> <li>The limited external amenity space available for the residents has been transformed from an unsightly yard into a pleasant sitting out area complete with the necessary privacy and separation from the adverse effects of the adjoining road.</li> <li>The Inspector considered that the NPA's approach was too interventionist and over-critical and he could not see a sufficient or credible basis for the refusal of permission.</li> </ul>  |                  |   |  |                 |

| Planning Application No  | Authority  | Site  | Description of Development  | Decision            |
|--|------------|---|---|---------------------|
| SDNP/18/01714/FUL<br><br>APP/Y9507/D/18/3211151<br><br>Refused at East Hants Planning Committee (officer recommendation was to approve).   | East Hants | 11 The Avenue, Petersfield, GU31 4JQ                    | Demolition of the side car port. Erection of a two and a half storey side extension and a single storey rear extension. | A<br><br>4 Jan 2019 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The building is within the Conservation Area and identified in the Character Appraisal and Management Plan 2017 as one of a well preserved group of Arts and Craft houses that are set back from the road in generous plots along Heath Road, Western Road and The Avenue.</li> <li>• The contemporary form of the extension is acceptable because it has been properly informed by an accurate site analysis and a careful character appraisal of the context.</li> <li>• The ridge and eaves height of the two storey extension would not exceed those of the main property and the Inspector considered that the size and positioning of the proposed gable would be in keeping with the existing gable of the house. The Inspector held that the gaps of 1.2m from the boundary with No. 13 and 2.5m from that dwelling's north-west elevation would be sufficient to maintain the spatial characteristics of The Avenue, as would the 14m distance from the main elevation to the front boundary of the site. The Inspector concluded that the proposals would not be unduly cramped and harmful to the building or street scene.</li> <li>• The impact on dark night skies was mitigated through the use of a condition.</li> <li>• There was considered to be no material loss of privacy and limited overshadowing of No 13's garden and the appeal was allowed.</li> </ul> |            |   |   |                     |
| Planning Application No  | Authority  | Site  | Description of Development  | Decision            |
| SDNP/17/05947/FUL<br><br>APP/Y9507/W/18/3199865<br><br>Committee decision (officers recommended  | Winchester | Hole Farm, Hole Lane, Hambledon, Waterlooville, PO7 4RB | Construction of a new access track  | A<br><br>7 Jan 2019 |

| refusal)   |            |   |   |                     |
|--|------------|---|---|---------------------|
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The entrance and track would not be an overly intrusive feature due to its restricted size and choice of materials, even when seen from the PRow.</li> <li>• It is not out of keeping in an area where there is a nearby road junction and drive/track entrances to buildings.</li> <li>• The access track would be constructed of two narrow parallel hard surfaced treads with an intervening central grass strip. They would be surfaced with pale chippings/gravel. This central grass strip would considerably reduce the extent of visible hard surfaced material.</li> <li>• It would appear discretely located within the landscape and there would be limited views of it, the development would not harm the landscape, including its character, or appear visually intrusive.</li> </ul>   |            |   |   |                     |
| Planning Application No  | Authority  | Site  | Description of Development  | Decision            |
| SDNP/18/00843/FUL<br><br>APP/Y9507/W/18/3204385  | Chichester | Bowling Green, June Lane, Midhurst, GU29 9EL              | Demolition of existing bowls club buildings and erection of 5 new houses. | D<br><br>8 Jan 2019 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• Development is in a conservation area.</li> <li>• The Inspector considered that the design and scale of the proposal is not worthy of the location. The new dwellings would be uninspiring and overly-large, particularly towards the June Lane frontage. The mass would look over-bearing and out of character. The dwellings would have little or no sense of local distinctiveness and would be jarring on the eye.</li> <li>• All five homes proposed would be 4-bedroom. However it is a small site and the scope for a real mix of dwellings is limited. Any contribution to the supply of a particular size of home would be very modest and the 4-bedroom homes would accord with much of the existing character of development in the area.</li> <li>• There was considered to be no unacceptable harm to living conditions of adjoining properties and no conflict with development plan affordable housing requirements pertaining at the time.</li> </ul> |            |   |   |                     |
| Planning Application No  | Authority  | Site  | Description of Development  | Decision            |
| SDNP/17/05928/FUL<br><br>APP/Y9507/W/18/3201867  | Chichester | Home Farm, Bell road, Kingsley Green, Haslemere, GU27 3LG | New vehicular access to agricultural field                                | D<br><br>8 Jan 2019 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The agricultural open fields and woodland create a strong and well defined character within the setting of the Kingsley Green Conservation Area.</li> </ul>   |            |   |   |                     |

