

**Agenda Item 9**  
**Report PCI9/20-22**

Report to	<b>Planning Committee</b>
Date	<b>10 October 2019</b>
Title of Report	<b>Summary of appeal decisions received from 25 June – 18 September 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 South Downs National Park Authority.
- I.2 In summary, in the last 3 months there were:
- 37 appeal decisions (some dealt with concurrently), 23 of which were dismissed and 14 allowed.
  - 3 applications were made by appellants for an award of costs, 2 were refused and 1 was partially awarded.
  - No Judicial Reviews.
- I.3 The Authority's appeal performance in the last financial year (2018/19) was good with 68% of appeals being dismissed. Since the start of the current financial year, to 18 September, 64% of appeals have been dismissed. This is considered reasonable given the context in the first quarter of the financial year where the Local Plan was not adopted (the Local Plan was adopted on 2 July) and where, prior to adoption, Inspectors were attributing varying weight in their decision making to Local Plan policies.
- I.4 Finally, the Paris House decision in Petersfield (Application SDNP/18/03309/FUL) has helpfully stressed the importance of a landscape led approach to a scheme, even if it is within a built-up location in a main town, stating that *"It will ... need to be demonstrated [in the application] how the design has been informed through an analysis of the opportunities and constraints of the site, its context and how it responds positively to these."* She commented that *"...the failure to adopt a fully landscape-led approach has resulted in a development that would be materially harmful to the character and appearance of the area bringing it into conflict with Policies SD4 and SD5 of the South Downs Local Plan and Policy BEPI of the Petersfield NDP. There would also, as a consequence, be harm to the scenic beauty of the NP."*

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

## Key to Appeals Reporting

**Method of decision**  
**Appeal method**

All are delegated decisions unless otherwise specified  
All are through written representations unless otherwise specified

**Allowed** A  
**Dismissed** D

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01754/FUL  APP/Y9507/W/18/3208006	Chichester	Spindles, East Harting Street, East Harting, GU31 5LY	Two storey dwelling to replace existing bungalow and garage.	<b>A</b>  1 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect on the character and appearance of the area, with particular regard to <ul style="list-style-type: none"> <li>the East Harting Conservation Area;</li> <li>the landscape character of the SDNP; and</li> <li>light pollution.</li> </ul> </li> <li>The existing building is within the Conservation Area, the garden falls outside it. It is a modern bungalow, with large windows, apparent from road. It sits forward of the two neighbouring buildings.</li> <li>The proposed building would be set back from the road, broadly in line with other properties. There would be a well-proportioned gap between it and the neighbouring buildings. It would appear as a modern building but the use of timber cladding would complement the character of the street.</li> <li>The site is clearly visible from parts of Harting Down. The property would be taller than the existing building but comparable in height with the immediate neighbours. Views of natural landscape features in the area would not be materially diminished.</li> <li>The proposed building would be more visible from Elsted lane and nearby footpaths due to its raised height but would be similar in size and scale to adjoining properties. The Inspector concluded that there would be no harm to landscape character.</li> <li>There would be a reduction in glazed area when compared against the existing property. The addition of first floor lighting and roof lights will be seen within an existing hamlet with residential properties in it which are a source of light spillage. Overall, additional light spillage at first floor level is justified by the overall reduction of light spillage across the building as a whole.</li> <li>The proposal would replace one large building with another therefore there would be no loss of a small or medium sized home, so although there is conflict with SD30 the proposal would not lead to harm in terms of the underlying purposes of the policy.</li> </ul> <b>Cost Decision – REFUSED</b> <ul style="list-style-type: none"> <li>It was argued that each reason for refusal was not supported by objective analysis and had not been substantiated. The appellant also argued that inappropriate weight was placed upon emerging planning policy. However, the Inspector concluded that the Authority had not acted unreasonably in any aspect of the case and the applicant was not put to unnecessary or wasted expense.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/00487/FUL APP/Y9507/W/18/3215660:	Winchester	1 Bottom Pond Cottages, Morestead, Winchester SO21 1JE	Change of use of agricultural field to site 2 shepherd huts.	<b>D</b> 1 July 19
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect of the proposed development on highway safety.</li> <li>The appeal site is part of an agricultural field associated with the nearby dwelling. Access to the field is via a short track which connects to the C9 Morestead Road at a shared vehicular access.</li> <li>Morestead Road is a single carriageway with the national speed limit restriction. The appellant's surveys show 85th percentile speeds of 60.7 mph and 58.9mph in the vicinity of the site. The Inspector viewed vehicles traveling at high speed, not appearing to slow down or take into account the presence of residential properties.</li> <li>The development would result in limited vehicular trips. Given the isolated location it is likely there would be a reliance on private transport. In addition holiday makers may bring a degree of inexperience and hesitation which would further increase risk at the junction.</li> <li>The proposed visibility splays would be significantly shorter than those recommended and therefore the Inspector concluded that the proposed development would be unacceptable in highway safety terms and the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06373/FUL APP/Y9507/W/19/3224987	Chichester	Land north of Sorrells, School Lane, Stedham GU29 0NY	Erection of a single detached dwelling	<b>D</b> 2 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were the effect of the proposal upon <ul style="list-style-type: none"> <li>the character and appearance of the area; and</li> <li>the living conditions of the occupiers of the adjoining dwelling.</li> </ul> </li> <li>The Inspector considered that taking into account the relatively small size of the appeal site and the position and scale of the development that the proposal would unacceptably erode the spacious character that exists around existing buildings. It would result in a cramped form of development out of character with the established spacious pattern of built form in the area. It would also be conspicuous and dominant when viewed from within the street-scene.</li> <li>In relation to the living conditions of the occupants of the adjoining property, the Inspector felt that as a result of the separation between the properties, the offset position and presence of mature tall trees close to the boundary there would not be a significant loss of outlook.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04151/HOUS APP/Y9507/D/18/3219128	SDNPA (Wealden)	1 The Fridays, Gilberts Drive, East Dean, BN20 0DG	Crossover and Access Drive	<b>A</b> 26 June 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect of the proposal on the character and appearance of the streetscene</li> <li>The house is at the end of a row of brick and flint houses which share a flint front boundary wall. The wall is interspersed by narrow gaps giving pedestrian access to the houses, with a wider opening giving vehicular access in places.</li> <li>The site is opposite but not within a conservation area, it does not contain any designated heritage assets.</li> <li>The flint boundary walls within the conservation area opposite form part of its character. The East Dean and Friston Village Design Statement identifies the use of flint as a locally distinctive material, but does not ascribe particular importance to the width of openings within flint boundary walls.</li> <li>The front boundary wall at the appeal site contributes positively to the setting of the conservation area. It is however not an unbroken wall, and a modest opening to allow vehicular access would not be an uncharacteristic feature. A substantial portion of the wall would remain, maintaining the predominance of the wall as the site's boundary treatment.</li> <li>The Inspector concluded that the proposed development would not result in harm to the character of the area nor would it fail to preserve or enhance the setting of the Conservation Area.</li> </ul>				
Planning Application No	Authority	Site	Description of Appeal	Decision
SDNP/18/06123/ADV APP/Y9507/Z/19/3222039	Lewes	Waitrose Ltd. Eastgate Street, Lewes BN7 2LP	Freestanding internally illuminated single sided display (Advert)	<b>A</b> 4 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect of the proposal on the amenity of the area.</li> <li>The site is located on a wall alongside the main entrance to a Waitrose supermarket. The main building is relatively modern in appearance and is located opposite the bus station. A Grade II listed building is adjacent to the site and both lie within the Lewes Conservation Area. There is already an internally illuminated analogue sign in place on the wall and the proposal is to replace that sign with one of the same size but which would have a digital display.</li> <li>The Authority was concerned that the proposed sign would be within the Conservation Area where illumination is restricted and that there are no other examples of similar illuminated signs nearby. It was also concerned that a precedent would be set if the appeal were allowed.</li> <li>The Inspector felt that it was necessary to consider what differences exist between the existing advertisement and what was proposed and concluded that it was an issue of technology. Although the display would change periodically, the visual impact would be the same as the existing.</li> <li>The Inspector noted that the site is not within the most historic part of the Conservation Area and it is attached to the wall of a modern building, opposite undistinguished building's and the blank wall of a bus station. It is not particularly prominent in the street scene.</li> <li>It was concluded that there was no change in visual amenity when compared to the existing sign and the appeal was allowed.</li> </ul>				

