South Downs National Park Authority

Agenda Item 13
Report PC19/20-05

Report to	**Planning Committee**
Date	**11 July 2019**
Title of Report	**Summary of Appeal Decisions Received from 27 February to 24 June 2019**
Purpose of Report	**To update SDNPA Members on appeal decisions received**

Recommendation: To note the outcome of appeal decisions.

1. Overview

1.1 The attached table (**Appendix 1**), 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.

1.2 In summary, in the last 4 months there were:

- 31 appeal decisions (some dealt with simultaneously), 20 of which were dismissed (65%) and 11 (35%) allowed.
- 3 applications were made by appellants for an award of costs, all of which were refused.
- No Judicial Reviews.

1.3 The Authority's appeal performance in the last financial year was good with 69% of appeals being dismissed. The fact that the rate has remained similar is welcome given the varying weight that Inspectors have been giving to the emerging South Downs Local Plan and the policies within it. However this will shortly be resolved as the South Downs Local Plan is, as of early July, the development plan for the National Park and the weight to be attached to it in planning decisions is unequivocal. Decisions must be taken in accordance with this development plan, unless material considerations indicate otherwise.

1.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the National Park as a whole.

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Appendices: 1. Appeal Decisions
SDNPA Consultees: Director of Planning, Legal Services

Key to Appeals Reporting

Method of decision	All are delegated decisions unless otherwise specified	**Allowed**	A
Appeal method	All are through written representations unless otherwise specified	**Dismissed**	D

Planning Appeals				
Planning Application No	**Authority**	**Site**	**Description of Development**	**Decision**
SDNP/16/00676/COU and SDNP/17/00363/FUL APP/Y9507/C/18/3195795 and APP/Y9507/W/17/3192334	Chichester	Land at New Barn Farm, Funtington PO18 9DA and Moors Barns, Watery Lane, Funtington, PO18 9DA	*Appeal against an enforcement notice.* Without planning permission the change of use of the land to B8 commercial storage. Retrospective application to use existing hard standing for the siting of metal containers in connection with a B8 commercial use.	D 6 March 2019
Inspector's Reasoning • Both appeals relate to roughly the same development on the same site, notwithstanding the different site addresses. The site as a whole is a large former farmyard now in a mixed use with buildings in agricultural and non-agricultural commercial uses. There are extensive areas of hardstanding and roadways through the site. • The placement of metal containers for use as storage is a material change of use of the land and therefore enforcement action can be taken up to 10 years after the change has taken place. • Main issues – Does the development represents a sustainable form of development in the rural area and the effect on character and appearance of the National Park. • The SDNPA Partnership Management Plan and emerging South Downs Local Plan can be accorded some weight.				

- The presence within the National Park of around 180 shipping containers would generally be perceived as an alien and discordant feature. It is largely screened from public views by a bund, but the low level of visual impact does not entirely mitigate the harm to the character of the area. The additional activity associated with the facility, and the seasonal need to provide lighting during its hours of operation, which extend beyond those of the neighbouring business uses, are also likely to harm the relative tranquillity of the National Park and its character generally.
- The development fails to conserve or enhance the natural beauty of the area, it is contrary to the development plan and emerging policies seeking to restrict inappropriate development in the rural area and direct it to areas that minimise the need to travel. There were found to be very limited rural diversification, social and economic benefits.
- The storage of cars on part of the site and the erection of fencing around the vehicular compound is also unauthorised and their removal is required.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/06412/FUL APP/Y9507/W/18/3202197	SDNPA (Wealden)	7A Chestnut Cottages, High Street, Alfriston BN26 5TB	Change of use of former hair salon to 1 bedroom holiday let.	A 15 March 19

Inspector's Reasoning

- Attached substantial weight to the retail policies within the emerging South Downs Local Plan. No relevant policies in the Wealden Local Plan (1998).
- Main issue - whether the loss of the retail unit would have an unacceptable effect on the vitality of the village and local availability of shops. The retail unit falls in Class A1. TheSDNPA was concerned that there is an absence of marketing evidence to demonstrate that retail use is no longer economically viable. Its loss could have an adverse impact on the economy and vitality of the High Street.
- The site is located in part of the High Street characterised by few retail units. It is predominantly residential with a tea room, B&B and hotel / restaurant. The main shopping area is to the north, there are a number of vacant shops currently being marketed. Given the availability of other retail premises the Inspector considered that it was easy to conclude that a fringe site like this would struggle to find tenants. Its loss would not significantly reduce the supply of shops in the village. Evidence from an accountant demonstrated that former business was running at a loss and unable to sustain one person working full-time on minimum wage.
- The Inspector commented that they were required to determine the appeal in accordance with the development plan unless material circumstances indicate otherwise. In this case compelling evidence has been submitted and the loss of the premises to retail would not result in unacceptable harm to village services and additionally, the proposed holiday let would be compatible with nearby uses.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/00340/HOUS APP/Y9507/W/18/3209923	SDNPA (Call-in)	The Tote House, The Motor Road, Old Racecourse, Lewes, East Sussex UK BN7 1UR	Erection of a five loose box stable block as an extension to existing stables. *Committee Refusal*	A 15 March 2019

