

Report to	<b>Planning Committee</b>
Date	<b>13 February 2020</b>
Title of Report	<b>Summary of appeal decisions received from 19 September 2019 – 27 January 2020</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 4 months there were:
- 53 appeal decisions (some dealt with concurrently), 38 of which were dismissed, 12 were allowed and 3 were partial or split decisions.
  - 7 applications were made by appellants for an award of costs, all were refused. 1 application for costs was made by the SDNPA. It was 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 27 January, 68% of appeals have also been dismissed.
- I.4 No issues of strategic importance have been identified within the consideration of these appeals.

**TIM SLANEY**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Sarah Nelson  
Tel: 01730 819285  
email: [sarah.nelson@southdowns.gov.uk](mailto:sarah.nelson@southdowns.gov.uk)  
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 determined via written representations unless otherwise specified

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

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05031/OUT APP/Y9507/W/19/3221909	East Hants	The Grange, Farnham Road, Liss GU33 6JE	Erection of 5 detached dwellings on land known as Plot 4a.	<b>D</b>  19 September 2019
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>There was no completed legal obligation in respect of affordable housing, despite it being necessary. As affordable housing could not be secured through the use of a condition, the Inspector concluded that the scheme would not meet development plan requirements.</li> <li>The Authority was concerned that the site would under-deliver housing against the number allocated within the Neighbourhood Plan (which was 'about 7'). The Inspector considered it was possible for the two dwelling shortfall to be made up on other sites within the plan period.</li> <li>The development of the site had the potential to constrain future improvements to the access to the Grange which could prejudice the delivery of housing on a further allocated site. The potential resulting loss of 35 dwellings (out of a 150 home target for the village) would result in a significant under delivery when considered alongside the requirements of the development plan.</li> <li>The site is an undeveloped parcel of land accessed via a private driveway leading to the Grange. Some boundary hedging has been removed, but the area remains rural in its character. It is allocated for development and therefore there is an expectation that it will cease to be open and undeveloped. The proposal would ensure that the low density character of the built form is maintained.</li> <li>The Authority was concerned about the effect of a new access on the character and appearance of the area and the development brief for the site stated that it may share an access with the adjoining allocated site. The Inspector considered this was an aspiration of the plan and not sufficiently explicit to make it an absolute requirement and he was satisfied that an appropriate level of visibility could be achieved from the new access. An extant permission for the site had already secured the removal of some hedging to create a visibility splay and he therefore concluded that the scheme would not cause undue harm to the character and appearance of the area. However, this was not sufficient to overcome the lack of affordable housing or the potential impact on an adjoining allocated site and the appeal was dismissed.</li> </ul>				

**Costs Decision: Refused**

- The Authority refused planning permission for reasons of harm to the character and appearance of the area. The Inspector accepts this is a subjective opinion but it is part of the role of the Authority’s planners to undertake.
- The Authority’s evidence on visibility splays was light but clear.
- The reasons for refusal included a lack of sufficient information on the potential effect on the Wealden Heaths Special Protection Area (SPA); it appears that the Authority missed the applicant’s evidence on this matter. However, as early as possible it declared that it had no intention of defending this reason for refusal. The Inspector therefore did not consider extensive additional work was required.
- The Inspector concluded that he had not been able to find any areas in which the Authority’s behaviour had been unreasonable or had led to unnecessary or wasted expense and the application for costs was therefore refused.

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
Appeal A: APP/Y9507/C/18/3213716	SDNPA	Pleasant Rise Farm, Cuckmere Road, Alfriston, Polegate, East Sussex BN26 5TN	Appeal A: A material change of use of the land from agricultural to a mixed use of agriculture and a business camping use.  Appeal B: The erection of a shower /toilet block classed as unauthorised development along with any other associated camping structures.	<b>D</b>  23 September 2019

**Inspector’s Reasoning**

Appeal A

- The main issue was the impact of the use on the character and appearance of the surrounding area.
- The site (known as Pleasant View Camp Site) is popular with walkers and people seeking outdoor pursuits. It is generally bounded by woodland with open rising downland to the west. A large barn is used for equestrian purposes with a range of smaller buildings to the south.
- The area enforced against is within a very attractive natural landscape that adds considerably to the natural beauty of the area. It is in clear public view when using a public right of way.
- The Inspector considered that whilst tourism is encouraged, this is provided that it conserves and enhances natural beauty. The positioning of many tents has resulted in alien and incongruous features in the landscape and caused substantial harm to the natural beauty of the area. The use would not be for the whole year, but when it is occurring the harm is great and significantly affects the experience of the users of the right of way.
- The appellant considers this to be an extension of the existing caravan use, but the Inspector considered that even as an extension the area of camping is considerable and causes substantial harm. The existence of the existing licenced use does not justify further extension.
- Little has been provided to justify the proposal on the grounds of economic diversification and therefore it is not clear if the terms of Local Plan Policy SD40 would be complied with.
- Additional planting and enhancements to the ecology locally would do little to outweigh the harm. It is unlikely to be sufficient to screen the use with vegetation without the screening itself becoming a harmful feature in the relatively open character of the valley.

Appeal B

- The building replaces a previous building on the site. It is proposed to undertake some woodland planting to the front and side that will in time screen it. Bird nesting will be encouraged along with other ecological improvements that can be the subject of conditions.
- The use of the site has been found to be unsuitable for camping and, therefore, while the building is reasonably well designed it is still an alien and obtrusive feature in the countryside and causes harm to the character and appearance of the area. The Inspector did not consider that use for 28 days of the year for camping justified a permanent building and the all year round harm that results.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01138/FUL APP/Y9507/W/18/3214126	Chichester	The Black Fox Inn, Portsmouth Road, Milland, GU30 7JJ	Change of use from Class A4 public house to Class D1 children's nursery and pre-school with associated works.	<b>D</b>  25 September 19 <b>Informal Hearing</b>

**Inspector's Reasoning**

- The Authority did not refuse the development on the grounds of highway safety and the Highway Authority concluded that the development would be acceptable subject to conditions. However, concerns were raised by other parties. The main users of the development would be pre-school children who are particularly vulnerable and have little awareness of traffic. The site is away from the built-up area on a busy road and there is no footpath or cycle route. Staff and children would almost certainly access the facility by car. There is potential that the level of parking available for parents would be insufficient at busy times resulting in vehicles waiting on the road. The road is subject to fast moving traffic and visibility is restricted. There is no designated on street parking. The Inspector did not feel that a Travel Plan would overcome the unacceptable risk resulting from the insufficient parking and the resulting overspill.
- Policy SD43 of the Local Plan makes clear that education is considered a community infrastructure facility, this includes nursery and pre-schools. The policy states that the loss of a community facility will not be permitted unless there is evidence of a marketing campaign that demonstrates that there is no market demand for the existing use or an equivalent community use. The site has been marketed and attracted an offer from an equivalent community use and therefore the requirements of the policy have been met. In coming to this conclusion there is no need to consider whether the existing pub is viable.
- The pub had visitor accommodation (4 rooms). The accommodation is an ancillary element to its primary use as a community building. In these circumstances it was appropriate to regard the premises as a community use, rather than a tourism use which triggers different marketing requirements (when a change of use is proposed). Accordingly, there is no conflict with policy SD23 of the Local Plan, which seeks to prevent the loss of visitor accommodation.
- The location of the premises means that most trips would be by car. However the pub also generates trips and it is likely that it would be no less accessible or sustainable than the existing use.
- There would be no material change in character and appearance of the area arising from a variation in traffic. The site is already alongside a busy road.

- The scheme does bring with it a number of highways improvements, particularly to the area in front of the property, but this is insufficient to overcome the stated concerns relating to safe and suitable access and the appeal was dismissed.

**Costs Decision: Refused**

- The appellant argued that the proposal comprised a change of use to an equivalent community use and therefore there was no conflict with policy. The Authority provided a different interpretation of this policy, arguing that the proposed use was not a community use and insufficient marketing had taken place to justify its loss. Whilst the Inspector made clear that he agreed with the appellant, he felt it was a matter of planning judgement and policy interpretation which the appeal process fundamentally seeks to resolve. The Authority provided adequate justification as to why it took a different approach and, as such, they did not act unreasonably.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00273/FUL APP/Y9507/W/19/3228938	Chichester	Stables to the South of Hesworth Common, Fittleworth, West Sussex	The replacement of existing equestrian buildings with a building to be used for stabling and an associated self-contained unit of holiday accommodation.	<b>D</b> 26 September 2019

**Inspector’s Reasoning**

- The site comprises a gently sloping grassed paddock with a single storey ‘L-shaped’ dilapidated stable block with associated courtyard. Access to the site is via an unmade track through a deep strip of trees and vegetation. The majority of the site and stable building are screened from the lane by the vegetation but glimpsed views are possible.
- The area has a highly rural and tranquil quality, dominated by the woodland heath to the north and open landscape towards the south.
- The proposed stables and holiday accommodation would replace the existing stable block on the site. The form and extent of the building would be broadly comparable to that already on the site. The Authority did not object to the impact of the building itself on the landscape.
- The proposal includes a large area for parking and turning. This would introduce a more formal and domestic appearance to the site and result in an encroachment of development into the countryside that would detract from the generally undeveloped and rural appearance of the area.
- The parking of vehicles associated with the holiday let would be more sustained and take place over longer periods than would be the case with the existing use. This would add to the proposal’s intrusion to the landscape.
- The use and activity would be apparent from the lane and be an unwelcome pocket of urbanising development in the countryside. The tranquillity of the area would be unacceptably reduced.
- The site is located outside of any settlement boundary. Access to a bus stop and local services would involve walking along a narrow unlit lane. This, together with the distance involved, would reduce the likelihood of such journeys.
- Facilities at Fittleworth are relatively limited. Guests would need to travel further afield for much of what they need increasing the likelihood of journeys by private motor vehicle. Therefore the site would not provide a suitable location for the proposed development.
- Suggested ecological enhancements would be a benefit of the development, and the replacement building would enable use of more energy efficient materials but this did not outweigh the harm identified and the appeal was dismissed.