Planning Application No	Authority	Site	Enforcement Appeal	Decision
SDNP/12/00846/FUL.  APP/Y9507/C/18/3200300 & 3202134	Lewes	Foxhole Farm, Seaford Road, Newhaven BN9 0EE	The breach of planning control as alleged is the unauthorised siting of a mobile home for residential use contrary to condition.	<b>D</b>  4 July 2019

**Inspector's Reasoning**

- Temporary planning permission was granted for a mobile home in 2012. Condition 1 of the planning permission states the building shall be removed and the land restored to its former condition on or before 31 January 2014.
- The appellants' case is that the time limit for taking enforcement action is 4 years and not 10 years as put by the Authority. The appellants say that the regulations make it clear that the exception to the four year rule is where the building is used as a dwellinghouse (C3). The appellant says that the mobile home is a dwellinghouse and has always been used as a dwelling but presented no evidence in support of this.
- The Planning Act notes that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. That is not the situation in this case, as there is no change of use to use as a single dwellinghouse, as the permission was for the mobile home with residential use from the start.
- As this appeal relates to a use of land and a breach of a condition of a planning permission the correct time limit for taking enforcement action is 10 years and therefore the appeal is dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01532/LIS  APP/Y9507/Y/18/3208885	SDNPA (Wealden)	The Old Rectory, The Village, Berwick BN26 6SR	Form large opening in separating wall between existing kitchen and adjoining space (Listed Building)	<b>A</b>  8 July 2019

**Inspector's Reasoning**

- The main issues were the effect of the works on the historic and architectural significance of the building and its setting.
- The building is Listed Grade II, the proposed works being to the inside of the building to provide access to an existing void, would have no external or wider effects.
- The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The removal of part of the wall and the opening-up of the void to be part of the kitchen would cause some limited harm to the original layout of the house, but the level of harm would be significantly low down the 'less than substantial' range.
- The Inspector agrees that the presence of a void that is not readily accessible could be vulnerable to damp. The minor intervention proposed would not strike at the heart of what gives the building its architectural or historic significance and in the balance between the limited harm and the public benefit of allowing and encouraging the continued care of the listed building for future generations, the Inspectors conclusion is that the harm is outweighed, and the proposal is acceptable.

Appeal Reference	Authority	Site	Description	Decision
APP/Y9507/W/18/3216773 SDNP/18/02906/FULL	Lewes	Stables to the East of 44 Beacon Road, Ditchling BN6 8UZ	Residential conversion of existing redundant stables and tractor shed	<b>A</b> 11 July 2019