Inspector's Reasoning

- Attached substantial weight to the policies within the emerging South Downs Local Plan
- Main issues – effect of the development on the character and appearance of the area, having regard to its location within the SDNP and within the setting of the historic Lewes Battlefield.
- The site relates to part of the Lewes Old Racecourse, which was redeveloped in the 1980s to an equestrian and residential complex. The appeal relates to an existing stable block.
- It is the inspectors view that the significance of the Battlefield in relation to this proposal is derived from is open grassland landscape which is essentially unchanged since the time of the battle in 1264.
- The design of the stable boxes with matching materials, attached to existing stables when viewed against the backdrop of adjoining tall hedge planting, would have an acceptable visual appearance. They would not be harmful to the open character of the area.
- Given the established equestrian use of the land, the proposal would not result in any harm to local distinctiveness.
- The stables would be situated on existing hard standing, so there would be no loss of vegetation and therefore the appeal was allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/05255/FUL APP/Y9507/W/18/3214453	SDNPA (Call-in)	The Tote House, The Motor Road, Old Racecourse, Lewes, East Sussex UK BN7 1UR	Renew existing and install new fencing work with access gates to reform grazing paddocks for horses into 3 new enclosures. New access tracks for vehicles to the south of the site running parallel to the gallops and a cross route to allow access to the old racetrack gallops land to the west of the site.	D 15 March 2019

			The work is within an Article 4 Direction area. *Committee Refusal*	

Inspector's Reasoning

- Attached substantial weight to the policies within the emerging South Downs Local Plan
- Main issues – effect of the development on the character and appearance of the area, having regard to its location within the SDNP and within the setting of the historic Lewes Battlefield.
- The Inspector considered that the use of chestnut cleft and rail fencing, and the dark grey surface material would not be in keeping with the character of the open downland area. Furthermore the dark grey access track material is at odds with the existing underlying geology which is chalk.
- The extent of fencing proposed together with the dark grey surfacing tracks would form a prominent and stark feature in the open downland landscape which would fail to conserve the landscape and scenic beauty of the SDNP and the significance of the historic interest of the battlefield.
- The provision of a more robust track which would form part of the bridleway would have some public benefit but this does not outweigh the harm.

Planning Application No	**Authority**	**Site**	**Description of Appeal**	**Decision**
SDNP/18/04138/FUL APP/Y9507/W/18/3217663	Chichester	Heyshott Meadows, Polecats, Heyshott, GU29 0DA	Construction of tennis court to replace horse menage	D 20 March 2019

Inspector's Reasoning

- Main issue - The effect of the proposal on the character and appearance of the area.
- The site comprises a horse exercising area. It sits within a part of a field, just outside the garden area of the property. This field has an undeveloped and rural character.
- The menage (to be replaced by the tennis court) was constructed recently and sits on a levelled area. It has a dark, earth like, artificial surface and is surrounded by a post and rail fence.
- Equestrian activity is traditionally and functionally associated with the countryside. This is not true of tennis courts, which are ordinarily associated

with domestic settings or built up areas. Despite its modest size, the visual appearance of the tennis court and surrounding open mesh fencing, together with the activity being carried out on it, would jar with the open and undeveloped character of the remainder of the field.

- The inspector considered that the proposal would appear as a domestic encroachment into the surrounding rural landscape. It would appear incongruous. Should the menage fall into disuse it would still be likely to have an appearance typical of a countryside setting. It was also felt that the health and well-being benefits would not outweigh the harm and therefore the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/03475/HOUS APP/Y9507/D/18/3194134	Chichester	The Farmhouse, The Street, Bury	Extensions, alterations & refurbishment of dwelling, including part demolition.	A 25 March 2019

Inspector's Reasoning

- The site comprises a large detached house set within a group of buildings on the edge of the village. The area was originally part of a farmstead and has a more rural feel with open fields beyond. It forms part of the Bury Conservation Area.
- Main issues – whether or not the proposal would preserve or enhance the character or appearance of Bury Conservation Area, the host property and the wider landscape of the South Downs National Park.
- Since the appeal was submitted planning permission has been granted for extensions and alterations of the property. In addition the Neighbourhood Development Plan has been made which includes a revised settlement policy boundary which includes the Farmhouse but not all of its curtilage.
- Views of the property are limited but the building, especially the frontage, is pleasant and positively contributes to the character of the Conservation Area. Although the house has been substantially altered, its historic core remains and it can be considered to be a non-designated heritage asset.
- Some of the previous extensions detract from the original farmhouse and their removal would be a benefit of the scheme.
- The resulting property would be much larger than the existing one, but the design concept has been carefully considered and is informed by the original farmhouse. In addition the property sites in a large plot. The contemporary design would provide a distinction between the old and new and the scale and form would be acceptable. The emerging SD Local Plan indicates a limit of no more than 30% increase in floorspace which this scheme would be in excess of, but this policy was not referred to in the reasons for refusal and cannot at this stage be given full weight.