**Costs Decision: Refused**

- The applicant felt that the Authority did not engage during the process and that the submitted landscape information was not considered correctly. The Inspector felt it was clear from the report that the Authority had considered the impact on the wider landscape and there is no requirement to consult a Landscape officer. It was unfortunate that there was no further engagement with the applicant during the application process, but given that the Authority's concerns related to the principal of the development, it was unlikely that they would have been able to address concerns being raised. The Inspector concluded that there was no unreasonable behaviour.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06483/FUL APP/Y9507/W/19/3232375	Chichester	Manor Farm, East Marden, Chichester, West Sussex, PO18 9JE	The replacement of former agricultural buildings with 3no. dwellings for tourism use.	<b>D</b> 27 September 2019

**Inspector's Reasoning**

- The site is on the edge of East Marden, largely within the conservation area. It has an unkempt appearance with dilapidated buildings.
- The site contributes positively to the agricultural heritage due to its clear agricultural use and its location adjacent to the original farmhouse. Some of the buildings are likely to be remains of a more historic set of buildings. However, there is a lack of historic analysis that demonstrates the significance of the structures. This undermines the LVIA and the Inspector concluded that proposal would be harmful to the agricultural landscape and the cultural heritage of the SDNP.
- The low density, ad-hoc layout of the proposal would conflict with the prevailing character of the denser historic lay out and more uniform 20<sup>th</sup> Century layouts in the Conservation Area. The layout, parking, turning and landscaping would give a suburban appearance that does not respond to the rural and agricultural context. Its location makes it a prominent site and the proposal would appear incongruous.
- The appellant supplied additional information in order to justify the farm diversification credentials of the proposal. This was accepted by the Inspector, however, he concluded that the identified benefits did not outweigh the harm to the agricultural landscape and cultural heritage.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04145/FUL APP/Y9507/W/19/3229525	Winchester	1 Elm Crescent, Upham, Winchester, Hampshire, SO32 1JG	One new dwelling.	<b>D</b> 3 October 2019

**Inspector's Reasoning**

- The appeal site forms part of the garden belonging to 1 Elm Crescent which is part of a set of 3 pairs of semi-detached dwellings. The houses within the Crescent are of similar form and design.

- The introduction of a single detached dwelling at one end of the pairs of houses would represent a conspicuous intrusion into the ordered layout of the Crescent. Its proposed siting would jar with the clean building line and it would be at odds with the character of the Crescent.
- The proposal would result in a marked loss of the appeal site’s openness and landscape qualities and would significantly change the appearance of this prominent site when viewed from within the site and adjacent land and properties.
- Upham does not have a settlement boundary. The village is treated as being countryside where there is a general presumption against new development. The Inspector found nothing to indicate that the proposal falls within the exceptional circumstances set out in Policy SD25 of the Local Plan and the appeal was dismissed.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/18/05112/FUL  APP/Y9507/W/19/3230084	Chichester	Cowdray Farm Shop and Cafe, A272 Easebourne St to Heath End Lane, Easebourne, GU29 0AJ	Extensions and internal alterations to Cowdray Cafe.	<b>D</b>  10 October 2019

**Inspector’s Reasoning**

- The main issue was the effect on the character and appearance of the host buildings and the setting of nearby heritage assets (Grade I listed Easebourne Priory and Refectory, Grade I listed Parish Church of St Mary, Grade II\* Cowdray House Registered Park and Garden and the Easebourne Conservation Area).
- The appeal buildings appear to be a former estate cottage and barn adjoining a range of former stables which collectively form an open courtyard arrangement. The buildings have been converted to form the café and farm shop.
- The Authority considers that the buildings are Non-Designated Heritage Assets. Although there was limited evidence of any process through which the group of buildings were assessed and registered as such, the Inspector considered that the grouped buildings were associated with a wider historic estate that is of great significance.
- The proposal would extend the former barn and the Inspector considered that this would result in a convoluted arrangement of add-on elements. The extensions would conceal the domestic proportions and features of the former cottage undermining the appreciation of its former use.
- The additional bulk of the extension would also undermine the primacy of the cottage building within its courtyard.
- Given the proximity and visual relationship of the proposal with the Grade I and II\* listed buildings and Registered Park and Garden, it would be an unsympathetic addition within views to and from these assets, thus harming their significance.
- Given the modest scale of the proposal relative to the size of the Conservation Area and its siting, the proposal would not result in more than negligible harm to it. It was also considered not to harm Nos. 2 and 3 Petworth Road (Grade II) or the setting of the gate piers at the courtyard entrance.

- The proposal would increase the number of covers in the café increasing capacity particularly in winter. This may increase turnover and result in the employment of additional staff. The economic benefits of the proposal could be used for the maintenance of a number of heritage assets, albeit that there is no mechanism to suggest that it was intended solely as an ‘enabling’ development.
- The Inspector concluded that the totality of the identified harm would not be outweighed by the benefits of the proposal.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/18/02564/FUL  APP/Y9507/W/19/3229374  <b>Committee Overturn</b>	East Hants	The Queens Hotel, High Street, Selborne, Alton, GU34 3JH	Conversion and alterations of Queens Hotel building and barn to 4 dwellings, including demolition of single storey structures, and the erection of 1 detached dwelling within the grounds, with associated parking and landscaping.	<b>D</b>  11 October 2019 <i>Informal Hearing</i>

**Inspector’s Reasoning**

- During the appeal it was suggested that the premises were converted to office use with the intention of converting the upper floors to residential accommodation, at a time when these types of works could be carried out using permitted development rights. However the Inspector found no evidence that the premises were ever used for that purpose and the appeal was determined on the basis that it involved the conversion of a public house and barn.
- The Queens Hotel provides the only serviced accommodation within the village. The pub closed in 2016 but is still regarded as an important community facility.
- The premises had been marketed for more than 24 months. However there was no supporting trading or accounting information available. All fixtures and fittings as well as a number of internal walls were stripped out in 2016, therefore requiring significant expenditure to bring the premises back into working order. The value of the premises should therefore reflect its current state.
- There were two offers to purchase the freehold but they were declined. It was also noted that different parts of the site were marketed separately, for example the car park was separate to the pub contrary to the requirements of the Local Plan. The price that the property was being marketed at varied considerably.
- The inspector felt that they could not conclude that the premises were no longer viable, simply because the appellant had not been able to sell the site, for a price which does not appear to reflect the condition of the building.
- The Inspector noted that there was another pub nearby, but commented that there was no restriction on the numbers of such premises in any area and that they can cater for different needs and complement each other.
- It was therefore concluded that the scheme would result in the loss of a valued community facility and associated visitor accommodation which would be harmful to the surrounding community. This would not be outweighed by the addition of 5 dwellings.



**Agenda Item 13 Report PC19/20-45 Appendix I**

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/01867/HOUS  APP/Y9507/D/19/3232170	Lewes	27 Newton Road, Lewes, BN7 2SH	The construction of a separate timber framed garden studio [annexe] within the rear garden of the existing dwelling.	<b>D</b>  15 October 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>No. 27 forms half of a pair of two-storey semi-detached houses. The rear garden, which slopes steeply downwards, has extensive trees, shrubs and other foliage and is enclosed along New Road by a wooden boundary fence on top of a low wall. The property is typical of the development in the surrounding area, which is characterised by evenly spaced pairs of semi-detached and rows of terraced houses.</li> <li>The development would lead to the removal of some trees and shrubs but new trees would be planted as part of the proposal and therefore the loss could be off-set in this manner.</li> <li>The proposal would be very visible in local public views from New Road.</li> <li>Taking into account the position, scale, mass and unusual shape of the building, it would visually dominate the vista in local views. It would therefore be conspicuous and incongruous when viewed from the street and upset the overall balance and rhythm of development in the surrounding area.</li> </ul>				
<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/01205/HOUS  APP/Y9507/D/19/3232336	SDNPA	4 Warren Lane, Friston, BN20 0HA	Kitchen and driveway extension.	<b>A</b>  15 October 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The property is a large detached dwelling in a substantial plot.</li> <li>The proposed development when combined with the previous, post December 2002 extension, would result in a floor space increase significantly greater than 60%. Therefore the proposal would technically be in conflict with part of Local Plan Policy SD31.</li> <li>The proposal would be well screened and in the context of the immediate area the dwelling would be no larger than most others in the surrounding area. It would not have an adverse impact on the character and appearance of the area.</li> <li>The proposal is for a kitchen and garage extension, no additional bedrooms are proposed. As it is already a large 4-bed home the proposal would not result in the loss of a small / medium home and there would be no harmful impact on the landscape. The appeal was allowed.</li> </ul>				

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
<p>Appeal A: APP/Y9507/C/19/3226910</p> <p>Appeal B: APP/Y9507/C/18/3217097</p>	SDNPA	The Tote House, The Motor Road, Old Racecourse, Lewes, East Sussex, BN7 1UR	<p>Appeal A: Enforcement against the widening of public bridleway to 2.5m by cutting into the vegetated banks on either side. Use of spoil from the vegetated banks to infill and level-off the bridleway.</p> <p>Appeal B: Enforcement against the creation of a scalped surfaced track.</p>	<p>Appeal A</p> <p style="text-align: center;"><b>A</b></p> <p>Appeal B</p> <p style="text-align: center;"><b>D</b></p> <p>22 October 2019</p>
<p><b>Inspector's Reasoning</b></p> <p><b>Appeal A – allowed – enforcement notice quashed and planning permission granted</b></p> <ul style="list-style-type: none"> <li>• The works to the bridleway are an engineering operation (i.e. operational development) therefore planning permission is required.</li> <li>• However, the bridleway was naturally 'hollowed out' due to weathering, with the arrangement of the track varying. Considerable harmful water erosion has occurred which requires maintenance.</li> <li>• In widening the bridleway, no new materials were imported and levels were achieved by scraping the surface and infilling. No significant change in the level of the track occurred.</li> <li>• The width of track is not unusually wide or out of character with the rest of the track or the surrounding countryside and there was no evidence that biodiversity was affected therefore the appeal succeeded.</li> </ul> <p><b>Appeal B – enforcement notice upheld with period of compliance altered to 4 months</b></p> <ul style="list-style-type: none"> <li>• The track is out of character and causes considerable harm. The benefits do not outweigh the harm caused. The Inspector also noted the very recent decision (March 2019) by another Inspector to dismiss an appeal against the refusal to grant retrospective planning permission for a scheme which included this development.</li> <li>• However, the period of compliance was amended to 4 months.</li> </ul> <p><b>Costs Decision: Partial award of costs awarded to the Authority</b></p> <ul style="list-style-type: none"> <li>• There was some crossover in timing of the issuing of the enforcement notice and the appellant's appeal in relation to the original planning refusal (March 2019).</li> <li>• It was unreasonable that the appellant did not reconsider Appeal B in the light of that previous decision which should have led to its withdrawal. It is therefore clear that the Authority will have been put to additional expense in preparing the case for Appeal B.</li> <li>• Unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated and a partial award of costs was granted to the Authority.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05415/FUL APP/Y9507/W/19/3233714 <b>Committee Decision</b>	Winchester	Land between Alton Road (A32) and Marlands Lane, West Meon, GU32 1AP	Erection of house with access onto Marlands Lane.	<b>D</b> 31 October 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The site lies just outside of the settlement boundary of West Meon.</li> <li>The proposal does not fall within any of the exceptional circumstances set out in Policy SD25.</li> <li>The Inspector notes that the appellant does not think that the settlement boundary is in the correct place. However it is in the recently adopted Local Plan and this forms the basis of planning application decisions.</li> <li>The development would not be readily visible from local views, it would not cause harm to the character and appearance of the area and would not result in a significant encroachment into the countryside.</li> <li>The Inspector commented that in a previous appeal decision it had been noted that the site is in a sustainable location and would not result in the siting of an isolated home. However, none of these matters outweigh the conclusion that the proposal, by virtue of its location outside of the settlement boundary, would be contrary to the policies of the Local Plan and the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05668/FUL APP/Y9507/W/19/3232116	SDNPA	Gosling Croft Business Centre, Long Furlong, Clapham, BN13 3UT	1 detached chalet bungalow.	<b>A</b> 1 November 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The site is used for temporary parking and open storage for existing business units. It is previously developed land.</li> <li>Part of the site is within, and part of the site outside, the 'recognised village envelope' in the Clapham Neighbourhood Development Plan. There is no visual demarcation on site between those parts that are within or outside this policy boundary.</li> <li>The appeal site was well contained due to screening provided by the neighbouring dwelling, business units, trees and vegetation.</li> <li>The Inspector found that whilst part of the appeal site is outside the village envelope it visually and functionally relates more closely to the settlement than the countryside. The land is within the curtilage of existing business units, which are themselves within the village envelope. The proposed dwelling would be viewed as part of a group of buildings and would not visually encroach into the countryside.</li> </ul>				