#### Inspector's Reasoning

- The main issues were the effect of the proposal on the character and appearance of the site and surrounding area, having regard to its relative tranquillity and the location within the South Downs National Park.
- The site comprises a stable building, a garage building and an area of hardstanding, separated from surrounding fields with post and rail fence. Vehicular access to the site is from an unmade road which is a restricted byway and provides access to a number of dwellings and Gospels Farm. Beyond the access to Gospels Farm, vehicular access is restricted through a bollard and only serves the appeal site.
- Policy SD7 has progressed through examination. The Inspector has attached significant weight to it, and its requirement to ensure that new development conserves and enhances relative tranquillity. The village of Ditchling has been identified as having relatively low tranquillity, with surrounding areas having moderately low tranquillity.
- Wider public views of the site are restricted by tree cover.
- The proposal would create a small dwelling with two bedrooms through converting the existing stable block. There would be no changes to the access or the byway. The track is surfaced and appears to be suitable for the relatively low level of use that one small dwelling would generate. The appearance of the byway and the access would therefore be unchanged.
- The stables could attract a number of vehicular movements in their own right. While the traffic movements associated with a dwelling could include a wider spread over the course of a day and evening, the use as a small dwelling would not significantly increase traffic using this part of the byway, nor change the intensity or nature of such use. The proposal would not compromise the green network of public rights of way that attracts visitors and tourists to the National Park, or be harmful to the tranquillity of the area.
- The proposal would result in the introduction of a residential use into the countryside, the Ditchling, Streat and Westmeston Neighbourhood Development Plan 2018 is supportive of the reuse of previously developed sites outside the settlements, which is broadly in line with the guidance in the NPPF. While the appeal proposal would result in the creation of a residential use in the open countryside, there would be no extension of built form or residential curtilage beyond the existing buildings and yard area. The evidence indicates that the building is capable of conversion without significant alterations
- In terms of setting a precedent for the conversion of other stable buildings to dwellings in the area, the Inspector commented that the building is of a robust construction with clay roof tiles, and that the Structural Appraisal found that the building is capable of conversion with only minor works. The building is more substantial than a typical timber stable building and therefore allowing this appeal would not set a harmful precedent.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00346/FUL  APP/Y9507/W/19/3226789	East Hants	Land South of Green Street, East Worldham, Bordon GU35 9NN	New vehicular access and grassed tiled turning area	<b>D</b>  11 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect of the proposed vehicular access on highway safety.</li> <li>Trees and other general foliage interrupt one of the sight lines shown on the plans resulting in a sight line significantly less than the minimum distance required. Therefore, a suitable visibility splay was not present when looking west from the junction of the proposed vehicular access.</li> <li>The appellant argued that the reduced visibility is due to the Highways Authority not maintaining the verges. The Highway Authority's reply was to state that although there may have been some maintenance in the past, there is no guarantee this will be the case in the future.</li> <li>The Inspector concluded that the proposal would result in significant harm to highway safety and it was therefore dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04813/FUL  APP/Y9507/W/19/3224462	Chichester	Land between the Vicarage and Forest Mead, Linchmere Common Road, Linchmere GU27 3NE	Conversion of barn and stables to a single residential dwelling, with extension and single storey glazed link. Removal of two storage containers.	<b>A</b>  16 April 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The site lies outside a defined settlement boundary, in the Linchmere Conservation Area (CA). The main issues were: <ul style="list-style-type: none"> <li>whether the location of the proposed development would accord with development plan policies which restrict development outside defined settlement boundaries;</li> <li>its effect on the character and appearance of the area; and,</li> <li>whether it would result in the loss of visitor accommodation.</li> </ul> </li> <li>Local Plan policy SD25 permits, exceptionally, development outside settlement boundaries, subject to a number of alternative criteria, including where it is an appropriate reuse of a previously developed site and conserves and enhances the special qualities of the National Park.</li> <li>Given that there are houses and gardens on two of the long sides of the site, a dwelling would not, in the view of the Inspector be inappropriate. The site was previously used for housing horses and storing their feed, and is considered to be previously-developed land.</li> <li>Given the houses beside each flank of the site, the Inspector feels that the development is not isolated. Camelsdale, 1.5km away, is the closest defined settlement. There is no dispute that the future occupiers of the development would rely on the private car to access everyday services, community facilities and employment. However, there is already permission for the conversion of the barn and stables to holiday accommodation rather than as a dwelling. The occupation of the building by holiday-makers may involve car trips to and from the site. Whilst the accommodation may not be occupied throughout the year, during seasonal peaks the number of trips may be substantially greater than those generated by the use of the building as a dwelling.</li> <li>In the context of the surrounding pattern of development, a single dwelling, would not be out of character with the Conservation Area.</li> </ul>				

<ul style="list-style-type: none"> <li>The visual effect of the use of the buildings as a dwelling would be little different to that which would take place if used for a holiday let. The removal of the storage containers would improve the setting.</li> <li>Local Plan policy SD23 resists the loss of visitor accommodation where there is no evidence that the use is unviable. Currently there is no visitor accommodation which would be lost, that permission has not been implemented. The Inspector therefore allowed the appeal.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05904/HOUS APP/Y9507/D/19/3230273	SDNPA - Wealden	Jiggs, Jevington Road, Jevington, BN26 5QJ	Two storey extension	<b>A</b>  22 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were the effect of the proposal on the character and appearance of the host dwelling, the Jevington Conservation Area and the SDNP.</li> <li>The appeal site is located within Jevington Conservation Area. Jiggs is referred to in the Appraisal as one of a number of notable houses and cottages of traditional form which are prominent in the street scene.</li> <li>The proposed extension would adjoin an existing single storey part of the building. The ridge height would be higher than the existing single storey element but would be lower than that of the main two storey dwelling. The roof of the extension incorporates a catslide design which would slope away from Jevington Road, such that the main two storey element of the extension would be set further into the site. This design approach would effectively reduce the scale and mass of the extension particularly when viewed from public vantage points.</li> <li>The proposed two storey extension would be of an acceptable scale, design and appearance and by using appropriate materials, would complement the character of the existing house. Furthermore, it would not be unduly prominent in the street scene and would not result in harm to the character and appearance of the host dwelling or the wider Conservation Area.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04248/HOUS APP/Y9507/D/18/3218204	SDNPA – Wealden	Frog Firle Barn, Whiteway, Alfriston, BN26 5TT	Porch extension	<b>A</b>  22 July 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect of the proposal on the character and appearance of Frog Firle Barn, a non-designated heritage asset.</li> <li>The Inspector considers that the proposed porch would be relatively modest in size having regard to the overall width of Frog Firle Barn. It would be of limited depth and would be a lightweight, transparent structure. It would not be an unduly prominent feature and having regard to its scale, design and the use of appropriate materials, would not disrupt the linear form of the barn or significantly erode its original agricultural character and appearance. The existing full height glazing is already a domestic feature of the barn and the proposal porch would not significantly further its domestic appearance to a harmful extent. Photochromatic glass would be used in order to protect dark night skies.</li> <li>In conclusion the proposal, due to its design, siting and limited size and scale, would conserve and enhance the historic environment.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03309/FUL  APP/Y9507/W/19/3223613  <b>Committee Refusal</b>	SDNPA - East Hants	Paris House, Frenchmans Road, Petersfield GU32 3AW	66 Assisted living / extra care accommodation with communal facilities and 45 car parking spaces.	<b>D</b>  29 July 2019  <b>PUBLIC INQUIRY</b>
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The main issues were: <ul style="list-style-type: none"> <li>Whether or not there are circumstances that would justify the loss of employment land and its contribution to the supply of employment land within the South Downs National Park.</li> <li>The effect of the proposal on the character and appearance of the area.</li> </ul> </li> </ul> <p><i>This is a lengthy decision, so for the purposes of this report only a summary of the conclusions has been presented.</i></p> <ul style="list-style-type: none"> <li>The proposal would deliver social and economic benefits by providing 66 assisted living/extra care homes. There is no dispute that there is demand for this type of accommodation in the local area. This conclusion is supported by the evidence. However, the Petersfield Neighbourhood Plan already allocates two sites for housing for an ageing population. One has planning permission for 70 units. The other is allocated for 40 properties and is currently the subject of ongoing pre-application advice. While this would make inroads into the alleged current shortfall, there would still be an outstanding current shortfall as well as likely increased demand in the future.</li> <li>It is also agreed that there are social benefits associated with living in a retirement community including health and social care savings, and the release of larger houses into the housing market as people downsize into smaller units. The proposal would create 20 FTE jobs. There would also be temporary economic benefits arising from the construction activity required to deliver the development.</li> <li>The proposed planting would, given the existing state of the appeal site and the amount involved, generate a net gain in biodiversity which would be an environmental benefit.</li> <li>However, the Inspector found that the marketing exercise has not been realistic in terms of the guide price for the appeal site. Neither has it been appropriately demonstrated that the site is not fit for purpose or that it is no longer suitable for business use. Moreover, it has not been shown that there was no prospect of new business occupiers being found or that there is no market demand. Therefore the development would undermine the provision of employment land within the town bringing it in conflict with policy.</li> <li>The failure to adopt a fully landscape-led approach has resulted in a development that would be materially harmful to the character and appearance of the area. The Inspector noted that the main driver for the scheme was to create a large centrally located verdant landscaped courtyard which informed the overall layout of the building and is intended to enhance and improve the area. She considered that this seems at odds with the landscape-led approach which would require an analysis of the style and form of existing buildings. She also commented that the definition of landscape should be taken in its widest sense and encompasses townscape. It was not just about the provision of planting. The Inspector was of the view that the appellant has not sufficiently embraced a landscape-led approach to the development as advocated by Policy SD5 of the SDLP and there would, as a consequence, be harm to the scenic beauty of the National Park.</li> </ul>				