Cost Decision – REFUSED

- The appellant claims that the Authority failed to: produce well founded evidence to substantiate the reasons for refusal, in particular the effect of the development on the conservation area and wider landscape contrary to the advice of its own conservation officer; provided vague and inaccurate assertions about the impacts of the proposal; and that planning conditions could have been imposed to address the concerns. They also note that the Officers report was only made available on their website 23 January 2018, following the refusal which was dated 2 November 2017.
- The Inspector concluded that the reasons for refusal set out in the decision notice are complete, specific and clearly states the policies of the Local Plan to which the proposal would conflict. Whilst the applicant might not agree with the conclusion of the SDNPA, and the Inspector has also come to a different conclusion, this does not mean they have acted unreasonably and the application for costs was refused.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/02788/HOUS APP/Y9507/D/18/3218648	SDNPA (Arun)	Wood End, Slindon Bottom Road, Arundel	Demolition of existing rear extension, erection of two storey extension.	D 28 March 2019

Inspector's Reasoning

- The emerging South Downs Local Plan is yet to be adopted and although the Inspector had regard to the policies she did not give them full weight.
- Main issues – the effect of the proposal on the character and appearance of the area, and whether it would retain the supply of small and medium sized homes in the area.
- The property is one of a number of dwellings which forms a ribbon of development along the A29, it is a modest bungalow set within a long, relatively narrow plot.
- The two storey extension would extend the building considerably. It would not only extend to the rear, but the mass of the extension would be wider than the host dwelling and would be visible on either side when looking at the front of the dwelling. It would swallow the host dwelling, be incongruous and overly dominant.
- The Inspector commented that the extension would resemble a bland and imposing tunnel.
- The level of glazing would result in light spill which would have a detrimental impact on the Dark Skies Reserve.
- The proposal would result in 3 additional bedrooms being added which would conflict the emerging SD Local Plan policies seeking to retain a mix of homes and restricting the size of floorspace additions. However the Inspector commented that as the plan is yet to be adopted this in itself was not an additional reason for dismissal of the appeal.

Appeal Reference	Authority	Site	Description	Decision
APP/Y9507/D/18/3218674 SDNP/18/04136/HOUS	Horsham	Pythingdean Manor Cottage, Coombelands Lane, Pythingdean.	First floor extension and minor window alterations to the existing dwelling.	A 8 April 2019

Inspector's Reasoning

- Main issues – the effect of the proposed extension on the character and appearance of the existing building as a non-designated heritage asset.
- The Inspector commented that although drawn correctly, the plans do not convey the actual impact of the extension on the house.
- The extension would, at worst, have a neutral effect on the character and appearance of the existing building and its significance as a heritage asset. The adaptation of a dwelling to permit a reasonable standard of living accommodation for future occupiers is 'sustainable development' under the terms of the NPPF when taken as a whole.
- The extended building would continue to sit comfortably within the landscape of the National Park, particularly as it would be difficult to see the addition from any public view.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03543/HOUS APP/Y9507/D/18/3216516	Chichester	Crofters, Titty Hill, Milland, GU29 0PL	Extension to east and west of existing cottage, new dormer to north side of existing cottage and new dormer to existing first floor of garage block.	A 11 April 2019

Inspector's Reasoning

- The South Downs Local Plan has not been finalised and therefore only limited weight can be attached to policy SD31 limiting the size of extensions.
- Main issue - The effect of the proposal on the character and appearance of the building and surrounding area, which is within the South Downs National Park.
- The property is an amalgamation of 3 cottages dating back to at least the nineteenth century. It has been extended on a number of occasions and is considered to be a non-designated heritage asset.
- The proposals would further extend the building to each side. Because of the modest overall bulk of the proposed extensions, the older parts of the building and the historic architectural features contained within it would retain their visual prominence in views from the front and rear.