- The loss of employment land did not comprise a reason for refusal in the Authority’s decision notice. The appeal scheme would not result in the loss of buildings used for employment floorspace, nor would it have an adverse effect on the operations of the existing business units. The current use of the land for open storage and parking could be satisfactorily accommodated elsewhere within the business.
- The Inspector concluded that the proposal would be an appropriate reuse of a previously developed site and would conserve and enhance the special qualities of the National Park.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00107/HOUS APP/Y9507/D/19/3230444	East Hants	Crouch Readons, Rake Road, Liss, Hampshire, GU33 7HE	A single and a two storey rear extension.	<b>D</b> 4 November 2019

**Inspector’s Reasoning**

- The property is a detached two-storey house located in a semi-rural area to the north east of Liss. It sits in a generous plot set back from the road.
- The proposal would represent a 65% increase in the building’s floor area, significantly above the 30% limit set in the Local Plan. However, the appeal property is not a small or medium house and the proposal would not have an impact on the supply of smaller homes.
- However, the Inspector considered that the proposal would fail to complement the proportions of the existing dwelling. The scale and massing would be dominant and not visually subordinate. It therefore would not lead to a significant enhancement to the appearance of the dwelling that would justify exceeding the 30% size limit.
- Finally, an Ecological Impact Assessment was not submitted as part of the planning application and as a result the proposal was contrary to the Development Plan which requires proactive measures to maintain and improve biodiversity in new developments.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04979/FUL APP/Y9507/W/19/3229502	East Hants	25/27 Lavant Street, Petersfield, Hampshire GU32 3EL	An amendment to shopfront to improve disabled access.	<b>D</b> 4 November 2019

**Inspector’s Reasoning**

- The site is located on Lavant Street which is a secondary shopping area and a major connecting route between the town centre and the station. Most public ground floor frontages in Lavant Street are occupied by shops and other commercial property. The site is within the Petersfield Conservation Area (CA).

- The site is the middle of three retail units with a similar traditional shopfront design. The shop door is central with a recessed doorway and symmetrical detailing. This is replicated in the shopfronts of the properties either side. Together these form a visually pleasing group within the street scene.
- The proposal to relocate the central recessed doorway to one side of the shop frontage would unbalance the symmetry of the terrace. It would cause harm to the character and appearance of the CA.
- Whilst disabled access is a priority, from the documents submitted it is unclear how the proposal would improve the current situation for disabled visitors. The provision of disabled access is not a benefit of sufficient magnitude to outweigh the harm identified in this case. The Inspector therefore concluded that the proposal would not preserve or enhance the character and appearance of the Conservation Area.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06032/LIS APP/Y9507/Y/19/3231931	Chichester	Burton Mill, Burton Park Road, Petworth, West Sussex, GU28 0JR	Replacement of all existing windows with new double-glazed units and revised frame design and reveal an obscured window.	<b>D</b> 4 November 2019

**Inspector's Reasoning**

- The main issue was whether the proposed double-glazed windows would preserve the special architectural or historic interest of the Grade II listed mill. The building is a 3 storey mill house dating from 1789.
- The windows are an important element of the historical and architectural character of the building. It still looks like a mill despite the current double-glazed flush-faced 1990s modern windows. However, these do not have listed building consent and are therefore unauthorised. They do not constitute a 'fall-back' despite the fact they have been there for at least 20 years. There is no objection to their removal in principle.
- The design of the proposed double-glazed windows would be inappropriate and necessitate thicker frames and glazing bars than if they were single-glazed. They would reduce the amount of glass per area of frame and would reflect light differently to single glazing. These drawbacks would give the windows a suburban residential appearance at odds with the character and appearance of this building. This would be amplified due to the repeated occurrence across multiple windows.
- The site is next to Burton Mill Pond public car, a well visited site. The Inspector therefore felt that the building should be properly restored to reflect its original historic architectural character and appearance.
- The reduction in CO2 emissions would be very minimal in terms of the overall impact on climate change and the Inspector concluded that the harm to the listed building would not outweigh this benefit.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01154/LIS APP/Y9507/18/3219345	Winchester	Court House, East Street, Hambledon, PO7 4RX	Proposed new internal opening	<b>D</b> 8 November 2019

<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>The site is a large grade II listed building. With 18<sup>th</sup> century origins, it has been extensively extended and altered throughout its history. Its historic fabric and internal layout provide some understanding of the property's history and contribute to its significance as a listed building.</li> <li>The proposed opening up of the wall at ground floor level would result in the loss of historic fabric. By visually linking the ground floor room and the corridor in this part of the house, it would erode the historic plan form and an understanding of the property's history.</li> <li>Whilst the proposed arrangement may provide more usable space and enable adaptation to suit modern living, those matters did not outweigh the harm identified. Recording of the property as it is today would also not overcome the concerns and the appeal was dismissed.</li> </ul>				
<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
Appeal A: SDNP/18/06294/FUL APP/Y9507/W/19/3231521  Appeal B: SDNP/18/06291/LIS APP/Y9507/Y/19/3231524  Appeal C: SDNP/18/06288/FUL APP/Y9507/W/19/3231529  Appeal D: SDNP/18/06287/LIS APP/Y9507/Y/19/3231534	Lewes	The Bull, 2 High Street, Ditchling, East Sussex, BN6 8TA	Appeal A & B: Store to rear of pub, timber construction on brick plinth, shiplap boarding, painted to match building.  Appeal C & D: Seating area to rear of number 1 High Street, 3 No tables with benches, 8 No plant pots, and gravel surfaces to ground.	<b>D</b>  11 November 2019
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>The main issues were the effect of the proposal on the architectural or historic significance of the Grade II Listed Building, the character and appearance of the Ditchling Conservation Area and the effect of the use of the seating area on the living conditions of adjoining residential occupiers.</li> <li>Consent was granted for a rear extension to the property in 2014. It is of contemporary design and has been completed. It has an attractive appearance, not undermining the historic building.</li> <li>The store (which has been built) is of a poor design. It is a solid and substantial building that does not relate well to the historic building or the modern addition. The permitted open-topped bin store that should occupy this location would be lower in height and more obviously ancillary and would not have the same appearance of permanence and hence permanent harm.</li> </ul>				

- The seating area, raised hard surface, seats, tables and plants in containers, were all in position at the time of the site inspection. The area has permission for use as car-parking. This allows parts of the building to be seen albeit obscured on occasion by vehicles. The seating, decking and planting all obscure the building and at the time of the visit were poorly laid out, causing harm to the significance of the listed building and, the Inspector considered, were intrusive within the street scene.
- The use as a seating area also risks noise and disturbance to an adjoining residential property.
- The development therefore was found to cause harm to both a heritage asset and residential amenity and the appeals were dismissed.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/00893/MPO  Appeal A APP/Y9507/Q/19/3228682  Appeal B APP/Y9507/W/19/3219992  <b>Committee Decision</b>	Chichester	The Croft, Bignor Road, Sutton, Pulborough, West Sussex, RH20 IPL	Appeal A: Application to discharge the S.106 Undertaking relating to planning permission SN/11/02662/DOMNP.  Appeal B: A change of use to ancillary residential accommodation, guest accommodation, staff accommodation, holiday let, domestic garaging, stables and/or hobby room.	Appeal A  <b>A</b>  Appeal B  <b>SPLIT</b>  12 November 2019 <b>Informal Hearing</b>

**Inspector's Reasoning**

- At the start of the hearing, the Authority confirmed that it had resolved to discharge the planning obligation and not defend Appeal A. The Inspector agreed to this and therefore Appeal A succeeds.
- The Authority confirmed that the remaining objections were limited to the proposed use of The Stables as guest accommodation, staff accommodation and the holiday let (Appeal B).
- The main issues were whether the proposal would be tantamount to the creation of a new dwelling and the effect upon the amenity of neighbouring residents, in particular any noise disturbance.
- The appeal site lies within the countryside and outside any defined settlement boundary. The Stables is a sizeable building in the curtilage of The Croft. The Croft and The Stables share the same access and the same residential curtilage.
- The appellant argued that they are not seeking permission for a new dwelling and that approval is not being sought to create any separate curtilage, private amenity space or physical separation of The Stables from The Croft. The Authority's case was that circumstances can change, as has already been the case with the appeal building, which was originally permitted as a replacement stable in 2003.
- The Inspector agreed with the Authority that the proposed use of The Stables in association with the residential use of The Croft would not result in any harmful impact or conflict with any local and national planning policies. The Inspector concluded that permission should not therefore be withheld for these uses.