<ul style="list-style-type: none"> <li>The Inspector concluded that when all matters are taken into account, the combined benefits of the scheme did not outweigh the harm identified. As such, the proposal does not represent sustainable development and the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05965/FUL  APP/Y9507/W/19/3228068  <b>Committee Overturn</b>	Chichester	Land East of Flint Acre Farm, Bignor Park Road, Bignor RH20 IEZ	Erection of private stable building, associated hard standing and new access including culvert to ditch; change of use of the land from agriculture to use for the keeping of horses	<b>D</b>  2 August 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect of the proposed development upon the character and appearance of the SDNP.</li> <li>The character of the area is predominantly an undeveloped rural landscape, the site makes a positive contribution to this landscape.</li> <li>Although the proposed stable would be positioned behind a relatively dense hedgerow it would still be seen in local views resulting in a contiguous stretch of development along the road, disrupting the sporadic pattern of development seen in the area. The Inspector therefore concluded that the development would cause significant harm to the character and appearance of the SDNP.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
ROW/3181863	SDNPA (East Hants)	Binsted Public Footpath 55 (Part) 2017	Divert part of public footpath 55	<b>Order not confirmed</b> 6 August 2019  <b>Public Inquiry</b>
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The Order was made because it appeared to the SDNPA that it was necessary to authorise the diversion of part of FP55 to enable development to be carried out to create a new barn to be used as a café, farm shop and cycle storage, four timber cabins for tourist accommodation, a new access and parking area (Permission SDNP/16/03835/FUL).</li> <li>The Inspector considered whether it was necessary to make the Order and whether the disadvantages when balanced against the advantages were significant enough to justify refusing the Order.</li> <li>The Inspector accepted that there were advantages in confirming the Order so that the planning permission could be implemented in full. However, it was considered that the disadvantages of the proposed diversion were of such significance that the Order should not be confirmed. In particular, the proposed convoluted alignment of the footpath was more difficult to navigate and would feel artificial to users. There was concern at the effect upon the neighbouring property. Finally, it was felt that although the loss of views may appear minor, it should be borne in mind that the footpath is within a National Park and therefore more weight is given to this matter than might be the case elsewhere.</li> <li>The Inspector considered that the location within a National Park demands a greater level of sympathetic design in relation to features such as rights of way, which has not been met in this case.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/02177/FUL  APP/Y9507/W/18/3211903	Winchester	Highcroft, Love Lane, Twyford, Hampshire SO21 1FB	Extensions and alterations to existing property and construction of one custom/self-build dwelling adjacent.	<b>D</b>  9 August 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were: <ul style="list-style-type: none"> <li>Whether the principle of the development is acceptable, given its location outside of any defined settlement boundary.</li> <li>The effect of the development on the character and appearance of the area.</li> </ul> </li> <li>The site contains a single detached dwelling in a spacious curtilage. The site is near Twyford, but outside of its settlement boundary. There are other dwellings adjacent to the site, although this is primarily a rural location.</li> <li>The proposed new dwelling would therefore not appropriately contribute to the growth of Twyford, as it is physically separate from the edge of the village. Instead, the new dwelling would add to a group of sporadic dwellings in the countryside. The proposal would therefore conflict with Policy SD25.</li> <li>The extended and altered existing dwelling and the proposed new dwelling would be visually different in terms of style and scale, both would be large dwellings. In this area there is a mix of dwelling types and designs with no clear uniformity. The bespoke and differing designs of the two houses at this site would therefore be appropriate in this context.</li> <li>Policy SD31 requires that extensions to existing dwellings do not exceed 30% over their size in 2002. This purpose of this policy is to avoid the over-extension of existing dwellings which could otherwise have an adverse impact on the character and appearance of the area. The extended house would be substantially more than 30% larger in floor-area than the existing dwelling. If the property is substandard, improvements to the existing dwelling could be achieved without such a sizable level of extension. The Inspector also recognises that there may be a need for some 'larger' homes but was not convinced they need to be of the size proposed to meet this demand. The resultant size would be substantially larger than existing to an extent that it would be more intrusive in the rural setting and therefore would not accord with this adopted policy.</li> <li>The proposed large new dwelling within the site would draw further attention to the overall development and its visual impact within this countryside setting. This would significantly increase the mass of building on the site and reduce the spaciousness of the plot considerably.</li> <li>The Inspector was not convinced that the mature trees that surround much of the site would sufficiently mitigate the visual impact of this scale of development in perpetuity and therefore dismissed the appeal.</li> </ul> <b>Costs Decision: Refused</b> <ul style="list-style-type: none"> <li>The applicant had suggested there was an over-reliance on the Design Review Panel. The Inspector concluded that it was for the Authority to consider the weight they attribute to such comments. Although the Inspector found the design approach to be appropriate, the Authority clearly states the policies of the Development Plan that they considered the proposal would conflict with. This reason has been adequately substantiated by the Authority.</li> </ul>				

- In terms of the landscape impact, it is clear that the Authority did consider the landscape impact of the development and the effect of the trees around the perimeter of the site. It is for the Authority to consider the submitted evidence, they do not have to agree with it. No unreasonable behaviour was demonstrated and the application for costs was refused.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04018/FUL  APP/Y9507/W/19/3223628	SDNPA - Winchester	Land to the East of 140 Alresford Road, Itchen Stoke, Alresford SO24 0QZ	Erection of 2 x four-bedroom detached dwellings and 2 x three-bedroom semi-detached dwellings,	<b>D</b>  13 August 2019