- The existing building sits within a large garden with a lot of space around it. The extended building would appear as a large, well-proportioned residential property.
- The design and materials used would be sympathetic to the character and appearance of the host building and the Inspector allowed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04296/FUL APP/Y9507/W/18/3216153	Chichester	Cedar Field, Five Acres Close, Funtington PO18 9LX	Change of use of the existing building to a separate residential dwelling together with a linked extension to provide further residential accommodation.	D 16 April 2019

Inspector's Reasoning

- Main issue - The effect of the proposal on the character and appearance of the area
- Five Acres Close is characterised by large detached dwellings in substantial mature landscaped plots and has a relatively secluded, spacious character.
- The proposal is to divide a portion of the plot at Cedar Field and substantially extend a low-profile ancillary building in order to create a separate dwelling.
- The proposal would result in a plot size for the proposed new dwelling which would be significantly smaller than is characteristic of the close. It would appear incongruous.
- The Inspector felt that the proposal seeks to significantly extend the existing building, which would further exacerbate the incongruous relationship of the proposed new dwelling with the smaller plot area.
- The addition of a further dwelling, in an accessible location which provides for disabled access and high standards of water and energy efficiency does not outweigh the harm identified and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03310/OUT APP/Y9507/W/18/3214080	East Hants	Glencairn, Winchester Road, Chawton, Alton, GU34 1SL	Terrace of three new dwellings to the west of Glencairn (OUTLINE)	D 18 April 2019

Inspector's Reasoning

- Main issues - The effect on the character and appearance of the area given its location in the National Park, proximity to heritage assets; whether or not the location is appropriate, having regard to the development plan; whether or not a satisfactory living environment would be provided in respect of noise; and, whether or not a safe and suitable access would be provided.
- The site forms part of the garden of Glencairn, a modern bungalow. It is on the edge of Chawton.
- The terrace replicates the appearance of others found in Chawton but would diverge significantly from the adjoining 2 suburban style bungalows. It would create an awkward visual relationship. The site is just outside the Conservation Area but due to the bulk and forward position of the proposed homes, it would fail to preserve the setting of the Conservation Area.
- The site is outside the settlement boundary and not identified as a suitable location for housing. It is not a form of development that has a genuine and proven need for a countryside location.
- The issue of noise impact from the A31 could be dealt with by planning condition.
- There is a safe and suitable access.
- The proposal would provide 3 homes. It is argued they are more deliverable than others in Chawton due to flood risk and environmental matters. However the public benefit does not outweigh the harm identified.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/06404/FUL APP/Y9507/W/18/3202700	SDNPA (Arun)	Adams Field House, School Hill, Slindon BN18 0RA	Demolition of the existing derelict building and construction of a new dwelling, re-location of the garages on the site with associate ecological and landscape works.	A 24 April 2019

Inspector's Reasoning

- The Inspector determined this appeal in accordance with the Arun Local Plan 2018 – *However, this is not the correct development plan for the application site. The SDNPA wrote to the Planning Inspectorate to highlight this and our complaint was upheld. PINS acknowledged the error but also concluded that, having reviewed the justification for the approval, the use of the incorrect plan made no material difference to the outcome.*
- The Inspector acknowledged the emerging South Downs Local Plan; which, due to its very advanced stage, was been given weight.
- Main issue - the effect of the proposal on the character and appearance of the area, including on the setting of the Conservation Area.
- The site partially falls within the Conservation Area. There is no distinct front building line and the dwellings sit within spacious individual plots. The existing dwelling is uninhabitable due to a severe fire.
- The proposed dwelling would be within a group of evergreen trees and set within an existing pattern of development. The proposal is contemporary in design and was considered by the Inspector to be of high quality. It would use the existing access and be a positive addition to the village. The materials would reflect those found in surrounding development. Views of the building from outside of the Conservation Area will be seen in the context of other large dwellings.
- The dwelling itself is outside the settlement boundary but is a replacement of an existing property.
- The Inspector acknowledged the desire for smaller homes, but commented that this was a large home to replace a fire damaged large family home so it was considered acceptable.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03092/HOUS APP/Y9507/D/18/3215438	Chichester	Corner House, The Street, Bury, RH20 1PF	2 storey extension and internal alterations	D 25 April 2019

Inspector's Reasoning

- The emerging South Downs Local Plan was given limited weight.
- Main issue - whether the proposal would preserve or enhance the character or appearance of the Conservation Area and the host property.
- The house is in the centre of the village in a slightly elevated position screened from the road by vegetation. The original house is a linear form with a two storey extension added to the rear.
- The replacement extension would introduce features not exhibited on the original property and due to its scale and form would appear as a separate element particularly noticeable on the eastern elevation. The dormer windows would increase the visual presence of the roof. In contrast to the existing simple form of the extension the complexities of the proposal would be out of keeping and unsympathetic. It would be a dominant feature.
- There are no public benefits that outweigh the harm and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/03750/FUL APP/Y9507/W/18/3219010	Winchester	Lion Hill House, Alton Road, West Meon GU32 1JF	1 new dwelling at land to the rear of Lion Hill House. *Committee refusal (Officer recommendation to approve overturned)*	A 25 April 2019

Inspector's Reasoning

- Only limited weight was attached to the emerging South Downs Local Plan however, the policies within it share similar objectives to the current development plan.
- Main issue - the effect of the proposal on the character and appearance of the Conservation Area
- The site is to the rear of a Grade II listed building. It is visible from the approach to the village on A32 and partially visible from the churchyard

which is a significant open space in the Conservation Area.