- The Inspector also accepted, notwithstanding that The Croft is a large dwelling, the appellants desire to accommodate some of their guests and members of their family within The Stables when visiting. The Inspector noted that whilst The Stables would be capable of operating as a separate unit, members of the appellants' family and their guests would be likely to use some of the facilities within The Croft for relaxing and main meals. The Inspector concluded that to prevent/deter the appeal building from being used as a separate dwelling, a condition restricting the duration of any visitor/family members staying within The Stables to 90 days would be necessary and reasonable.
- In terms of using The Stables as a 'granny annexe', the Inspector stated that in the absence of details regarding any dependent relative and a failure to adequately demonstrate the functional and physical dependency on The Croft, he shared the concerns of the Authority, that the proposal would be odds with the Local Plan.
- The Inspector found no evidence to demonstrate that there was an essential or proven need for any staff to reside on site or be employed at The Croft. There was also nothing to demonstrate that The Stables would help address the likely shortfall in the supply of affordable housing within the National Park or assist in meeting local housing needs. In the absence of such details there was considerable risk that The Stables would be tantamount to a new dwelling and erode/unacceptably harm the character of this part of the National Park. The Inspector also stated that restricting the use via a planning condition, would make it very difficult for the Authority to refuse permission for any future application to remove such a condition.
- On the issue of tourism accommodation, the Inspector highlighted that this type of accommodation functions in a different way and takes on a different character to that of a new dwelling. Subject to imposing a condition restricting maximum duration by individual holiday makers, the Inspector concluded that a holiday use would not harm the special qualities of the National Park.
- In concluding, the Inspector stated that the proposed use of The Stables as staff accommodation or as annexe would be tantamount to the creation of a new dwelling, which would result in unacceptable harm which is not outweighed by the limited benefits such a proposal would offer. In contrast the other uses proposed would accord with development plan policies. In addition, the proposed acceptable uses would not result in any harmful effect upon the amenity or living conditions of neighbouring residents. Therefore, the Inspector issued a split decision.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03705/FUL APP/Y9507/W/19/3232162	East Hants	Bryn Gardens, Rake Road, Liss, GU33 7HB	Demolition of existing B1(a) office and adjoining buildings and erection of a single storey detached dwelling and associated landscaping works.	<b>D</b> 14 November 2019

**Inspector's Reasoning**

- The main issue was the loss of employment floorspace and the location of the proposed development in relation to Liss.
- The Local Plan safeguards employment sites that are fit for purpose. The policy requires a robust marketing campaign of at least 12 months to demonstrate that there is no market demand for the business premises.
- The Inspector considered the business premises to be small but also noted that the National Park's economic base is focussed on small businesses.
- The buildings are underutilised and in a poor state of repair but limited evidence was submitted to demonstrate that the site was no longer required or would be unlikely to be redeveloped or re-used for employment purposes.



- The Inspector noted that there was an apparent abundance of commercial office premises available within the local area but that was not, in his view, a reason for not marketing the premises for at least 12 months. Without such a marketing campaign, and in the absence of any other compelling evidence, the Inspector determined that the loss of employment land was not justified and was contrary to development plan policy.
- The site is outside the settlement boundary of Liss. The Inspector found no exceptional circumstances to deviate from development plan policy that restricts development in these locations and noted that the proposal would introduce a domestic form of development into a rural location, at odds with the character of the countryside.
- The Inspector considered that walking to Liss from the site would not be a safe or attractive prospect and, as there was no public transport, future occupiers would have limited options other than to rely on a private vehicles, a factor which significantly limits the accessibility of the site.
- The Inspector concluded that the site was contrary to the development plan in that it resulted in the loss of employment and the development of housing outside of a settlement boundary. The appeal was dismissed.

**Costs Decision: Refused**

- The applicants considered the Authority had acted unreasonably in failing to demonstrate the necessary interpretation and application of planning policy, or to have regard to specific material considerations relevant to the application.
- The Inspector noted that the Authority’s decision notice was complete, precise, specific and relevant to the proposal. The officer report explained the concerns and demonstrated the necessary interpretation and application of planning policy. Consideration had been given to the specific material considerations and the applicant was not put to unnecessary or wasted expense. The application for costs was therefore refused.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/02293/HOUS  APP/Y9507/D/19/3233437	Lewes	73 Western Road Lewes BN7 IRS	Replacement of existing timber frame windows with UPVC casement windows	<b>D</b>  14 November 2019

**Inspector’s Reasoning**

- Western Road is the main approach to the centre of Lewes. It is lined by terraced housing. No 73 is one of a terrace of four historic properties. It is not listed but it is within a Conservation Area.
- The use of uPVC was found to detract from the character and appearance of the area. The other three properties in the terrace have wooden framed windows.
- Even if the windows were ‘slim and elegantly proportioned’ this would not be sufficient to overcome the fact that uPVC is a non-traditional material for historic buildings and its use would fail to preserve or enhance the character and appearance of the Conservation Area. Accordingly, the Inspector dismissed the appeal.

**Agenda Item 13 Report PC19/20-45 Appendix I**

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Enforcement Appeal</b>	<b>Decision</b>
SDNP/17/03623/FUL  Appeal A: APP/Y9507/C/18/3199595  Appeal B: APP/Y9507/W/18/3194790  <b>Committee Overturn</b>	Chichester SDNPA	Laundry Cottage, Dangstein, Rogate, Petersfield, West Sussex, GU31 5BZ	Appeal A: Enforcement against a change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products.  Appeal B: The continued use of land for forestry and woodland management, and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities.	Appeal A  <b>D</b>  18 November 2019 Appeal B  <b>A</b>  18 November 2019 <b>Public Inquiry</b>
<b>Inspector's Reasoning</b>				
<p><b>Appeal A</b></p> <ul style="list-style-type: none"> <li>The appellant argued that the production of timber products was ancillary to lawful forestry use of the land. The Inspector commented that the key issue was the degree of 'processing' and whether the production is genuinely incidental/ancillary, or does it amount to a separate activity.</li> <li>The Inspector acknowledged that the cutting of logs of various sizes, turning some into planks and strip some of their bark, is ancillary. As is the creation of some products that involve minimal extra work, such a fence posts, bean poles, pea sticks etc because of the minimal amount of 'processing'.</li> <li>The Inspector stated that the creation of a fully finished bus shelter is a manufacturing process and making bus shelters is not consequential on forestry. The yard also produces pre-cut timber to make wooden framed buildings to order. The timber is cut to length and jointed in the yard, by laying out each frame on a framing bed. The frames are then disassembled and taken to their final site and erected. This involves considerable added value and goes beyond processing of timber but is the creation of a product. It would not seem to be ancillary to forestry, but a separate and potentially commercial process.</li> <li>The Inspector also stated that other activities such as the making of a bench, table and fencing, fall into a grey area between ancillary and not. Had these been the only examples of product making then the Inspector would have concluded they were de minimis, and probably quite typical of any managed woodland. But taken along with the framing and bus shelters, it adds up to a low level creation of timber products that go beyond what is ancillary to the lawful forestry activities. Therefore, the appeal fails.</li> </ul>				

## Appeal B

### Inspector's reasoning

- The appeal essentially seeks to bring together the disparate elements of the activities that have already taken place at the site. The Inspector noted that on their own the various events (forest school, residential course, evening event, campers and archery) do not cause difficulties but that it is the cumulative effects that are of concern.
- Therefore, the main issues were:
  - Has the proposal been informed by the landscape character, would it actively harm the landscape and would the experiential and amenity qualities of the landscape be undermined (including neighbouring amenity).
  - Whether the proposal would conserve or enhance the relative tranquillity of the site with particular regard to the direct visual and aural impacts and indirect impacts on areas remote from the appeal site.
- The site comprises 11 ha of wood and heathland. It is bounded by Dangstein Lane to the north. To the east is the drive to Garden cottage and beyond that Dangstein House. To the south is open farmland and Home Farm and livery, with a number of small commercial units in the farmyard. Fynings Lane serves the hamlet of Terwick Common. Another small lane leads to several houses in the woods to the southwest of the site, as well as a builder's yard which is visible from the timber yard access track.
- The Inspector noted that this is not an isolated site but sits in a wider landscape that seemed to be typical of much of this area where houses and small scale businesses are scattered through the woods and fields.
- It is proposed to move the car park further into the site, away from Garden cottage. The camp kitchen and toilets will be replaced by a purpose built wooden community hut, which will also provide storage and shelter for the archers, along with compost toilets. The central heathland area will thus become the focus for a number of activities, and four wooden overnight shelters will be constructed along its northern and western margins, while four rough camping pitches will be provided in a stand of trees to the south.
- The activities proposed have differing levels of use including some weekends and evenings. It is also intended to hold an annual overnight festival.
- The primary concerns of the Authority were the vagueness of the proposals, lack of Landscape and Ecological Management Plan and that none of the suggested limitation / conditions suggested by the appellant were enforceable.
- The Inspector concluded that conditions would not be impossibly onerous to enforce and such conditions were not unusual. In addition, the temporary 3 year permission proposed would enable the ability or otherwise of the conditions to be enforced to be assessed.
- On the proposed uses / activities, the Inspector concluded that the level of activity was not excessive, confined to specific areas and generally the potential traffic generation would be modest. On the evening events and 'festival' the Inspector concluded that in terms of local amenity issues, the proposals were not excessive. In addition, the tourism element was low key.
- The Inspector also commented that none of the courses or educational activities would overlap and nearly all the activities, except for the camping, are events, meaning that visitors turn up once in the day and leave once. For the vast majority of the time there should be very little disturbance beyond the site. The impact on the character of the landscape in its wider setting would be minimal.
- The Inspector noted that there was no suggestion that any harm would be caused to the woods, the concern was that the level of activity proposed would damage the fragile heathland environment. The Inspector was reassured by the fact that numbers of visitors was proposed to be low and the

appellant’s ecology expert also advised that while the ecosystem of heathland may be fragile this came not from people walking on it, which was to be welcomed, but from invasive species being allowed to get out of control. In addition, the appellant has a heathland management plan and an Ecological Appraisal which sets out how to manage the landscape so that visitors do not harm it. Given the evidence, the Inspector had no reason to consider these were inadequate.