**Inspector's Reasoning**

- The main issues were:
  - whether the proposal would accord with development plan policies having regard to the approach to growth
  - whether the site makes appropriate provision for affordable housing
  - the effect on the character and appearance of the area including whether the development would preserve or enhance the Itchen Stoke Conservation Area (CA)
- The site is located some distance from any identified settlement boundary and there are no local facilities/amenities close by. Whilst a local bus service passes the site, there is no information on the frequency. Residents would have limited options other than to rely on the private car for their daily needs. There are no exceptional circumstances set out and therefore the location is inappropriate for the development proposed.
- The provision of 1 affordable home does not overcome the locational issues. It is not a rural exception site.
- The site is located within the Itchen Stoke CA. The settlement comprises some frontage development and a number of groups of houses arranged in clusters or along short informal tracks and private roads. Generally, development is made up of traditional cottages including several thatched buildings including those either side of the appeal site. Many of the dwellings are set back from the road accessed off private paths and tracks. These features contribute to a distinctly rural character. There are a significant number of gaps between buildings including small orchards, gardens and other green spaces including the appeal site. These spaces contribute significantly to the informal character of the CA.
- Development of this land for four dwellings would be prominent and obtrusive in the CA and from the PROW. It would represent a significant and detrimental effect on the rural characteristics of the site. Development would consolidate the built form between two groups of dwellings. It would be an unwelcome physical intrusion.
- The contribution to the local housing supply would be modest and whilst the provision of a unit of affordable housing is also a benefit these are insufficient to outweigh the harm.

Planning Application No	Authority	Site	Appeal against Enforcement Notice	Decision
<p>Appeal A Ref : APP/Y9507/C/18/3201898</p> <p>Appeal B Ref : APP/Y9507/C/18/3201899</p> <p>Appeal C Ref : APP/Y9507/C/18/3201901</p> <p>Appeal D Ref : APP/Y9507/C/18/3201902</p> <p>Appeal E Ref : APP/Y9507/W/18/3201402</p>	East Hants	Lords, School Lane, Sheet, Petersfield, GU32 2AS	<p>Change of use of land to residential garden, retention of swimming pool and timber decking</p> <p>Appeal against 2 Enforcement Notices - change of use of the Land to domestic garden; the erection of a swimming pool and decking.</p>	<p><b>D</b></p> <p>13 August 2019</p>
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The main issue was the effect of the development on the character and appearance of the surrounding area.</li> <li>The site is close to Sheet, outside the settlement policy boundary and in the countryside. Lords sits opposite a primary school and residential development with fields adjacent.</li> <li>The development the subject of Enforcement Notice 1 (Appeals A and B) is a change of use of agricultural land to residential garden. The development the subject of Enforcement Notice 2 (Appeals C and D) is a swimming pool and decking. Appeal E concerns both the garden and pool.</li> </ul> <p><u>The Garden</u></p> <ul style="list-style-type: none"> <li>The land is part of an agricultural field adjacent to the residential garden of the dwelling known as Lords. It is outside the residential curtilage of the dwelling. It forms part of an agricultural paddock used for the grazing of alpacas, goats and other livestock and surrounds the unauthorised swimming pool and decking. It is bounded by fencing.</li> <li>The Inspector comments that the change of use introduces an alien domestic element into the open landscape in which it sits. The fact that it is not readily visible from the highway does not mitigate this harm to the landscape and scenic beauty of the surrounding area. A landscaping condition would not overcome the harm to the character of the area.</li> </ul> <p><u>Swimming Pool</u></p> <ul style="list-style-type: none"> <li>The swimming pool and timber decking sit in the area of land subject to the unauthorised change of use from agriculture to residential garden. The swimming pool is relatively large in size and is elevated off the ground accessed by timber decking along the southern edge.</li> <li>Its domestic appearance is considered to stand in stark contrast to the scenic beauty of the open countryside of the surrounding area. It does not conserve or enhance the landscape and scenic beauty of its surroundings and fails to make a positive contribution to the character and appearance of the area. It is out of keeping and alien to its setting.</li> <li>A landscaping condition would not overcome the harm to the character of the area, therefore the appeals were dismissed and the Enforcement Notices upheld.</li> </ul>				

<ul style="list-style-type: none"> <li>In conclusion the change of use of land to a garden and erection of swimming pool harms the character and appearance of the area and the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/05638/FUL  APP/Y9507/W/18/3217309	SDNPA	2 Foxhole Cottages, Bedlam Street, Hurstpierpoint BN6 9EL	Change of use from agricultural to residential and retention of greenhouse and shed/workshop building. Retention of, and alteration to, wildlife pond and decked areas.	<b>D</b>  16 August 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were: <ul style="list-style-type: none"> <li>The effect of the proposal on the character and appearance of the SDNP</li> <li>Whether the proposal would preserve the setting of Danny, a Grade I listed building.</li> </ul> </li> <li>The appeal site is located in an area of open countryside at the foot of the steep scarp slope of the South Downs, where built development is sporadic and generally limited to a small number of dwellings and farms. The site is adjacent to a small cluster of buildings but is otherwise surrounded by farmland and woodland, and the character of the area is rural. A public right of way runs adjacent to the site, connecting with the wider public rights of way network in the area and providing access to Wolstonbury Hill.</li> <li>The works that have been carried out on the site have resulted in a change in its appearance, with a proliferation of structures and features which are clearly domestic in nature. As a result, the site now has a suburban appearance. This scatter of development is in a manner that is not typical of the surrounding landscape, and significantly detracts from its character and natural beauty. This is readily apparent in views from close to the site and from the wider area, including in views from Wolstonbury Hill.</li> <li>Residential use of the site has the potential to introduce domestic paraphernalia. The result would be a harmful visual effect that would further detract from the landscape character of the area.</li> <li>The more domestic current appearance of the site has eroded its open and deeply rural character. As a result, it detracts from the setting of the listed building, and this is particularly apparent in the key view from Wolstonbury Hill, resulting in some, limited harm to the special interest of the listed building. The proposal would not preserve the setting of the property called Danny.</li> <li>The small scale ecological enhancements do not outweigh the harm identified and the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05913/HOUS  APP/Y9057/W/19/3225234	East Hants	Danesfield The Street Upper Farrington Alton Hampshire, GU34 3DT	Two storey rear extension and new attached garage and carport to the side following demolition of existing garage and previous extensions.	<b>A</b>  16 August 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were:</li> </ul>				