- The proposal is for a modest, detached, single-storey dwelling on a part of the site which was formerly the pub car park. The building would be more contemporary and lightweight that the traditional buildings that surround it. It would add visual interest without dominating and is constructed of natural materials and avoids a pastiche approach to the design.
- The plot is large enough to accommodate the house and it would be set down within the site and sufficiently separate from the neighbouring buildings not to appear cramped or overdeveloped and therefore the appeal was allowed.

Cost Decision – REFUSED

- As the design of the proposal and its impact on the character and appearance of the area is a largely subjective matter, it is not unreasonable that the committee exercised reasonable planning judgement and departed from the officer's professional view in this regard. The Authority has not acted unreasonably by issuing a refusal notice contrary to the advice of its planning officer.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/16/06136/FUL APP/Y9507/W/18/3216910	SDNPA (Call-in)	The Oaks, The Motor Road, Old Racecourse, Lewes, East Sussex UK BN7 1UR	Construction of manege, fenced surround and shallow earth bank *Committee Refusal*	D 26 April 2019

Inspector's Reasoning

- Attached substantial weight to the policies within the emerging South Downs Local Plan
- Main issues – effect of the development on the character and appearance of the area, having regard to its location within the SDNP and within the setting of the historic Lewes Battlefield.
- The site lies on part of a former racecourse. It is located on an exposed ridge, high in the open downland outside Lewes. Despite areas being subdivided by fences to form paddocks / gallops, the immediate landscape to the site remains predominantly open.
- Construction of the manege would require the excavation of a substantial amount of earth across a reasonably large area of the existing sloping ground. The level surface created would cut into the slope, whilst the bunding would rise above it. The works would be acutely at odds with the

open and naturally undulating character of the site and its landscape setting.

- It would be apparent in views from rights of way and its isolated position would make it more conspicuous.
- The menage would be on the edge of the designated Battlefield. Its character stems from its apparently unaltered character and therefore a substantial change to the setting would detract from its appreciation.
- The limited public benefits do not outweigh the harm.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/00491/FUL APP/Z3825/W/18/3217826	Horsham	Camping Site, The White House, Newham Lane, Steyning, BN44 3LR	Erection of a 1.5m high fence	A 1 May 2019

Inspector's Reasoning

- Main issue - the effect of the proposed development on landscape and scenic beauty.
- The proposal is for 27.8m of fence alongside part of Newham Lane. The fence adjoins an existing fence that continues north. Opposite the site is a commercial yard / quarry which is unattractive.
- The proposed fence is seen in the context of the commercial yard / quarry. It is a timber fence that will mature in the rural landscape. There will be no harm to landscape character as it mellows. A condition is attached to the permission preventing staining of the fence to ensure it weathers naturally.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/01143/FUL APP/Y9507/W/18/3208726	SDNPA (Arun)	4-6 Queen Street, Arundel BN18 9JG	Conversion of café (Use Class A3) to create 4 x three-bed dwellings.	D 2 May 2019

Inspector's Reasoning

- Significant weight has been attached to the emerging South Downs Local Plan.
- Main issues – Would the development conserve or enhance the Conservation Area, adjoining listed buildings, their setting and the cultural heritage

of the National Park and the effect of the development on living conditions of neighbouring properties.

- The site occupies a prominent street frontage within the Conservation Area. The property is currently used as a café / shop.
- The building dates from 1789 and was originally a Malthouse. The property is not listed but adjoining premises are. This premises physically links two listed buildings and has a direct, historic, functional and constructional relationship with both. It makes a highly important contribution to the setting of the two listed buildings.
- It is a non-designated heritage asset that makes an important and positive contribution to the significance of the Conservation Area.
- There is insufficient detail on how the conversion would be achieved and there is potential for structural or physical effects on the fabric of the adjoining listed buildings. Deferring consideration of such potential impacts to the conditions clearance stage is not appropriate.
- The design of the front ground floor level adds an array of finishes, details, windows, forms etc which would not harmonise with street scene.
- The tight-knit nature of the buildings in the location means that the level of overlooking on the adjoining properties would have an unacceptable adverse effect on the privacy of neighbouring dwellings.
- The modest public benefit of 4 homes would not outweigh the harm caused.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/00378/FUL APP/Y9507/W/18/3216793	East Hampshire	West Fork, Farnham Road, Liss, GU33 6LA	Retention of barn for agricultural storage and as a workshop in relation to the camping and caravanning business.	D 2 May 2019