- The change from grass surface to GrassCrete either side of the gate along with levelling work will be out of character with the character of the landscape.
- The surfacing within the field is unlikely to look natural and this will be exacerbated by the level changes required.
- The position of the access would mean that the works would be widely visible from either direction on the main road; it would impact upon the agricultural landscape and therefore the setting of the Conservation Area and the appeal was dismissed.

| Planning Application No                         | Authority  | Site                               | Description of Development   | Decision            |
|---|------------|------------------------------------|--|---------------------|
| SDNP/18/01704/FUL<br><br>APP/Y9507/W/18/3209458 | Chichester | Dean Lane, Tillington,<br>GU28 9AR | Change of use of a redundant agricultural building and the demolition and erection of another to create a one bedroom holiday let. | A<br><br>8 Jan 2019 |

**Inspector’s Reasoning**

- The site comprises two redundant agricultural buildings, one was formerly used as a bull pen and is considered to be of historical interest. The building is in good condition and is worthy of retention. The second building is a pre-fabricated building constructed around the 1960s used for pheasant rearing.
- The bull pen would form a bedroom and bathroom with sitting and kitchen space in the new area which would have identical dimensions and similar appearance to the building to be demolished. The replacement building would be linked to the bull pen via a small extension.
- The extension would not be significant, materials and the discrete sighting would ensure this hallway addition of 6 m<sup>2</sup> floor area would be almost imperceptible.
- The pheasant building is not worthy of conversion because of its condition but has a simple, functionally attractive form and is pleasingly related to the older stone barn. Replacing this building in a similar style and exact size would have aesthetic merit.
- The conversion of the bull pen would be well handled, with openings almost unchanged, and with no suggestion of external paraphernalia or significant surfacing.
- There would not be landscape harm to the National Park or adverse impact upon the setting of the nearby listed building.
- The appeal scheme would bring with it economic, social and environmental benefits. Policy T3 of the Chichester District Local Plan (LP) supports tourist accommodation but only in the reuse of buildings. However the more recent NPPF at Paragraph 83 is clear that “sustainable growth of all types of business in rural areas through the conversion of existing buildings and well-designed new buildings” should be enabled. LP Policy T3 is therefore outdated.
- The South Downs National Park Submission Local Plan (SLP) carries some weight due to the stage it has reached, and it was noted that emerging Policy SD23 does not rule out suitable new build. The appeal was allowed.

| Planning Application No                         | Authority  | Site   | Description of Development   | Decision            |
|---|------------|--|--|---------------------|
| SDNP/17/06097/FUL<br><br>APP/Y9507/W/18/3206790 | Winchester | Brentwood,<br>Petersfield Road,<br>West Meon,<br>Petersfield, GU32 1JS | Demolition of equestrian ménage, stable block and workshop; removal of static caravan and containers.<br><br>Redevelopment to provide a detached chalet bungalow with garage and driveway. | D<br><br>8 Jan 2019 |

**Inspector's Reasoning**

- The site lies outside the defined Settlement Policy Boundary of West Meon. Policy states that residential development should be focussed within these boundaries with very few exceptions. There is some policy allowance locally for the re-use of sites no longer required by previous businesses, but residential use is not listed as a potential re-use. The design of the proposal would impinge on the rural character of the area and the existing structures on the site are relatively low key.
- The development would lead to limited economic benefit and minimal contribution to housing supply but this does not outweigh the social and environmental downsides.
- Protection of dark night skies could be achieved through the use of conditions.

| Planning Application No                         | Authority  | Site   | Description of Development       | Decision            |
|---|------------|--|----------------------------------|---------------------|
| SDNP/18/01391/FUL<br><br>APP/Y9507/W/18/3205853 | East Hants | Land between 29 - 35<br>Mint Road, Liss, GU33<br>7DQ | Erection of two detached houses. | D<br><br>8 Jan 2019 |