- The Inspector commented that the amenity and experiential qualities of the landscape will be enhanced as many more people will be able to experience the woodland and to learn about it without unacceptably degrading its essential qualities. Also that the National Park strongly encourages the sorts of activities that are proposed here, therefore the proposals are in line with policy SD4.
- On policy SD7 (relative tranquillity), the requirement is to “*conserve and enhance relative tranquillity*”, although the Inspector commented that they thought this must mean “conserve or enhance”, otherwise the “conserve” element would be unnecessary. When looking at the factors in determining the tranquillity scores most would be unaffected by the proposal. The Inspector acknowledged that there might be some downgrading of the tranquillity scores, but the site would seem to have the capacity to absorb much of the potential noise from children or from the residential courses, which should have little impact on the tranquillity outside the site.
- The Inspector stated that much of activity on site was lawful and many of the issues concerning the local residents seem to stem from the management of the woodland, which has required a lot of work to begin to return it to a useful state. The Inspector noted that the management of woodland is something supported by the National Park, as it is both economically and ecologically preferable to allowing non-natural woods to decay. Given that this site is now an actively managed woodland it is inevitable there is going to be more activity and disturbance than there was before. A wood of this size is difficult to manage economically without adding value from other activities. However, with suitable safeguards in place they should not harm local amenity.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03246/LIS  APP/Y9507/Y/19/3226050	SDNPA	Myrtle Cottage, The Street, Wilmington, Polegate, East Sussex, BN26 5SL	1) Construction of a low retaining wall using reclaimed bricks in hydraulic lime mortar and Flemish bond bricks to match those used of the rear and side of the house; 2) Erection of feather-edged fence panels and an oak sleeper retaining ‘wall’ below, to the north-east corner of the garden, for privacy and security.	<b>A</b>  19 November 2019

**Inspector’s Reasoning**

- Myrtle Cottage is a grade II listed building in the Wilmington Conservation Area (WCA).
- The proposal is for the retention of a feather-edged timber fencing above an oak sleeper retaining wall along part of the garden where it adjoins a public footpath (twitten). The proposal also includes the retention of a low brick retaining wall across the width of the garden close to the rear elevation of the cottage.
- The Authority states there are no objections to the low retaining wall.

- The Authority does not consider the fence to be a suitable boundary treatment, with the main objection stemming from the materials, rather than the height or design. The Authority and others say that a flint wall formerly stood on part the side boundary and suggested this should be rebuilt in place of the existing fence.
- The inspector notes the footings of the earlier wall, but does not consider this to be sufficient justification for the recreation of a flint wall. In addition, the inspector notes that the twitten throughout WCA has many examples of close boarded modern timber fences. The boundary treatment is therefore not characterised solely by flint or brick walls.
- On balance, the timber fence and retaining wall would have a neutral effect that would not materially harm the significance of the Grade II listed building and its setting. The appeal was thus allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06143/FUL APP/Y9507/W/19/3233900	Chichester	Fittleworth House, Bedham Road, Fittleworth, Pulborough RH20 IJH	The installation of a freestanding solar array.	<b>D</b> 27 November 2019

**Inspector's Reasoning**

- The proposal is for the installation of freestanding solar panels (three sets of panels 18.3m X 3.3m reaching 2.3m in height) sited in a separate field to the northwest of Fittleworth House.
- The inspector notes that the solar panel array would be situated away from the built development, and run alongside the southern boundary hedgerow. They would be visible from a public footpath.
- The native mixed hedgerow shown to the north does not exist, and would take time to become established and screen the proposal. The Inspector further noted that creating a hedgerow in this location would be at odds with the local field pattern.
- The panels would be rigid geometric features with metal and reflective panels and would appear incongruous in the landscape. They would, the Inspector opined, erode the character of the countryside by extending domestic clutter.
- The PMP, Climate Change Act and NPPF support renewable energy but the Local Plan requires solar energy to be suitably sited with a landscape led approach. In conclusion, the Inspector felt that the development would fail to conserve and enhance the natural beauty of the National Park.

**Agenda Item 13 Report PC19/20-45 Appendix I**

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/01030/FUL  APP/Y9507/W/19/3234546	SDNPA	Land adjacent to the Eight Bells Public House, to the west side of Jevington Road, Jevington, East Sussex BN26 5QB	3 dwellings with access, parking, gardens and landscaping. Restoration and rebuilding of flint faced front wall. Inclusion of biodiversity enhancement meadow area.	<b>D</b>  28 November 2019
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>• The site is between a residential property and the Grade II listed Eight Bells Pub. It is an unkempt parcel of land enclosed by fencing and a flint wall.</li> <li>• The site is located outside of the settlement boundary where development is restricted except in specified circumstances. Jevington has limited facilities and the occupiers of the proposed development would need to travel to access them.</li> <li>• The appellant has commented on the need for housing within the National Park to meet the demand not met by the Development Plan. However, the NPPF indicates that the balance in favour of development in areas that cannot demonstrate an adequate supply of land does not apply in national Parks.</li> <li>• Following refusal, the appellant has suggested that the dwellings would be occupied as Discounted Market Housing. However, such proposals should be informed by evidence on local needs, a site selection process and community engagement. It does not appear that these requirements have been met.</li> <li>• The site is within the Conservation Area (CA). The CA Appraisal indicated that the significance is derived from the linear arrangement of the settlement and the use of traditional materials. The recessed positioning of the building would be at odds with the arrangement of most buildings in the area. The large dormer and amount of glazing, particularly on the front elevation, would contrast with other buildings in the surrounding area and would not be sympathetic to the established character. The scale of the building would also impact on the view of the countryside from Jevington road. Views of the countryside are identified as an important feature of the CA.</li> <li>• The economic benefits from CIL and new homes, and the support for local businesses during construction would not outweigh the harm identified.</li> <li>• Proposed meadow/wildlife enhancements are not finalised and it is not possible to be certain of the extent biodiversity would be enhanced.</li> <li>• In conclusion, the development is not in a suitable location and would be harmful to the character and appearance of the CA.</li> </ul>				
<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/01585/HOUS  APP/Y9507/D/19/3234591	Chichester	Dormer Cottage, Lower Lodge Road, Linchmere GU27 3NG	Two storey rear extension with associated roof works and various alterations and additions, and single storey extension to an outbuilding.	<b>A</b>  3 December 2019
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>• The appeal property is a modest detached cottage positioned within a group of vernacular buildings near St Peter's Church. Historically it was attached to Linchmere House, a larger property located to the south. It is within the Conservation Area.</li> </ul>				

- The Inspector noted that the property’s traditional form makes an attractive and positive contribution to the character and appearance of the Conservation Area. In addition, the Conservation Area Character Appraisal and Management Plan identifies the building as having townscape merit with potential for future local listing.
- The proposal would introduce a centrally positioned two storey extension onto the rear elevation of the cottage. The proposal would also add a small addition to the detached outbuilding known as the Engine House.
- The Inspector stated that as the extension would be located centrally within the rear elevation, it would not be seen in most views. Whilst some glimpses of the side and rear elevations of the property would be possible, the development would be seen in the context of surrounding built form. Furthermore, the use of matching traditional materials would assimilate the development into the group of vernacular buildings.
- In concluding, the Inspector considered the proposed development would not be unduly prominent nor dominate the host dwelling.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Appeal</b>	<b>Decision</b>
SDNP/17/04547/LDE  APP/Y9507/X/18/3213601	Winchester	Lithywood Acres, Green Lane, Hambledon PO7 4SX	Certificate of lawful use or development for use of building as commercial offices (Use Class B1).	<b>D</b>  3 December 2019 <b>Public Inquiry</b>

**Inspector’s Reasoning**

- For lawfulness to have been achieved the use must have occurred continuously for a period of 10 years prior to the date of the application. It does not have to be the 10 years immediately preceding the application, but the use cannot have been subsequently abandoned before the application.
- The appellant noted that since February 2015 the building has been largely vacant and therefore any use after this date would not contribute to the 10 year period.
- The site contains a house and the appeal building. The building had previously been used for goats and commercial engineering. It was in a derelict condition with much of the roof collapsed.
- The appellant indicated that about half of the building had started to be used for offices in 2002 in connection with their businesses.
- In August 2002 an application was made for building regulation approval for works to the building. The description was for use as a study, games and hobbies. It was not indicative of office use.
- The appellant notes that conversion of the building commenced in 2002. At around the same time about half of the building was put to office use on a full time basis. Therefore at this time even if the office use was ‘separate’, half the building remained in a residential use. The Inspector felt that on the balance of probability the business use was incidental to the use of the dwelling at that time. It was also considered that the building would have needed significant attention, even for part to be used for offices.
- At its busiest in 2007 the appellant notes that the company employed over 14 staff, with two or three in the office. Staff numbers diminished by 2012 and since 2015 it has been largely vacant but not abandoned.
- There is no dispute that some office use has occurred at the building but it is the extent of that use that has to be proved by the appellant.

**Agenda Item 13 Report PC19/20-45 Appendix I**

- The appellant started to pay business rates in 2003 and this continues to date. While this is a material consideration, just because business rates are paid does not mean that there has been a material change for planning purposes.
- The evidence the Authority has produced indicates the building conversion was not complete until sometime in 2006 and that at that time the building was only partly used for offices incidental to the house. The information available shows the business to be active in 2006 and declining to 2013. The Inspector felt that the office use claimed may have occurred sometime between 2006 and 2012, but not enough for it to be proven on the balance of probability and in any case it would not enable a continued 10 year use to be demonstrated before 2015. The Authority was therefore correct to refuse to grant a certificate of lawful use of development.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/02602/APNR  APP/Y9507/W/19/3234979	SDNPA	Matterley Farm, Alresford Road, Ovington SO24 0HU	Construction of two farm tracks for agricultural purposes - one on the western margins of farm adjoining Percy Hobbs Roundabout (Track A) and the other to the eastern edge of the farm close to the junction between A272 and Rodfield Lane (Track B).	<b>A</b>  3 December 2019

**Inspector's Reasoning**

- The development involves the formation of one private way and the alteration of another. The prior approval procedures require the local planning Authority to assess the development solely on the basis of siting and means of construction.
- Track A already exists and would be formalised through the construction of a hard surface. It runs along the side of a large field. The outer edge is lined by heavy vegetation separating it from the A31. The vegetation screens the track and field from the A31 and only a short section can be viewed from outside the field.
- The current broad, churned and rutted appearance of the track is not attractive or low key.
- A solid surface would prevent surface churning and lateral spread of the track which would improve its appearance. Therefore no harm would be caused with regard to its siting or construction.
- Track B would be sited in a large field, linking up existing tracks. It would largely follow a field boundary. Views from outside of the field would be limited. Taking into account the seasonal growth of crops, it is unlikely that its siting or construction would appear intrusive or noticeable. It is likely that the surfaces would weather over time and would include gradual colonisation by vegetation.
- It is unlikely that use of the tracks by vehicles would generate additional noticeable noise, particularly when set against background traffic.