Inspector's Reasoning

- Main issue – The effect on the character and appearance of the area.
- The site lies within a clearing in a loosely wooded area outside the built-up area of Liss. It is just beyond a camping and caravanning business and in a rural area. The building is a large utilitarian, metal structure found on farms and commercial / industrial developments. It is used as a workshop in connection with the buying and selling of caravans. It has an urbanising effect on its surroundings.
- The building and use appears as an encroachment of the caravan business into the surrounding countryside.
- Little detail is provided as to the need for the building for agriculture nor in the split between the uses.

- The Inspector concluded that the proposals results in harm to the character and appearance of the area.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/06399/FUL & SDNP/18/02917/FUL APP/ Y9507/W/18/3210101 & APP/Y9507/W/18/3217199	Chichester	The Old Tanneries, Byworth Road, Byworth, Petworth, GU28 0HL	Stopping up of existing domestic access and use of existing agricultural holding access to serve the dwelling (the Old Tanneries) and holiday let. Upgrading existing agricultural holding access, resiting of agricultural holding gate and boundary fence facing onto Byworth Lane.	D 3 May 2019

Inspector's Reasoning

- Main issue – The effect on the landscape, Byworth Conservation Area and the setting of listed buildings.
- The site is a large, irregularly shaped field on the edge of Byworth with varied topography and abutting the road. The proposals involve a change of use of part of the field to provide a new access to the dwelling and holiday let at Tanneries. They involve the creation of a new driveway across the field. There are two entrances being considered. The construction of the driveway is likely to involve creation of a hardstanding.
- It is suggested that the driveway would have a grass seeded appearance, but permanent retention would be difficult to enforce. There are no mechanisms to ensure the appearance would be preserved.
- One option would result in an access longer than the other, but the shorter one requires a new access cut into the bank facing the road.
- The creation of an access track would urbanise this part of the field which is detrimental to the natural beauty of the National Park. Any attempt to screen it would appear out of place.
- The slight adverse effect on the undeveloped setting of the nearby heritage assets would be countered by the slight benefit on the immediate setting of the area around a listed building through the reduction in vehicle traffic in the immediate location.
- There is no evidence that the existing access arrangements are fundamentally unsafe. The Inspector has sympathy for the particular circumstances of the residents (one has a disability) and has considered the needs in accordance with the Equality Act but these do not outweigh the harm identified.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03320/FUL APP/Y9507/W/18/3217501	East Hant	New Barn Farm Barn, New Barn Farm Lane, Blendworth, Waterlooville PO8 0QG	Conversion of barn to dwelling, use of three grain silos for ancillary residential use and two parking spaces after demolition of attached workshop.	D 14 May 2019

Inspector's Reasoning

- Main issue – Whether the conversion of the barn to a dwelling and the removal of the attached workshop is justified having regard to its location and current use; and, the effect of the proposal on existing bat roosts.
- The proposal seeks to convert the flint barn to a dwelling. The East Hampshire Joint Core Strategy allows for residential use when all reasonable efforts have been made to secure a suitable long-term reuse for employment or community use, or the building and location is not suitable for such uses.
- The appellant identifies a variety of uses but these are then ruled out due to the relationship and impact of vehicle movements with the adjoining holiday let accommodation. However, the holiday lets were only recently permitted alongside the existing agricultural uses and this was deemed acceptable. Furthermore the barns and yard are all under the same operator who can control such relationships.
- The policy also allows for tourist facilities and accommodation which may be appropriate and whilst other community buildings may exist in the area, this does not negate the need for an assessment of whether the barn would fulfil a need.
- The Inspector felt that suitable justification for the conversion of the barn has not been given.
- Clear evidence has not been supplied that the workshop to be demolished is beyond repair and it provides space for a tenant of the farm. Its use contributes to local employment.
- The proposed conversion of the barn would introduce domestic features such as french doors and internal partitioning which may not benefit the open simple agricultural building and its attractive qualities.
- The barn is a confirmed bat roost. These are a European Protected Species (EPS) under the Habitats Regulations. Whilst parties agree that suitable mitigation for the works could be conditioned, they may require an EPS Licence from Natural England. This licence first requires the development to be for "overriding public interest" and there must be "no satisfactory alternative". Given the findings on the first main issue, the proposal is not considered of overriding public interest and it is unlikely to be granted an EPS licence. The appeal was therefore dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/C/18/3209193	Chichester	Foxbury Farm, West Burton Lane, West Burton RH20 1HD	*Appeal against an enforcement notice.* The breach of planning control as alleged is construction of a concrete hardstanding. The requirements of the notice are to break up and remove the concrete hardstanding from the land and then level and re-seed with grass within 3 months.	D 14 May 2019