**Inspector's Reasoning**

- The site has an extant permission for a detached 4 bed home. However permission was granted for a new home on the site at a point when this area was within the Liss SPB.
- The site is now outside the settlement policy boundary as revised within the Liss NDP. It forms part of an isolated ribbon of properties not representing a sustainable location for new development.
- Two dwellings rather than one would make better use of the site and assist with housing provision. However, the development of new houses should be in accessible and sustainable locations. As the site now lies outside a SPB, this location does not accord with this principle.
- The scheme would be of a suitably high quality design and not result in an adverse impact on the character and appearance of the area; however the principle of the development was considered unacceptable and the appeal was dismissed.

| Planning Application No  | Authority  | Site   | Description of Development   | Decision            |
|--|------------|--|--|---------------------|
| SDNP/18/03645/HOUS<br><br>APP/Y9507/D/18/3215412   | Chichester | 14 Mill Vale Meadows,<br>Milland, GU30 7LZ         | Rear extension to the dwelling; change of loft space to habitable accommodation, and a garage extension. | D<br><br>9 Jan 2019 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The increase in floorspace that would result from the appeal scheme, (approx 86%) would be significantly beyond the 30% limit in emerging Policy SD31 of the Submission South Downs Local Plan 2018.</li> <li>• With the Submission Plan currently at its final substantive stage, the Inspector gave it significant weight, noting that the proposed increase in floorspace would be almost three times the limit in Policy SD31.</li> <li>• The roof extension with its large, flat roofed dormer extending almost the full width of the building, would have a significant impact on its character and appearance. It is overly dominant and bulky. Policy S5 of the Milland Neighbourhood Plan 2016 specifically relates to Mill Vale Meadows and resists the insertion of a second floor under a new roof. The appeal scheme does not comply with this policy.</li> <li>• Concerns about the potential to sub-divide the extended building into two dwellings can be overcome by the use of a condition requiring the extension to be ancillary.</li> <li>• The scheme would harm the living conditions of neighbouring properties through loss of privacy and light.</li> </ul> |            |  |  |                     |
| Planning Application No  | Authority  | Site   | Description of Development   | Decision            |
| SDNP/18/03262/HOUS<br><br>APP/Y9507/D/18/3215607   | Chichester | Wickers, Glasshouse<br>Lane, Petworth, GU28<br>9PA | One & two storey replacement extension   | D<br><br>9 Jan 2019 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• This appeal relates to a non-designated heritage asset.</li> <li>• The aim of the proposal is to remove and replace structurally deficient extensions. This would allow the appearance of the original cottage to be enhanced.</li> <li>• The increase in floorspace would be below the 30% increase in draft policy SD31 of the South Downs Local Plan.</li> <li>• Concerns about the potential to sub-divide the extended building into two dwellings can be overcome by the use of a condition requiring the extension to be ancillary.</li> <li>• However, the Inspector concludes that on balance the scale of the extension together with its design would be harmful to the character and appearance of Wickers as a simple vernacular estate workers cottage. The two storey building when combined with its contemporary design would not be perceived as an extension but rather as a separate building in its own right. The contemporary appearance in this case would compete with the</li> </ul>  |            |  |  |                     |

| character of the original dwelling rather than complement.  |            |  |  |                      |
|---|------------|--|--|----------------------|
| Planning Application No   | Authority  | Site   | Description of Development             | Decision             |
| SDNP/17/05144/HOUS<br><br>APP/Y9507/D/18/3214130  | East Hants | 13 Dennis Way, Liss,<br>GU33 7HJ                                   | Shed to front of house (retrospective) | D<br><br>9 Jan 2019  |
| <b>Inspector's Reasoning</b>  |            |  |  |                      |
| <ul style="list-style-type: none"> <li>No. 13 is a mid-terrace property with pairs of semi-detached houses to either side of the terrace. The front gardens are fairly short.</li> <li>The shed is a substantial structure and is seen rising well above the front hedge. It is particularly prominent along Dennis Way because of the openness of the parking forecourts.</li> <li>The shed is a far larger structure than might be expected in a front garden and is unsightly and incongruous, harmful to the street scene and the character and appearance of the area.</li> <li>The shed is close to the boundary with No. 15 and is almost directly in the outlook from the main ground floor window of that dwelling. It is overbearing.</li> <li>Letting the hedge grow to provide further screening will not provide sufficient mitigation.</li> <li>Allowing the appeal would make it difficult for the NPA to refuse similar future applications.</li> </ul>   |            |  |  |                      |
| Planning Application No   | Authority  | Site   | Description of Development             | Decision             |
| SDNP/17/06109/HOUS<br><br>APP/Y9507/D/18/3199783  | Chichester | 1 Gibbs Cottages,<br>Surrey Road, Lickfold,<br>Lurgashall GU28 9DX | 1.5 storey rear extension              | D<br><br>10 Jan 2019 |
| <b>Inspector's Reasoning</b>  |            |  |  |                      |
| <ul style="list-style-type: none"> <li>This is a listed building.</li> <li>The narrow width building and the particularly attractive and distinctive cat slide roof to the rear, is fundamental to its historic interest and architectural integrity. The sheer expanse of the cat slide roof across both dwellings is a defining characteristic of both listed buildings. The existing rear dormers have had an adverse impact but are not of sufficient scale to fully compromise the building's character and appearance.</li> <li>The scale of the two storey extension would be dominant and visually intrusive. Additions of a more modern design to an historic building are acceptable in principle but in this case the combination of the extension's excessive scale and clutter of additional features would exacerbate the harm caused.</li> <li>There is a minor public benefit in the improvement of the housing stock in respect to an enhanced layout and facilities, but this would not outweigh the harm caused to the significance of this heritage asset.</li> </ul> |            |  |  |                      |