**Agenda Item 13 Report PC19/20-45 Appendix I**

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/19/01527/OUT APP/Y9507/W/19/3235383	Horsham	Mount Park, High Tor, Bostal Road, Steyning, BN44 3PD	The erection of one dwelling.	<b>D</b> 5 December 2019
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>• The site is located on the upper slopes of a former chalk pit beyond the settlement of Steyning. It is accessed from a steep track which is also used for a residential caravan site which is in the floor of the former pit.</li> <li>• The dwelling would be on a raised plot of open land at the entrance to the mobile home park in close proximity to another property.</li> <li>• The dwelling is located outside of the settlement boundary but given the proximity of Steyning it is not considered to be an isolated dwelling. It would be accessible to the day to day services and transport in Steyning. It would offer some local employment during construction but it is not linked to the needs of the countryside and there are no exceptional circumstances identified.</li> <li>• The prominent dwelling would be of a very different character and nature to the mobile homes and it would fail to conserve and enhance the landscape and scenic beauty of the National Park; the appeal was therefore dismissed.</li> </ul>				
<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/18/00113/FUL APP/Y9507/W/18/3213402	Chichester	Bignor Park Nursery, Bignor Park Road, Bignor, RH20 1HG	Construction of building for furniture making. Conversion and extension of existing barn to equestrian use. Development of a horse walker and sand school plus temporary stationing of a log cabin (dwelling). Ancillary parking, drainage, PV solar panels and landscape planting.	<b>D</b> 17 December 2019 <i>Informal Hearing</i>
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>• The site is formed of three distinct parts. Two are open fields and their appearance is consistent with the surrounding area; the central element of the site is very different and accommodates a barn, extensive areas of hardstanding and a variety of buildings and structures. A row of trees screens the structures to one side when in leaf, but during winter the views are more open. There is no tree planting to the other side and there are clear views of the barn and white mobile home from Tripp Hill.</li> <li>• The appearance of the wider area is of dispersed settlement, isolated buildings and a pastoral landscape. Notwithstanding the subdivision of plots within the area, the open nature of the fields remain the predominant feature of the landscape.</li> <li>• The Inspector considered that the use of the site should be defined as agricultural with some degree of equestrian use. The site is not classed as previously developed land.</li> <li>• The appellants are committed to removing caravans, mobile homes, storage containers and sheds from the site, which would significantly improve its appearance. The existing barn on the site is fairly prominent in the landscape. Cladding and expanding this building would result in it having a more solid appearance, which would make it more obvious in views from Tripp Hill. However any visual harm would be outweighed by the removal of the</li> </ul>				

caravans which are attached and close to it. Nevertheless, the Inspector considered that this justification would not address the consolidation of built form which would arise from the proposed construction of the joinery workshop and log cabin.

- The position of the furniture making workshop close to the road frontage and its substantial footprint, and the siting of the log cabin between the workshop and the stables would significantly increase the site coverage by buildings to an extent which would be at odds with the character of the area.
- The conversion and extension of the barn, the development of the school and horse walker would not be out of keeping in a rural landscape where horses are a common feature. These are key elements of the equestrian business.
- However there was limited justification for the furniture making business needing to be within Bignor Park Nursery or why it could not be in a less sensitive site. It was acknowledged that the business employed skilled craftsman and apprentices closely linked to the landscape but this was not sufficiently compelling to outweigh the harm. The location of a workshop would also be contrary to the Bury Neighbourhood Plan which restricts small business use on agricultural land.
- The site is outside the settlement boundary and the log cabin would be an isolated home in the countryside. The appellants argued that it was essential for them to be present on site for reasons such as security, but the Inspector was not convinced that this was the only means by which this could be secured.
- The appellant would also like to live on site in order to regularly check horses, turn them out, take to events, tend to them in cases of injury or emergency and during foaling. However the Authority were concerned that there was a lack of clarity in terms of the equestrian business. There was no clear business plan and the Inspector was not able to conclude that the business would be on a sound footing or that it could be sustained. Therefore the Inspector concluded that an essential need for the dwelling had not been demonstrated.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
SDNP/18/03665/HOUS & SDNP/18/03666/LIS  Appeal A: APP/Y9507/W/19/3220200  Appeal B: APP/Y9507/Y/19/3220202	Chichester	Farm Cottage, Barlavington Lane, Sutton, RH20 1PN	Single storey side and rear extensions with minor external conservation repairs.	<b>A</b>  18 December 2019

**Inspector's Reasoning**

- The property is a Grade II listed, early 19th century farm cottage, one storey in height with an attic. It occupies an elevated position and has 3 windows and 3 gable dormers to the front. Its significance lies in its simple timber framed vernacular architecture.
- The property makes an important contribution to the character of the conservation area.
- The proposal would replace an existing extension to the east with a larger, hipped and catslide roofed single storey extension.

- The extension is replacing a relatively modern construction, the loss of which would not be harmful. The height of the replacement would be similar to the existing and it would not affect more of the original gable wall than the existing.
- The extension would project further than the existing one but the exposed extent of the original wall would continue to be legible and when viewed from the front, the original form and detail of the cottage would remain.
- Cutting the extension into rising ground would assist in minimising the bulk. It would appear subservient and modest.
- The proposed materials and details will match the existing and the repairs to other parts of the building would be a positive enhancement.
- The Inspector therefore found that the proposal would preserve the special interest of the listed building. She also concluded that there would be no harm to the natural beauty and cultural heritage of the National Park.

<b>Appeal Reference</b>	<b>Authority</b>	<b>Site</b>	<b>Enforcement Appeal</b>	<b>Decision</b>
Appeal A: APP/Y9507/C/18/3207265  Appeal B: APP/Y9507/C/18/3207254	Chichester	Land at Cowdown Farm, Cowdown Lane, Compton, Chichester, West Sussex , PO18 9NW	Appeal A: The construction of a gable end wall in the west elevation of the building supporting a new first floor within the building.  Appeal B: The change of use of the building to use for the stationing of a caravan for the purposes of human habitation.	Appeal A  <b>A</b> (Partially)  Appeal B  <b>D</b>  03 January 2020

**Inspector’s Reasoning**

Appeal A – Gable Wall

- The gable that is enforced against is an integral part of a much larger structure. The works under construction clearly indicate, on the balance of probability, that the intention of the structure as a whole was to provide a dwellinghouse within the barn.
- Whilst the General Permitted Development Order identifies permitted development for agricultural uses, the Inspector concluded the development has been undertaken for the purposes of a dwellinghouse and there is little information to justify this use in relation to the agricultural unit. It has not been shown to be necessary for the purposes of agriculture and therefore it is not permitted development.
- The cavity gable wall has not been completed for 4 years and is not therefore lawful through the passage of time.
- The Inspector concluded that the dwelling, of which the gable is part, is extremely poorly designed.
- However, the allegation is very specifically relating to the gable wall only and other internal works to the structure are not identified as part of the alleged breach and cannot be enforced against.
- In concluding, the Inspector stated that if development needs to be removed it needs to be included in the allegation. The Authority chose to identify the gable only, so that is what is under consideration in the notice. As the other alterations were not identified, it is not reasonable to require them to be removed.

Appeal B – Caravan

- The Inspector states that the caravan is a small element within a very large agricultural building.
- The appellants argue that the habitable use of the caravan had ceased some time ago. However, the Inspector concluded that it is reasonable that the allegation relates to the stationing of the caravan for the purposes of human habitation, even though the use has now apparently ceased.
- The Inspector concluded that it was reasonable that the caravan and associated paraphernalia should be removed and the appeal failed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01844/HOUS  APP/Y9507/W/19/3237052	East Hants	39 Tilmore Road, Petersfield, GU32 2HJ	Disputed condition in relation to the alterations and extension to roof to create additional bedrooms.	<b>D</b>  07 January 2020

**Inspector's Reasoning**

- The main issue was whether the disputed condition is reasonable with regards to the timescale imposed. The dwelling has been altered to include a substantial dormer extension at the rear which was the subject of enforcement action. Following the dismissal of an appeal, an amended scheme of works was approved.
- The construction of the approved development scheme has since been further delayed.
- The Inspector considered that there was no evidence to demonstrate the need for an extension for 9 months (in order to implement the approved scheme) given that the factors that delayed commencement have been overcome and work has commenced. There was also no evidence that the agreed timescale of 4 months was not appropriate.
- The Inspector concluded that the disputed condition was reasonable and necessary in its current form. The Authority had acted proportionately, having agreed to a substantial period of extension in order to complete the necessary works.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06427/HOUS  APP/Y9507/D/19/3237258	Chichester	Duncton Mill House, Dye House Lane, Duncton, GU28 0LF	New detached domestic garaging/store.	<b>D</b>  08 January 2020

**Inspector's Reasoning**

- The proposed garage would be set away from the existing access drive within a field.
- Proposed rooflights would result in light pollution with no guarantee of occasional use of the building.

- Whilst the proposed development would encroach into the undeveloped, rural setting of the Grade II listed buildings, it would be set further away from the buildings than an extant approval. The proposal would preserve the setting of the listed buildings,
- However, the slight improvement in the visual relationship with the listed buildings would not overcome or justify the more significant harm that would arise to the character and appearance of the landscape by virtue of its location within the field.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05264/FUL  APP/Y9507/W/19/3225616	SDNPA	The Rose Cottage, The Village, Alciston, BN26 6UW	Change of use from public house to single residential dwelling.	<b>D</b>  08 January 2020

**Inspector’s Reasoning**

- The Rose Cottage is a long-established public house, which includes residential accommodation at first floor, with a car park and large garden to the rear. A further 2-storey building containing two self-contained units is located to the rear, and two further outbuildings to the side. The Rose Cottage is a Grade II Listed Building, located in the heart of the Alciston Conservation Area, which draws much of its character from its rural setting and collection of attractive buildings. The appeal property forms part of the historic and cultural heritage of Alciston, and is one of only two community facilities within the village.
- Policy SD43 seeks to resist the loss of community facilities, unless a robust marketing campaign clearly demonstrates that there is no market demand for the existing use, or an equivalent community use. The pub was acquired for £650,000 in March 2016, closed in June 2017 and reopened in March 2018, following refurbishment works. Although the pub is currently closed, it is considered a potential and valued asset to the local community.
- The pub has been marketed since December 2016, firstly at £900,000 and then reduced several times, to offers in the region of £750,000. No evidence was produced to confirm how the marketing price was arrived at, or which demonstrates that the price sought represents a realistic value of the business in the current market.
- SDNPA commissioned Bruton Knowles to assess the viability of the property as a pub, and to confirm whether the asking price was realistic. The conclusion reached, which the Inspector accepted, was that the premises remained ‘borderline’ viable in its current state and capable of receiving a reasonable return. The closure of the pub is affecting its value, which is currently noticeably lower than the purchase price.
- The appeal property’s contribution to the conservation area would be diminished as a result of the proposed change of use. It would also have an adverse effect on how the conservation area would be experienced. The enjoyment of the listed building would be lost to a large extent, as it would no longer be a publicly accessible building.
- Whilst the pub market generally is a difficult one in which to operate, the Inspector was not convinced that the property had been subject to a robust marketing exercise, which clearly demonstrated there was no market demand for the existing use or equivalent community use. Despite the provision of serviced accommodation, the proposal would result in the loss of a valued community facility, which also represented a key tourism asset.