Inspector's Reasoning

- Hardstanding was laid in 2016 and a temporary caravan placed on it. The caravan has been removed leaving the hardstanding.
- The hardstanding is utilitarian in design and an alien feature in the field causing significant harm that does not conserve or enhance the scenic beauty of the National Park.
- The Inspector considered that there is little evidence of a need for the hardstanding to serve a growing business. There is little evidence of horticulture or agriculture activity on the site and there is plenty of room elsewhere on the site for such activities. The appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/C/18/3210229	Chichester	The Old Church, The Street, Houghton, West Sussex, BN18 9LW	*Appeal against an enforcement notice.* The breach of planning control as alleged is the siting of one caravan without planning permission. The requirements of the notice are to remove the caravan within 3 months.	D 14 May 2019

Inspector's Reasoning

- Inspection on site and the appellants' evidence indicates that the caravan is not used for living accommodation. The appellant report that they lived in it on an occasional basis and if it was removed they would consider themselves to be homeless. However the Inspector concluded that the caravan was not the appellants' home and was used mainly for site security, to store personal belongings and use as an office.
- The caravan is stationed on the site of a partly converted house, the conversion works have not been completed and it is not known when they will be. There is no construction currently occurring.

- There are permitted development rights allowing temporary buildings or structures required in connection with a development. The Inspector considers that the works would have to be occurring in some material way for the caravan to fall within this category. If works are not materially proceeding as is apparent here, then he does not consider the caravan is associated with the duration of the works. If this were not the case, works could simply be commenced and never completed and temporary structures could effectively become permanent.
- The appellant says that it is unreasonable in these circumstances to take enforcement action as the caravan/mobile home is to be removed after the permission is completed. However, the Inspector commented that the Authority does not know if a planning permission is to be implemented and the work may cease for some reason and the mobile home could then remain in place for an unacceptable length of time.
- The caravan, which is in a very prominent position, is harmful to the character and appearance of the countryside and it is not unreasonable that the Authority should seek its removal through the enforcement notice. Moving it on the site would not sufficiently overcome that harm.
- The need for security and difficulties with insurance does not overcome the harm of the caravan being in place and the appeal was dismissed.

Cost Decision – REFUSED

- It is noted that the appellant intends to remove the caravan once works are completed, but this is too open ended and it is entirely reasonable for the Authority to take enforcement action.
- The argument related to permitted development is noted but rejected given that the work is not currently proceeding.
- Corrections required in relation to the enforcement notice were agreed with the appellant, there was little expense incurred and no unreasonable behaviour had been demonstrated.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05645/HOUS APP/Y9507/D/19/3223187	Chichester	3 Loppers Ash, Elsted Road, South Harting, Petersfield, GU31 5LR	Construction of off-street parking bay and pedestrian disabled access ramp.	A 17 May 2019

Inspector's Reasoning

- The main issue – effect on the character and appearance of the area.
- The site is one half of a pair of semi-detached homes. It is elevated and has a steep bank that leads down to the road. The proposal is to excavate this to provide for two tandem parking spaces parallel to the land with a ramp to improve accessibility to the property.

- The character of the immediate area is mixed and the gardens were manicured, well maintained and obviously residential in character. They were not rustic in appearance.
- The inspector notes the effect of such changes on the character of historic rural roads. The works would change the appearance of the frontage but they would be seen within the context of their setting in which such alterations are commonplace.
- The use of a vegetated retaining wall would create a verdant backdrop to the parking space that would mature over time and the appeal was allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/06109/HOUS APP/Y9507/C/18/3206989	Chichester	Land at Flint Acre Farm, Bignor Park Road, West Sussex, RH20 1EZ	*Appeal against an enforcement notice.* The breach of planning control as alleged is the change of use of a building to a single dwellinghouse without planning permission. The requirements of the notice are to cease use of the building and remove multiple domestic items within 6 months.	D 20 May 2019

Inspector's Reasoning

- The appellant argues that no enforcement action can be taken as the use took place for more than 4 years before the notice was issued. The appellant's case is that the use of the building commenced on the 27 July 2013 and declarations have been supplied by her, her relatives and her friends to confirm this.
- The Inspector has applied a number of tests to establish whether the building can afford those using it the facilities required for day to day private domestic living. The parties disagree as to whether the site has continuously contained sufficient cooking facilities to meet the tests of being a dwelling house and photos / notes taken by the Authority in 2017 show no microwave or cooking equipment present in contrast to what was on display in 2018.
- There is no TV licence, Council Tax or other bills and no entry on the electoral register until 2015, albeit these factors are not individually conclusive.
- The onus of proof is on the Appellant and the Inspector considers that she has not been able to show continuous use of the site since June 2014. The Inspector, based on the evidence presented, cannot conclude that the site has continuously contained basic cooking facilities for the relevant period and it follows that it cannot be concluded that the appeal site has been used as a single dwellinghouse for 4 years.