| Appeal Reference   | Authority | Site                                | Alleged Breach of Planning Control  | Decision  |
|--|-----------|-------------------------------------|---|---|
| APP/Y9507/C/18/319573 I  | Lewes     | Kingston Farm, The Street, Kingston | <p>Without planning permission, change of use of the land from agricultural to a mixed use for agricultural with the stationing of a mobile trailer unit used to cook and sell hot food from the land.</p> <p>The requirements of the notice are to:</p> <p>(i) permanently cease the use of the land for the stationing of a mobile food trailer unit and the use of the mobile trailer unit for cooking and selling hot food from the land</p> <p>(ii) permanently remove the food trailer unit from the land along with any debris resulting in its removal.</p> <p>The period for compliance with the requirements is one month</p> | <p>D</p> <p>Enforcement notice is upheld</p> <p>10 Jan 2019</p> |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The appeal is on the ground that the requirements of the enforcement notice exceed what is necessary to achieve the purpose of the notice. The purposes of an enforcement notice are to remedy the breach of planning control. In this case the notice requires the unauthorised use to cease and the food trailer to be removed. The purpose of the notice is therefore to remedy the breach of planning control that has occurred.</li> <li>• The unit is an alien and incongruous feature in relation to the agricultural buildings and its storage use on the land causes considerable visual harm to its surroundings. It is therefore reasonable of the Authority to seek its removal in the enforcement notice (along with cessation of its use), to remedy the breach of planning control that has occurred. Allowing the storage of the unit to continue would not address all of the harm caused by the development. Therefore the requirements of the notice do not exceed what is necessary to achieve the purposes of the notice and the notice was consequently upheld</li> </ul> |           |                                     |   |   |

| Appeal Reference   | Authority  | Site  | Alleged Breach of Planning Control  | Decision             |
|--|------------|---|---|----------------------|
| SDNP/17/06433/HOUS<br><br>APP/Y9507/D/18/3203320   | Chichester | Willow Cottage, High Street, Duncton, GU28 0LB            | New side and rear single storey extension and the conversion of a barn building to form a new home office and utility room. | A<br><br>15 Jan 2019 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The property neighbours a Grade II listed building.</li> <li>• In relation to the proposed side and rear extension, the Inspector recorded that the original building of Willow Cottage is of simple and traditional design, modest proportions and has perfect symmetry in its front elevation. The two storey extension would diminish the character of the building as a whole, given its disproportionate length at full two storey height.</li> <li>• The NPA considers that the further addition of the proposed single storey side and rear extension would harmfully exacerbate the perception of the excessive length of the existing rear addition, with little by way of enhancement offered. The Inspector felt that the length of the existing building would be slightly increased by the proposed garden room, but he considered that the presence of this single storey element at the rear in the form of a step down from the full two storey height would restore a degree of balance and proportion to the building as a whole. It would also allow a more practical relationship between the house and the large garden.</li> <li>• In relation to the proposed conversion of the barn, the NPA's concern is that insufficient details have been provided and that the proposed glazing would be 'overly domestic, at odds with the rural agricultural character of the existing built form'. However, the context of the outbuilding is a residential garden rather than a farmyard and the details are sufficient for a non-listed building.</li> <li>• The proposed alterations on the barn would not impact on the neighbouring Listed Building.</li> <li>• It was concluded that the proposal would not have an adverse effect on the character and appearance of the host building.</li> </ul> |            |   |   |                      |
| Planning Application No  | Authority  | Site  | Description of Development  | Decision             |
| SDNP/18/00715/FUL<br><br>APP/Y9507/W/18/3208850  | East Hants | Westwood House, London Road, Sheet, Petersfield, GU31 5AJ | Erection of a house   | D<br><br>17 Jan 2019 |
| <p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The development would lie outside the settlement policy boundary and is not a use that is usually allowed in the countryside.</li> <li>• The proposal would visually consolidate development between two dwellings and would be unsympathetic, urbanising the character and appearance of the surrounding area.</li> <li>• A new dwelling would add to housing supply, residents would be able to access a broad range of shops and services but the contribution of one dwelling would be small. The sustainable construction would not be out of the ordinary and the environmental benefits of residents not requiring</li> </ul>  |            |   |   |                      |