- Effect on the character and appearance of the area including the Upper Farringdon Conservation Area.
- Effect on the living conditions of occupiers of adjoining properties.
- The site lies in the Upper Farringdon CA.
- Policy SD31 allows extensions to existing properties provided that the floorspace does not increase by more than approximately 30%. The Authority were unable to ascertain the footprint of the dwelling in 2002 (the date to which the policy refers). The Inspector considers, after being on site, that the existing extensions were pre-2002. Therefore the extension would not be counter to this policy.
- The Authority acknowledge that the design would improve the appearance of the main building but take issue with the bulk of the proposal and the detail of the Dutch hip on the garage.
- The Inspector comments that the ridge and eaves of the extension would be lower than the host property and would be positioned away from the boundary of the site. Despite its depth the extension would occupy the same footprint as the existing extension which is several metres from the boundary with the neighbouring property. In this context and given the position within a substantially sized garden the Inspector considered that it would not appear unduly large in comparison to the house.
- The distance between the proposal and the adjacent properties is substantial or extensive screening and planting already exists. Whilst the structure would be visible from upper windows of adjoining properties the distance across the gardens would be sufficient to ensure no unacceptably adverse effect on the occupants of that property. The appeal was allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06183/FUL APP/Y9507/W/19/3222264	East Hants	Garden Hill, Ashford Lane, Steep, Petersfield GU32 1AD	Demolition of an existing dwelling, garage and garden room, and erection of replacement dwelling	<b>A</b> 19 August 2019

#### Inspector's Reasoning

- The main issues were:
  - Whether the demolition of Garden Hill as a non-designated heritage asset would be harmful to the cultural heritage of the SDNP.
  - If harm would arise from its loss, whether this would be outweighed by other considerations.
- The Authority is entitled to consider that the building is a non-designated heritage asset whether or not it is formally designated. The proposal involves the complete demolition of the existing building and so would involve the total loss of a non-designated heritage
- Historic England were requested to consider listing the property due to its importance to the Arts and Crafts Movement, the prominence of both the architect and garden designers locally and nationally and the link between the garden and the dwelling. However, they concluded that the criteria for listing was not met. They felt that the building had been too altered externally to be seen as a good survival of a domestic building of the period and internally the original plan had been diluted by various phases of alteration and extension and the original fittings do not survive well. Despite it being considered of insufficient quality and interest to be statutorily listed by Historic England, the building remains of interest to the SDNP as a non-designated heritage asset. The Inspector agreed that the building was in poor physical condition both externally and internally and felt that there was not a compelling argument to warrant its retention.
- The new dwelling would take architectural references from the historical aspects of the existing building. The appeal was therefore allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01956/APNB  APP/Y9507/W/18/3211039  And  SDNP/18/00149/FUL  APP/Y9507/W/18/3213144	Chichester	Fitzleroi Farm, Fitzleroi Lane, Fittleworth RH20 1JN	Grain and straw storage building.	<b>A</b>  20 August 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was the effect on the character and appearance of the SDNP.</li> <li>The proposal is for a steel portal framed building with shallow pitched roof, up to 9.8m in height. It would be sited immediately south of the cluster of buildings associated with Fitzleroi Farm.</li> <li>In terms of design and external appearance, the new building would be similar to the extant grain store. This consistency would enable the new building to assimilate with the modern agricultural buildings at the farm.</li> <li>Other buildings within the complex are unsuitable and are in use.</li> <li>The group of buildings the proposal would form part of are established features of the landscape. The new building would encroach further south onto a field. However, part of this field is used for the storage of farm machinery and vehicles, and in localised views appears as an extension of the farm operations, as opposed to contributing to the quality of the wider landscape. In other views the building would be seen against a backdrop of the existing farm buildings. The Inspector concluded that the proposed development would not harm the character and appearance of the SDNP and allowed the appeal.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04592/FUL  APP/Y9507/W/18/3219308	Winchester	Pump House, Lippen Lane, Warnford, Hampshire SO32 3LB	Construction of a dwelling following demolition of the existing building	<b>A</b>  21 August 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were: <ul style="list-style-type: none"> <li>Whether the principle of siting the dwelling in this location is appropriate in principle;</li> <li>The effect on the character and appearance of the area.</li> </ul> </li> <li>The plot is between existing houses in Warnford. The plot includes an old small pump house building.</li> <li>The village does not have a designated settlement boundary, the Local Plan states that only in certain exceptional circumstances should development outside of these designated boundaries be allowed. Policy SD25 does allow for "appropriate use of a previously developed site". The policy makes</li> </ul>				

<p>clear this does not include residential gardens, which the site is not. However, there is a small Pump House building on this plot, which would be in the same approximate location as the proposed detached house. The Inspector therefore regarded this as previously developed land.</p> <ul style="list-style-type: none"> <li>• The proposal would provide a new house for the village, which is served by some public transport links. Being in a residential area of the village, rather than in an isolated rural location, the provision of this new dwelling on previously developed land could potentially benefit the social wellbeing of the village community.</li> <li>• Being set in what is effectively an infill plot between existing dwellings, towards the centre of the village, the dwelling as proposed would not have any adverse impacts on the scenic beauty of the National Park</li> <li>• The proposed layout would not be cramped or have an incongruous close visual relationship with adjacent properties and the appeal was allowed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/02107/HOUS  APP/Y9507/D/18/3219432	Lewes	57 Russell Row, Lewes, East Sussex, BN7 2EE	Erection of conservatory	<b>D</b>  23 August 2019
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The main issue was the effect on the character and appearance of the house and street scene.</li> <li>• The proposed conservatory would be a substantial structure which would have the effect of pulling the east elevation of the house substantially forward of the existing building line.</li> <li>• It would be highly visible and would be a prominent feature within the street scene. It would result in the erosion of a landscaped gap between the house and the footpath and would fail to respect the locally distinctive design characteristics, in particular the building line and site layout.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/06109/HOUS  APP/Y9507/W/18/3216274	SDNPA – Mid Sussex	Land east of Church Lane, Pyecombe	Erection of 5 residential dwellings with garages	<b>D</b>  29 August 2019
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The main issue was the effect of the proposed development on the character and appearance of the area</li> <li>• The site forms a small part of a larger allocated housing site.</li> <li>• There are some variations in housing density across Pyecombe. However, in the vicinity of the site, dwellings are in a linear arrangement, set behind deep frontages with extensive rear gardens. Similarly, dwellings to the north of the site are located in spacious plots. The character is spacious and verdant and positively contributes to the quality of the settlement where the landscaping dominates the built development.</li> <li>• The proposed development would result in the introduction of an intensive urban form within the site. Although, perimeter landscaping is to be retained and additional planting is proposed, the landscaping between the new properties would be limited. The proposed arrangement would appear contrived and of poor design that would not reflect the established pattern of development.</li> </ul>				