- The Appellant argues that the time to comply with the enforcement notice is too short, she has nowhere else to live and wishes to stay close to family. There is a lack of rental accommodation and there is insufficient room in the main house. The Inspector concludes that allowing 8 months would strike the right balance and amended the enforcement notice accordingly.

Appeal Reference	Authority	Site	Alleged Breach of Planning Control	Decision
SDNP/17/05776/FUL APP/Y9507/W/18/3209990	Winchester	The Woodman Inn, Winchester Road, Upham SO32 1HA	Demolition of the existing public house and construction of 4 no. dwelling houses *Committee Refusal*	A 30 May 2019

Inspector's Reasoning

- The emerging South Downs Local Plan policies are at a very advanced stage and regard has been had to them.
- Main issue – effect on character and appearance and loss of a non-designated heritage asset.
- The dwellings front both Upham Street and Winchester Road. The proposal would create a positive development of an appropriate scale and layout.
- It accords with Winchester Local Plan Policy MTRA3 which allows infilling of a small site within a continuously developed frontage.
- The appeal site is not specifically identified in the Village Design Statement as having any particular features or associations of significance with regards to local history, architecture, character or other interest. There is little documentary evidence presented as to the building's history. It is of traditional form and materials, but little remains in situ or on display and possesses very little special interest. In its current state it fails to make a positive contribution to the street scene.
- It is noted that there has been a permission to convert the building. The heritage lies in the historic association of a public house being on the site and its service to passing travellers, such contribution having decreased through the passage of time. It is not considered that the extant permission would actually achieve the retention of the heritage asset insofar as it would be altered beyond recognition and provide little link to its past.
- The Inspector felt that this current proposal would significantly improve the character and appearance of the area and allowed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/05926/FUL and SDNP/17/05927 Appeal A: APP/Y9507/W/18/3209175 Appeal B: APP/Y9507/Y/18/3209174	SDNPA (Call-in)	Adhurst St. Mary, Petersfield, Hampshire GU31 5AD	Security panel to top of external staircase	D 5 June 2019

Inspector's Reasoning

- Main issues – would the proposal preserve the Grade II listed building 'Stables, Coach House and Archway North East of Adhurst St Mary' or its setting, or any features of special architectural interest and the effect on the living conditions of occupants of the adjoining property.
- The Inspector considered that the proposed new screen would appear as an alien feature unrelated to the original design or purpose of the porch. The panel would produce an awkward and unrelated relationship that jars with the original feature and design of this part of the listed building, from which it would detract.
- The proposed development would not result in material harm to the living conditions of adjoining occupants.
- No public benefits of the proposal have been identified. The purpose and intent is founded in a private dispute and the Inspector dismissed the appeal given the harm to the Listed Building.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06612/HOUS APP/L3815/D/19/3227391	Chichester	24 Taylors Field, Midhurst, GU29 9PH	Two storey side extension and alterations	A 13 June 2019

Inspector's Reasoning

- Main issue – effect on character and appearance
- The property is one half of a semi-detached house. The proposal would result in the host property having a greater width than its neighbour. However the new windows would have a similar appearance to the existing windows and the existing half hipped roof would be replicated in the extended part of the building.
- The extension would replace an existing single storey addition. The change in footprint would be minimal and its design has had regard to the character of the host building and replicates important elements of its design. There would be little change in the overall appearance of the host building.
- Regard has been had to policy SD31 of the emerging South Downs Local Plan; however, the plan has not yet been finalised and only moderate weight was attached to it by the Inspector. The appeal was allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/01762/FUL APP/Y9507/W/18/3211505	Chichester	Manor of Dean, Dean Lane, Tillington, GU28 9AP	Change of land use and creation of a tennis court with surround fencing	D 18 June 2019

Inspector's Reasoning

- Main issue – effect on the Grade II Registered Historic Park and Garden, and the setting of the Manor of Dean, a Grade II* listed building.
- The proposal would introduce a tennis court into the grassed area that due to the necessary levelling, hard surface and surrounding fencing would be a harmful, discordant incursion into this undeveloped area. Notwithstanding the efforts to reduce the impact of the proposal, there would nevertheless be an adverse impact out of character with the informal appearance of this part of the grounds. For similar reasons, it would have an adverse impact on the significance of the registered park and garden itself.
- The public benefit would be minimal and does not outweigh the harm identified by the Inspector who dismissed the appeal.