| vehicles is overstated. <ul style="list-style-type: none"> <li>The proposal would not conserve and enhance the landscape and scenic beauty of the National Park.</li> </ul>   |            |   |   |                  |
|---|------------|---|---|------------------|
| Planning Application No   | Authority  | Site  | Description of Development                                    | Decision         |
| SDNP/18/03618/HOUS<br>APP/Y9507/D/18/3217993  | Chichester | Heath End Lodge,<br>Station Road,<br>Petworth, GU28 0JG | Two storey rear extension, alterations and replacement garage | D<br>6 Feb 2019  |
| <b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The dwelling is two storey with a long catslide roof and low eaves to the front, and is sited close to the highway behind a stone wall.</li> <li>The depth of the extension would be significant, being greater than that of the original dwelling. The span of the extension would visually overwhelm its original rear façade. The dormers on the front catslide roof would also dominate an original, distinctive and important feature of the dwelling.</li> <li>The width and depth of many of the extension's glazed windows and doors would be extensive and dominant out of keeping with the dwelling. However, due to the stage of the South Downs Local Plan, policy SD31 restricting the size of extensions has been given limited weight.</li> <li>The excessive increase in glazing would result in localised light disruption to the tranquillity of this rural location and would be detrimental to an intrinsically dark landscape</li> <li>The introduction of flat-roofed elements within the extension would detract from the predominantly steep pitched roof character and appearance of the dwelling.</li> <li>The replacement garage with gym above would be located a significant distance from the dwelling. However, it would not be visually read as a subordinate building to the main dwelling but rather as a separate dwelling given its overall size, raised roof eaves line and three dormers. Such a form, design and scale would result in an incongruously designed building in this location.</li> </ul> |            |   |   |                  |
| Planning Application No   | Authority  | Site  | Description of Development                                    | Decision         |
| SDNP/17/04201/LIS<br>APP/Y9507/Y/18/3200634   | Winchester | Kings Farm, High<br>Street, Meonstoke,<br>SO32 3NH      | Replacement of 4 windows                                      | D<br>11 Feb 2019 |
| <b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The property is Grade II Listed.</li> <li>There is no supporting Heritage or Planning statement which seeks to describe the building and its significance and there is very little which assesses the impact of the proposed replacement windows on the importance of the listed building. The NPPF adds that any harm to or loss of significance of such a historic asset should require clear and convincing justification</li> <li>The submitted details indicate that the replacement windows would follow the same overall pattern as the existing ones. However, there are no cross-</li> </ul>   |            |   |   |                  |

sections by which to judge the profile of various parts of the proposal, including the details of the double glazing and glazing bars. The NPA's statements indicate that they object to the use of double glazing, the applied (rather than true) glazing bars, black seals and the absence of a puttied finish, as well as other differences in the exact dimensions.

- The Inspector considered that it is clear that there is some historic interest in the windows and frames that are proposed to be removed, notwithstanding that some elements have been the subject of alteration. The Inspector agreed with the NPA that any decision must be informed by a full assessment of the historic interest of the windows, as well as the effects of the removal and by a full assessment of the condition of the windows. The possibility of repair with retention of some of the existing/historic fabric may well be possible and would be preferable to the full removal. However, in the absence of sufficient detail, no informed judgement can be made in this regard.
- In the absence of such an assessment, the proposal could lead to an unjustified and unnecessary alteration to the listed building, which would harm its significance.