<ul style="list-style-type: none"> <li>The Inspector concludes that despite the support the Government attaches to delivering new housing on small sites, given the modest scale of the scheme (5 dwellings) such benefits would be limited and do not outweigh the significant harm I have already identified</li> </ul>				
Appeal Reference	Authority	Site	Description of Development	Decision
SDNP/18/06568/CND  APP/Y9507/W/19/3226195	East Hants	180 Forest Road, Liss GU33 7BX	Removal of condition stating that: The building hereby permitted shall be used only for the parking of private motor vehicles and ancillary domestic storage and for no other purpose. No part of the building shall be converted into habitable accommodation or used for any other use thereafter.	<b>A</b>  3 September 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was whether the proposal would result in the building becoming a separate unit of accommodation and its effect on the Wealden Heaths Phase II Special Protection Area (SPA).</li> <li>The building is a detached double garage which has a planning condition preventing habitable use. The appellant seeks to use the building as accommodation ancillary to the main dwelling and has suggested a condition that states that the building shall not be let, sold separately, or severed thereafter.</li> <li>The Authority is concerned that if the building were let, or sold or severed from the main dwelling, it would it not remain ancillary. However, the Inspector noted that if such circumstances arose, and the use is not ancillary to the main dwelling, it would be contrary to the condition.</li> <li>The appellant and the Authority agree that the appellant's proposed wording would not allow the building to be let continuously or for limited periods. This would prevent Holiday Lets, or severing from the main dwelling, and therefore not give rise to additional pressure on the SPA.</li> <li>The Inspector therefore concluded that the appeal should be allowed subject to the condition restricting its use as set out above.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/18/3215295  SDNP/18/02598/FUL	SDNPA - Arun	Gamekeepers Cottage, 221 Burpham Road, Warningcamp BN18 9QZ	Demolition of house and garage and erection of replacement two storey dwelling and detached garage with ancillary studio	<b>D</b>  6 September 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were: <ul style="list-style-type: none"> <li>the effect of the proposed development on the character and appearance of the area with particular regard to any heritage assets</li> <li>safeguarding against the loss of small homes in the NP through replacement by substantially larger homes.</li> </ul> </li> <li>The appeal property is of brick construction with a tiled roof, including clay ridge tiles and a prominent chimney. Extensions are subordinate and any alterations are modest. The building is modern compared to others within the Conservation Area but is reflective of the era it was constructed in. The Inspector considered that the cottage retains the appearance of a traditional pre-1919 dwelling, and as an example of a Norfolk Estate building, it forms part of a wider pattern of historic development that characterises the area. It makes a positive contribution to the experience, setting and significance of the CA. It was also felt that the property can be identified as a non-designated heritage asset.</li> </ul>				

- The replacement dwelling would be in a similar location as the existing one, but with a notable increase in footprint and mass. It would be appreciably larger than the dwelling it would replace. The proposed design would result in a building which is starkly different from the local vernacular. Its scale, form and appearance would appear discordant and dominant and would fail to preserve or enhance the setting of the Conservation Area.
- Policy SD30 requires that generally all new development does not result in a net increase of more than 30%. The scheme would result in a significant net increase in the floorspace, above the 30% threshold, resulting in a substantially larger replacement dwelling. The Inspectors conclusion that the replacement dwelling results in an adverse visual impact on the landscape of the NP was also a key consideration in applying this policy. The proposed development would be contrary to the aim of safeguarding against the loss of smaller homes and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01456/FUL  APP/M1710/W/18/3215345  <i>Hearing</i>	East Hants	Churchers College, Ramshill, Petersfield, Hampshire, GU31 4AS	Extension of existing tennis and netball court footprint with associated ground level changes and retaining wall.	<b>D</b>  11 September 2019

#### Inspector's Reasoning

- The main issue was the effect of the proposed development on the living conditions of the adjoining occupiers at No 9 Churchfield Road.
- No 9 shares a boundary with the appeal site and has a number of side windows and a first-floor roof terrace that have an outlook over the Churchers College playing fields. Along the site boundary of No 9 is a wall topped by a fence that is just marginally higher than the cill height relating to the ground floor kitchen window. The Inspector reports that having visited No 9 there is a clear view from the kitchen's side window toward the playing fields.
- The land immediately south falls away and therefore the proposal involves raising the land level to create the finished ground level of the playing courts. The raising of the land level and erection of a 3m high fence would, in combination, create a development of significant height that would be clearly visible in the direct outlook from the kitchen of No 9. The proposals would be extremely dominant. The kitchen is a habitable room in which occupiers are likely to spend a reasonable amount of time.
- The use of landscaping to mitigate the impact would result in an oppressive feature in the outlook from the kitchen and would have a dominating and overbearing effect on the living conditions of No 9.
- The appellant argues that the NPPF indicates that, amongst other matters, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. However, the Inspector comments that this does not enable the College to negate the requirement to consider proposed developments within the present circumstances of the site and in relation to current development plan policies. The Inspector therefore dismissed the appeal given the harm identified.

#### Costs Decision: Refused

- The Officer's report made reference to incorrect perimeter fence heights; however, despite the error the Authority maintained its view that the development would be overbearing and visually dominant. The Inspector noted that this error was not fundamental in the determination of the planning application.

- The Inspector did not consider that the error in the Officers report relating to perimeter fence heights fundamentally flawed the Authority's consideration, leading it to an unsound decision.
- The delay in determining the application is unfortunate but did not amount to unreasonable behaviour.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06445/FUL  APP/Y9507/W/19/3226778	Horsham	Greenacres Farm Washington Road Storrington RH20 4AF	Demolition of existing outbuildings and erection of a two bedroom bungalow	<b>D</b>  12 September 2019

#### Inspector's Reasoning

- The main issues were:
  - Whether or not the proposal would constitute a locationally acceptable and sustainable form of development.
  - The effect of the proposal on the character and appearance of the area.
  - Whether or not the proposal would be capable of providing environmental mitigation and adaptation measures.
- The appeal site is around 1 mile from local facilities and services in the centre of Storrington. It is outside of any settlement boundary and within the countryside. It adjoins several properties but on three sides it is open countryside.
- Policy SD25 sets out several circumstances when, exceptionally, development will be permitted outside of settlement boundaries. The proposal would not meet the criteria which relate to site allocations and community infrastructure. The proposal would not support the needs of agriculture or any other rural uses of land hence there is not an essential requirement for the proposed dwelling to be in the countryside. The final criteria relates to the re-use of a previously developed site. The appellant contends the proposal would constitute a sustainable form of development and that it would make use of previously developed land.
- A narrow footpath alongside the A283 gives pedestrian access to Storrington. However, it is a busy unlit road with a speed limit of up to 50mph and is not an inviting route for either pedestrians or cyclists. Future occupants would be largely reliant on a private motor vehicle. Therefore there would be negative environmental effects arising from the location of the development in terms of the use of natural resources and the accessibility of local facilities and services.
- There would be some economic gains including jobs during construction and from future occupier's local spending, although these would be on a modest scale.
- Whilst the proposal would add an additional dwelling to the local housing stock, the contribution from one dwelling would be minimal.
- The appellant's argue that the proposed dwelling would be modest in size, sited on previously developed land and would allow complete redevelopment of the former holiday complex. However, the Inspector does not consider that this represents "exceptional circumstances" in the context of Policy SD25.
- In view of the scale and position of the proposed dwelling within the wider development of the site it would not have a detrimental impact upon the local landscape character or be readily visible from public views.
- The proposed development would be capable of providing environmental mitigation and adaptation measures to secure an overall positive ecosystem services benefit. Consequently, the proposal would be capable of according with Policy SD2.