- Whilst the proposal would bring back into use parts of the building that are currently vacant, and also remove some outbuildings and extraction equipment, the limited benefits resulting from the proposal did not outweigh the harm.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02082/FUL APP/Y9507/W/19/3238228		Land north of Pound Farm, Gracious Street, Selborne, Alton GU34 3JG	Replacement Stables and Sand School	<b>A</b> 08 January 2020

**Inspector’s Reasoning**

- The site is several hundred metres from the settlement boundary and a Conservation Area. It sits within a patchwork of irregular fields demarcated by established hedgerows. It is, topographically, relatively low and not prominent in surrounding views and vistas.
- The proposal would replace an existing stable block of a similar size. A store would also be added. The Inspector considered that these would have no appreciable effect. The scale proposed is intended to be sufficient to enable competitive practice and the Inspector considered that a condition requiring only private use could be imposed.
- The main area of concern related to the scale and landscape impact of the proposed arena. The proposal would alter an essentially natural site and introduce a substantial geometric form composed of imported materials. A level area would need to be created by cutting into the changeable topography which would limited its visual impact.
- Equestrian activities are part of the character of the National Park and the site is already used for such purposes.
- The proposal would probably result in greater use of the site, but not an increase in the number of horses of intensity or activities as it would remain solely for personal use.
- The site does not fall within an area designated for its wildlife value and the mitigation proposed is likely to lead to biodiversity enhancements.
- The nearest properties are 125m away. No external lighting is proposed and the sand school will not be enclosed by fencing making it barely perceptible in the landscape; the appeal was therefore approved.

**Costs: Refused**

- The appellant argues that the Authority failed to engage positively and in a timely manner. The application was not determined in the statutory period and there was disagreement between the parties relating to meetings arranged and deadlines (informal) being met.
- There is informal correspondence from the Authority which sets out that they were unsupportive of the scheme and the appellant would therefore have been aware of this. The NPPF requirement to work positively and creatively does not mean that all development can be rendered acceptable.
- That the Authority did not agree with the external landscape advice is acceptable as effects in respect of character and appearance are a matter of judgement.
- The Inspector concluded that it had not been demonstrated that there was unreasonable behaviour resulting in unnecessary or wasted expense.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/19/3237331 SDNP/18/03306/FUL  <b>Committee Overturn</b>	Lewes	Holdings Farm, The Street, Kingston, BN7 3NT	2 bedroom dwelling	<b>D</b>  14 January 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The appeal site is located on the south-east side of The Street. The Street forms the historic core of Kingston and is predominantly lined with dwellings and other buildings of varying ages and designs, many of which are historic and listed. The Street is within the Kingston Conservation Area.</li> <li>• The appeal site is an existing garden, largely laid to lawn but with vegetation to the front boundary. The proposal is for a 2-bedroom detached dwelling, to be located approximately 2m from one side boundary of the site and 1.3m from the other.</li> <li>• The Inspector noted that the Kingston Conservation Area Character Appraisal states a presumption in favour of retaining existing gardens and green open spaces, particularly those which contribute positively to the character of the Conservation Area. The Inspector noted that the site does make a modest positive contribution to the character and appearance of the Conservation Area.</li> <li>• Although there are some properties on smaller plots, the proposed development would be out of character with the prevailing pattern of development within the Conservation Area. Furthermore, this harm would be compounded by the reduction in the spaciousness of the existing plot of Holdings Farm that would result from the proposed development.</li> <li>• In terms of the impact to the setting of nearby listed buildings (Old Holdings Farmhouse and The Juggs public house, both Grade II), the Inspector concluded the proposal would not be significantly intrusive in views of the Farmhouse from The Street and the relatively plain and simple design of the proposed dwelling would not clash or compete architecturally with the Listed Building. Furthermore, given the site is separated from The Juggs by The Street the proposed dwelling would not detract from the significance of this listed building or diminish the ability to appreciate its significance.</li> <li>• In concluding, the Inspector states the public benefits of the proposal (contribution to housing supply and other social and economic objectives of the NPPF) are considered to be modest and therefore would not outweigh the great weight attached to the harm caused to the character and appearance of the Conservation Area and the appeal was dismissed.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/19/3227928 SDNP/18/04966/FUL	SDNPA	Downmere Farm, Mill Lane, Poynings	Conversion of barn to dwelling	<b>D</b>  15 January 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The site is occupied by an agricultural barn, near to Poynings. The building was originally used as a poultry barn, but most recently has been used to stable horses.</li> <li>• Policy SD41 relates to the conversion of redundant agricultural or forestry buildings. The supporting text advises that buildings which are generally not suitable for conversion include those which would require substantial reconstruction of structural works.</li> <li>• The Inspector found that the barn foundations were not suitable for the proposed use and that the existing floor slab would need to be broken up and reformed at a lower level. The existing roof and a number of timber elements also needed to be replaced. The Inspector considered that the building was not capable of conversion without substantial reconstruction and therefore would not accord with policy SD41.</li> <li>• The site is outside a settlement boundary. It was not allocated for residential use and no information had been put forward to demonstrate there was an essential need for a dwelling in this location.</li> <li>• Due to the open nature of the site and surrounding field network, the appeal building would be visible within the local landscape from several nearby public footpaths. It is also visible from higher ground from which it was clear that the building has an agricultural character and appearance.</li> <li>• The Inspector found that the proposed alterations would create a building with an overtly domestic appearance. Consequently, the agricultural character and appearance of the existing building would be lost. The proposal would change the landscape qualities of the area by introducing an out of keeping and sporadic form of residential development within the open countryside. This would also cause significant harm to the character and appearance of the area from local viewpoints.</li> <li>• The benefit of reinstating the historic field boundaries was not outweighed by the harm.</li> <li>• The Inspector also considered that the proposal, due to its location, would represent an unsustainable form of development.</li> <li>• The site is within Dark Sky Zone EI (a); an area of intrinsic rural darkness. No technical information was put forward by the appellant relating to the level of light that would be emitted from the windows, doors and rooflights associated with the proposed development. As such, the Inspector could not determine whether or not the proposal would meet the level of protection required.</li> </ul>				



**Agenda Item 13 Report PC19/20-45 Appendix I**

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
APP/Y9507/D/19/ SDNP/19/02654/HOUS	SDNPA	Pailin House, 6 Kings Ride, Alfriston BN26 5XP	First floor extension above garage.	<b>D</b> 16 January 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The area is characterised by large detached properties of varying architectural design. The extensions to properties are of varying size but are mostly sympathetically designed to be subservient to their respective host building. This forms a strong characteristic of the street-scene.</li> <li>• The height of the extension and width of the front elevation would not appear subordinate to the host building. The proposal would be out of character with the surrounding area.</li> <li>• The design of the proposed windows would amplify the impact of the front elevation.</li> <li>• The extensive front elevation of the property would be apparent from the public domain and have a significant adverse influence on the street scene.</li> <li>• The proposal would not constitute good design in the context of the surrounding area and would neither conserve nor enhance local character, accordingly the appeal was dismissed.</li> </ul>				
<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
APP/Y9507/W/19/3233891 SDNP/19/02057/FUL	Lewes	9 Nevill Crescent, Lewes BN7 1ND	3 bed dwelling	<b>D</b> 20 January 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The appeal property is two storey and occupies a corner plot at the junction between Nevill Crescent and Middle Way. The rear garden of No 9 is fairly long and has a rear boundary with the side of No 2 Middle Way. The proposal is for the creation of a new two storey, three bedroom, dwelling in the rear garden area with vehicular and pedestrian access from Middle Way.</li> <li>• The proposal would sub-divide the site creating two smaller plots. The proposed dwelling (3-bedrooms) could reasonably expected to be occupied as a family home. The proposed dwelling would have a small, irregularly shaped rear garden area with a small patio area, a bicycle shed and a space for the storage of bins. Whilst the Authority acknowledged that there were no specific space standards, Policy SD5 sets out the requirements for development to provide high quality outdoor amenity space appropriate to the needs of its occupiers. The Inspector stated the proposed garden area would not be large enough given the size and likely occupation of the dwelling.</li> <li>• On the issue of living conditions of No 9 (amenity space, outlook and light), the proposal would retain a small rear garden (albeit there is also a garden to the side) for No 9. Whilst it would appear to be marginally larger than the garden allocated to the new dwelling, the Inspector was not convinced that the garden was large enough to provide an appropriate level of amenity space. In addition, the side elevation of the proposed new</li> </ul>				

dwelling would be an overbearing and dominant feature, leading to a strong sense of enclosure and an oppressive atmosphere in the rear garden area of No 9.

- The introduction of a building where previously there was none would have an effect on the levels of light reaching the rear of No 9 which would further erode the quality of the amenity space. Consequently, the Inspector stated the remaining amenity space at No 9 would be of a poor quality. This, in combination with its limited size, would lead to an unsatisfactory standard of amenity space for the residents of No 9.
- The rear elevation of the proposed dwelling would face the rear garden of No 10, the two upper floor windows would offer direct views into the rear garden of No 10 and due to the limited length of the garden, would be in fairly close proximity. The Inspector noted that in urban contexts some mutual overlooking is commonplace but this does not appear to typically be the case in the area surrounding the appeal site. The overlooking would have a detrimental effect on the privacy of the occupiers of No 10 and would cause undue harm to the living conditions at that property.
- The Inspector was satisfied that the detailed provision of electric vehicle charging points could be secured by a suitably worded planning condition.
- The Inspector was not satisfied that sufficient visibility splays could be achieved.