<ul style="list-style-type: none"> <li>The Inspector concluded that whilst the proposal would be acceptable in character, appearance, environmental mitigation and adaptation terms, this would not overcome the harm caused by the development in respect of its conflict with the locational sustainability and accessibility objectives.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/00925/FUL  APP/Y9507/W/19/3221987	East Hants	Red Lion, 3 College Street, Petersfield GU31 4AE	Two-storey hotel building to accommodate 22no. Bedrooms.	<b>D</b>  13 September 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were: <ul style="list-style-type: none"> <li>The effect of the proposed development on the setting of nearby listed buildings and on the character and appearance of the Conservation Area.</li> <li>The effect on living conditions of future guests, with regard to noise and disturbance.</li> <li>The effect on parking.</li> </ul> </li> <li>The appeal site is currently a car park associated with the Red Lion, a Grade II listed public house attached to a Grade II listed Masonic Hall. The site lies within the Conservation Area. The proposal is to remove the car park, replacing it with a hotel building to the rear with gardens, seating and a delivery layby to the front.</li> <li>The Inspector considered that the proposal would introduce a building of poor design at a key point on the entrance to the town. It would harm the setting of the listed buildings as the large, relatively uncompromising elevations and roof of the proposed building would contrast sharply with the varied features of the existing buildings. It would fail to preserve the character or appearance of the Conservation Area.</li> <li>The proposed beer garden lies directly in front of the ground floor windows of six of the proposed hotel bedrooms. The use of the areas in such close proximity would lead to potential noise and disturbance issues, in particular were the hotel use to be separate from the use of the Red Lion. This is recognised by the appellant, who confirmed that their intention was to operate as a single unit and were content to complete a legal undertaking to ensure that this relationship was retained. However, no such legal undertaking has been provided.</li> <li>The proposal would increase the pressure on car parking in the town but nothing suggested that the proposal must provide additional capacity, nor is parking a necessary or expected requirement for those visiting town centre hotels. The Inspector felt that there was sufficient capacity to meet the additional demand of the proposal.</li> <li>The significant economic benefits do not outweigh the harm identified and the appeal was dismissed.</li> </ul> <p><b>Costs Decision : Partial Awards of costs</b></p> <ul style="list-style-type: none"> <li>The Inspector could not conclude that traffic surveys sought in relation to parking requirements were necessary or properly considered as part of the application assessment and the reason for refusal on this matter was unjustified. However, this on its own did not lead to the necessity of the appeal.</li> <li>The Inspector concludes that unreasonable behaviour in relation to the matter was demonstrated resulting in unnecessary or wasted expense for the applicant and therefore a partial award of costs is justified.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03121/FUL APP/Y9507/W/19/3223441	East Hants	71 Station Road, Liss GU33 7AD	Change of Use of Part of Site from Use Class D2 to Use Class D1 (State Registered Nursery).	<b>D</b> 16 September 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issues were: <ul style="list-style-type: none"> <li>Whether the proposed development would be at an unacceptable risk of flooding.</li> <li>The effect of the proposed development on the living conditions of existing neighbouring occupiers with regard to noise disturbance.</li> </ul> </li> <li>The site is in Flood Zone 3 (high level of risk). It appears that the applicants have a good understanding of the issues and have put measures in place, but the Inspector felt that without a sufficiently detailed Flood Risk Assessment it is not possible to ascertain the actual risk and therefore what measures would be reasonable and proportionate to minimise it. Therefore it could not be concluded that the proposal is suitably protected from the effects of flooding.</li> <li>Under some circumstances the type of noise emanating from the nursery could be a source of unacceptable disturbance. However: <ul style="list-style-type: none"> <li>The appeal site, and the residential uses that abut and adjoin, is also in very close proximity to a railway line with regular trains.</li> <li>The station is directly after a level crossing. Due to the regularity of services, the barriers are down often. This creates queuing traffic outside of the premises which is the source of additional noise.</li> <li>The immediate area is not solely a residential one. There are commercial premises close by which attract visitors. Occupiers of nearby dwellings will therefore be used to a degree of activity. The size of the business, and specifically the number of children it can cater for, is constrained by the size of the building which is far from substantial. This suggests a small enterprise which would not produce the level of noise associated with a larger operation or a school.</li> <li>Occupiers of dwellings arranged around Riverside Close are offered some degree of protection due to the distance between their gardens and the appeal premises which includes the river embankments and some extensive landscaping cover.</li> <li>The nursery is intended to operate at day time and not night-time. Acceptable hours of operation could be conditioned.</li> </ul> </li> <li>The Inspector concludes that the change of use would not adversely affect the living conditions of existing neighbours but that does not make up for the shortcomings in relation to the risk of flooding, therefore the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00712/HOUS APP/Y9507/D/19/3230829	Winchester	The Firs, Green Lane, Hambledon PO7 4SX	Two storey rear and single storey side extension	<b>D</b> 18 September 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The main issue was whether or not the proposal would lead to the loss of a small to medium sized home.</li> <li>The property is a detached, two storey, three bedroom dwelling located amongst a small cluster of residential properties. The Inspector considered it to be a medium-sized home.</li> <li>A replacement detached double garage with first floor storage space above has been recently constructed at the appeal site.</li> </ul>				

- The Authority calculated that the proposed extension would increase the floorspace of the existing dwelling (excluding any outbuildings) by approximately 89%. When the recently constructed outbuilding is taken out of the calculation, the cumulative impact would result in a 145% increase to the floorspace of the existing dwelling.
- The Inspector comments that even if he was to accept the lower 89% calculation, the proposal would still greatly exceed the approximate 30% limit for extensions to existing dwellings imposed by Policy SD31 and would increase the number of bedrooms at the dwelling from three to five. This would result in the loss of a medium-sized home. No evidence of 'exceptional family needs' has been put forward by the appellant to justify the size of the proposed extension.
- The proposal would result in the loss of a three bedroom home for which there is a need and the appeal was therefore dismissed.