Planning Application No	Authority	Site	Description of Development	Decision
Appeal A Ref: SDNP/18/00489/FUL APP/Y9507/W/19/3225879	SDNPA	The Granary, Greatham Lane, Greatham, RH20 2ES	Conversion and extension of existing timber framed agricultural barn to 4 bed dwelling and 3 bed guest accommodation.	<b>D</b>  21 January 2020
Appeal B Ref: SDNP/18/00490/LIS APP/Y9507/Y/19/3225881				

**Inspector's Reasoning**

- The appeal buildings are listed as Grade II. They comprise a late 18th or early 19th century barn, later converted to a granary store and cart house stable (the Granary) and its associated outbuildings. The Granary is located within a group of other listed buildings. The whole group is designated as Greatham Conservation Area.
- Planning permission and listed building consent have previously been granted for the conversion of the Granary and associated buildings into residential use. The Authority and appellant agree that these are extant permissions. The extant permissions represent a fallback position.
- The proposal relates to the conversion and extension of the buildings to residential use, but essentially seeks amendments to that previously approved. Therefore, the focus of the appeals was the changes to the approved scheme (the extant permission). The main changes are additional windows, rooflights, a mezzanine and an increase in height of the link building.
- The Inspector found the Granary and its associated buildings have much architectural and historic value which is afforded high significance.
- The proposal would introduce a new mezzanine level in the two northern bays of the Granary (to accommodate a bedroom and en-suite). The appellant contends that there is evidence that it would have been likely to have included a hay loft at first floor level and that this is substantiated

by first floor windows in both the northern end of the building, an east facing opening with a hinge pin indicating the possibility of a higher level door or shutter and anecdotal evidence from relatives of previous occupants of the Manor.

- The Inspector noted that the evidence was largely anecdotal and the comments in regard to the presence of a first floor hay loft are based on assumption and conjecture rather than historic evidence. Although the listing description identifies the addition of unfinished pole struts supporting a second higher row of side-purlins to the roof structure, this is not conclusive in itself of any historic first floor level. In the absence of more conclusive evidence that there was an upper level it is not possible to conclude that the inclusion of a first floor level would reflect the building's historic form and function.
- The Inspector states that the open floor to roof nature of the Granary is one of its features of special interest and the introduction of a mezzanine level would be harmful to its appearance, its architectural and historical significance and evidential value. Insufficient structural detailing was provided to fully explain how the mezzanine would be accommodated or the associated effect on the fabric of the building.
- The proposed link building between the Granary and the western range would be provided with a higher roof than previously proposed and include additional glazing on its northern side. The Inspector was satisfied that there was historically a link and that the proposed ridge height would be largely consistent with its former height. Its finish with clay tiles would also be in keeping with other buildings on the site.
- The Inspector found that the introduction of additional glazing on the northern side of the link and the Granary would be at odds with the original form of the farmyard. The introduction of a large amount of glazing allowing views through would be alien to the enclosed nature of the yard. Furthermore, it would introduce a very domestic appearance to the agricultural architecture of the surrounding buildings which was harmful.
- The Inspector considered that due to the contained size of the Conservation Area and the small number of buildings within it is highly sensitive to change and the proposal would not preserve or enhance the character or appearance of the Conservation Area.
- The appellant contends that the site has suffered from significant neglect and decay over a long period of time and is on the buildings at risk register. Therefore the complete restoration, preservation and enhancement of the listed buildings and Conservation Area is essential and a public benefit. The Inspector stated that the restoration of the listed buildings to a residential use has been secured by the planning permission and listed building consent already granted. The scheme, subject to this appeal, has been found to be harmful. Whilst the restoration of the site is clearly in the public interest, the Inspector was satisfied that the current extant permissions would equally be in the public interest and would conserve the buildings.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/18/3210231  SDNP/18/01731/FUL	SDNPA	Land East of Pony Farm, Findon, BN14 0RS	Erection of a new dwelling	<b>D</b>  24 January 2020 <i>Informal Hearing</i>

### **Inspector's Reasoning**

- The hearing was adjourned shortly after opening on the first day. This was to enable interested parties to be given sufficient notice of the event. This was subject to the Cost Decision which is summarised below.
- The site falls on the north eastern edge of Findon. Pony Farm is a cul-de-sac and the residential development is characterised by bungalows. The appeal site sits beyond the end of the road, behind the rear gardens of three residential properties. The landscape character is typified by a patchwork of paddocks separated by hedgerows and fencing. It is a relatively contained landscape distinguishable from the open downland which surrounds the village. The Inspector concluded that the extent of tree cover and hedgerows around the site meant that it was not readily visible from public views from the wider downland. In addition, the extent of vegetation also effectively screened the site in longer views from Cissbury Ring.
- The site itself is largely scrubland and a stable building. The Inspector stated that the landscape character studies, including those commissioned by the appellant, support the view that the change of use of this land would have a limited impact on the wider landscape. However, at a localised level there would still be a degree of harm through the loss of part of a rural landscape which provides a setting for the village and contributes positively to its character.
- In visual terms the Inspector concluded that the proposal would manifest itself in a very large, single structure that extended across much of the northern part of the site. The area of hardstanding on the southern portion of the site would also be visually significant, along with the levelling of the site necessary to accommodate it. The size and scale of the proposed building would noticeably exceed that of the modest sized bungalows on Pony Farm. It would be a prominent feature in views from these properties.
- Whilst planting would occur (restoring grassland to part of the site) and potentially improving its environmental quality, the land around the new building would comprise a very large area of domestic curtilage which differs significantly in terms of size and appearance to the relatively compact gardens found to the residential properties at Pony Farm. In this sense the proposal would appear at odds with the existing pattern of residential development. Rather than providing a gradual transition between the village and the surrounding countryside, the new building would relate poorly to both the residential buildings to the west and the equestrian development to the east. The Inspector concluded that there would be significant harm to the character and appearance of the area.
- On the issue of the principle of development, the site does not form part of the settlement of Findon. During the hearing the Authority accepted that the site comprises previously developed land. Therefore, the Inspector concluded that the proposal would comply with policies SD25 and SD26 in this respect. However, given the harm to the character and appearance of the area, the proposal would fail to conserve and enhance the special qualities of the National Park and the appeal was dismissed.

### **Costs Decision: Refused**

- The applicant sought an award of costs due to the adjournment of the hearing on the first day (the procedural matter) and other planning matters related to the description of the existing landscape and weight given to emerging planning policies (given the timings of the application and the adoption of the South Downs Local Plan).
- On the issue of the adjournment: The hearing was originally scheduled for 19 June 2019. Whilst interested parties were given 2 weeks' notice of this event (as required), it was postponed by PINS due to illness. Correspondence subsequently took place over the course of August 2019 and a new date of 7 November was agreed in email exchanges. However, this was never formally confirmed in writing by PINS.

- Despite not receiving confirmation, the Authority did notify interested parties of the hearing on 31 October 2019, 7 days before the event. However, it was clear to the Inspector upon opening the hearing that interested parties had wished to attend but were unable to do so due to the short notice. The Inspector concluded that proceeding with the hearing would have potentially prejudiced the interests of these parties, therefore it was necessary to adjourn the hearing.
- The Inspector in the cost decision concluded that on this occasion the requirement to give 2 weeks' notice was not formally set out in writing by PINS. This was considered to be a reasonable explanation for the failure to notify interested parties of the hearing and that the adjournment was not the result of unreasonable behaviour on the part of the Authority. Therefore, the award of costs on this ground was refused.
- On the other planning matters, whilst the Inspector largely accepted the points made by the appellant on the issue of existing landscape character (as set out above) the Inspector stated this is a matter of planning judgement. It was concluded that the Authority was not unreasonable.
- The Inspector also concluded that the reason for refusal clearly described the harm that would arise, and the delegated report identified how the proposal would conflict with the cited policies. Furthermore, the policies in both the adopted and emerging plans shared broadly similar objectives, as they both sought to achieve a high standard of design and protect the character and appearance of the area. The Inspector concluded that the Authority did not give inappropriate weight to an emerging plan in its decision to refuse planning permission. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.

<b>Planning Application No</b>	<b>Authority</b>	<b>Site</b>	<b>Description of Development</b>	<b>Decision</b>
APP/Y9507/W/19/3236309 SDNP/18/05450/FUL	Winchester	Hill View, Cams Hill Lane, Hambledon PO7 4RQ	Erection of a stable block	<b>A</b>  27 January 2020

**Inspector's Reasoning**

- The application was submitted retrospectively and the appeal was determined on that basis.
- The proposed stable block has an L-shaped footprint and has been sited within the corner of a grassed field, adjacent to the vehicular access. To the east and south there are high mature hedges. They provide a strong landscape setting for the building. Save for a glimpse of the stable block through the access, the building is well screened from views along Cams Hill Lane.
- The Inspector stated that the proposed building is of a limited scale. Its roof has a shallow pitch (therefore does not appear prominent) and the building has been constructed with materials consistent with other buildings in the area.
- The Inspector noted that the landscape was not devoid of development. The stable block is located next to other structures including poly tunnels and a large detached dwelling with garage. The village of Hambledon is located to the east, with field shelters within the intervening land. To the west, there were a number of other rural buildings, some set within concrete yards.
- The Inspector found no harm to the significance of any cultural heritage, including the settings of any listed buildings within the vicinity of the site.
- The Inspector noted that the stable block had not altered the visibility from the existing field access and the building was set back sufficiently from the highway so not to provide an obstruction.

- The Inspector further noted that the stable building does not necessarily result in any alteration in the frequency or type of vehicles accessing the appeal site.
- Whilst, the restricted visibility from the access were noted, in exercising planning judgement, the Inspector placed weight on the appellants' evidence regarding the likely levels of vehicular activity and the context of other similar accesses in the area. He concluded that there was no unacceptable impact on highway safety.
- The Inspector determined that the Authority's request for planning conditions relating to lighting, surface water drainage, restricting the commercial keeping of horses and the removal of permitted development rights was unnecessary. In addition, as the development has been carried out already, the inclusion of the standard implementation and approved plans conditions were not considered necessary.

**Costs Decision: Refused**

- The Inspector found that the Authority's Decision Notice provided clear and relevant reasons for refusal supported by the relevant policies. The Inspector was also satisfied the Authority exercised its own planning judgement in light of the material consideration before them.
- The appellant stated that the Authority unreasonably considered the proposal as a material change of use to an equestrian use. Whilst the Inspector noted that there were comments to this effect within the Authority's evidence, including its delegated report, the Authority's formal Decision Notice made no reference to change of use being part of the reasons for refusal. Therefore the Inspector stated that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.