

Report to	Planning Committee
Date	10 June 2021
Title of Report	Summary of appeal decisions received from 21 January 2021 – 12th May 2021
Purpose of Report	To update SDNPA Members on appeal decisions received

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 From the 21 January to 12 May:
- 25 appeal decisions were received, 20 of which were dismissed.
 - 3 applications were made by appellants for an award of costs, and none were awarded.
 - 2 Judicial Reviews were submitted and conceded; 1 by the SDNPA, and 1 by East Hampshire District Council acting on behalf of the SDNPA. Details of these judicial reviews are included within the table below.
- I.3 From 21 January 2021 until 12 May 2021, the Authority had 80% of appeals dismissed. In comparison, the dismissal rate over the last financial year was 67%.

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Appendices: I. Summary of Appeal Decisions
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Key to Appeals Reporting

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

Planning Appeals				
Planning Application No	Authority	Site	Judicial Review	Decision
SDNP/20/00822/CND	East Hants	Land South East Of Gardners Farm Pratts Lane Steep Marsh Petersfield GU32 2BJ	Application for judicial review in respect of decision to grant variation of Condition 5 of SDNP/19/01184/FUL to allow the continued use of the building as Class B2 use permanently	A 31 March 2021 (Costs Decision)
<ul style="list-style-type: none"> In May 2019 planning permission (SDNP/19/01184/FUL) was granted for the “Retention and temporary change of use of existing B1 Light Industrial usage to B2 for the preparation and storage of rally cars”. Condition 5 of that permission states ‘Within 364 days from the date of this planning permission, all B2 use of the site shall immediately and permanently cease’. In 2020 a Section 73 application was made and approved (SDNP/20/00822/CND) to delete condition 5 to enable the B2 use to continue permanently. This decision (taken by EHDC on behalf of SDNPA) was subject to an application for judicial review. Following legal advice, for the reasons set out below, EHDC and the SDNPA conceded the claim, thereby quashing the permission granted. <ul style="list-style-type: none"> Ground 1 of the applicant’s case was that the removal of Condition 5 to effectively allow a permanent permission was ‘ultra vires’. Whilst it was considered that there was an argument to be had regarding the definition of ‘temporary’ and that this could mean indefinite, it was advised that this argument was unlikely to succeed as Condition 5 was integral to the original planning permission and therefore its deletion was outside of the remit of a Section 73 application. Ground 2 of the applicant’s case related to the absence of an ecosystem services statement (required by Policy SD2 of the SDLP). The officer’s report failed to mention the lack of an ecosystem services statement on this change of use application and did not provide any material considerations indicating why planning permission should be granted despite the lack of a statement. In the absence of this consideration, it was 				

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<p>advised that it would be likely that the Courts would determine that the defendant (SDNPA) failed to have regard due regard to the relevant considerations.</p> <ul style="list-style-type: none"> • Ground 3 related to noise impacts on residents on which the legal advice indicated the Authority's position was defensible. • Given the legal advice received that the Court would have been likely to uphold the claim for judicial review the Authority agreed to quash the planning permission prior to the merits of the matter being heard by a Judge. Lessons learnt from this case have been disseminated internally. • The applicant for the judicial review also submitted a claim for costs, which was subsequently granted by the Courts in March this year. 				
Appeal Reference	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/20/3251190	SDNPA	Land East of Pony Farm, Findon, West Sussex BN14 0RS	Change of use of the Land from equestrian by the importation and storage of waste materials on the Land.	D 27 January 2021
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The appellant referenced a previous Lawful Development Certificate (LDC) made in 2019, for which only the hardstanding and access track were determined to be lawful. The Class B8 storage of building materials, plant and equipment, were not found to be lawful. • The B8 use (building material storage, plant and equipment) was clarified as being distinctly separate to the alleged use as part of the appeal. • The site was described as 0.3 hectare rectangular piece of land immediately to the rear of the back gardens of three dwellings (no's 4, 5, and 6), a cul-de-sac of detached houses. It was located to the eastern edge of the village outside the settlement boundary and was surrounded to the north, east and south by agricultural land. • The Inspector found two buildings and some associated hard standing at the northern end of the site were being used to store a range of building material, plant, and equipment. There was also a separate and distinct location being used to store building rubble and waste, and therefore the Inspector clarified that there were two uses, one with value and one not, that were being operated. • There was no evidence provided to demonstrate that the use of the land for storing waste was lawful, or had any planning permission. The Inspector confirmed that there was a breach and the appeal failed on Ground C. • The appellant appealed on Ground D, that the use of the land was continuously used for 10 years for storage of waste and therefore enforcement action could not be taken. The appellant relied on the 2019 LDC evidence, which was for a different use and was subsequently refused by the LPA. In the absence of anything materially different, the Inspector confirmed that the appeal on this ground failed. • The appellants also appealed under Ground F; that the enforcement notice requirements were excessive and ambiguous. However, the Inspector strongly refuted this and confirmed that the actions in the notice were clear, and the appellant would be able to distinguish between waste and other materials stored for building purposes. 				

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Costs Decision – Refused <ul style="list-style-type: none"> The application was made on two grounds: procedural and substantive grounds. The procedural ground was that the LPA refused to respond to the appellant's reasonable requests for information. The substantive grounds were that the LPA failed to draft the enforcement notice with sufficient clarity, failed to identify the lawful use of the site, and failed to give appropriate weight to the appellants' evidence. The Inspector acknowledged that the SDNPA did provide a delegated report, which the appellants were able to consider in making any appeals. The Inspector confirmed that the SDNPA did not need to identify the lawful use of the site, only the breach of planning control and the steps required. The Inspector found no demonstrable unreasonable behaviour or expense as described in the PPG, and refused the award of costs. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/02351/HOUS APP/Y9507/D/20/3260267	Chichester	The Laurels, The Street, Grafham, GU28 0QA	Replacement outbuilding.	D 04 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The Inspector described the property as a detached house lying within the village of Grafham, which was traditional in appearance and had a sense of spaciousness to the plot. From evidence provided by the appellant, the Inspector agreed with the appellant that the outbuilding and garden stores were present in 1978, and as such concluded that the outbuildings could be considered within the 'existing floorspace'. Therefore, the proposal would result in less than a 30% increase, and would accord with Policy SD31. The current outbuildings were staggered back from the garage, which reduced the visual presence of the buildings. The proposal would not be staggered and would increase the ridge height considerably, resulting in an increased visual impact. The domestic appearance of the design, by virtue of large amount of glazing, doors and porch, would compound the increased presence. The building would compete in scale, design and function to the main house, and as a result would detract from the spacious character of the plot and wider landscape. The outbuilding would be solely for bedrooms and living accommodation, which would not satisfy a functional or physical dependence on the host dwellings, contrary to Policy SD31. For the reasons above the Inspector dismissed the appeal. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00500/FUL APP/Y9507/W/20/3255422	SDNPA	Kymber House, Hale Hill, West Burton, RH20 1HE	Change of use of agricultural building to 1 no. dwelling.	D 04 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The Inspector explained that the appeal site was located outside of the SD25 policy settlement boundary. Policy SD4I permits the conversion of redundant agricultural or forestry buildings outside the defined settlement, subject to certain criterions being met. The Inspector found that when visiting the site, the building was partially collapsed and so was considered redundant. The Inspector noted that the lack of information provided meant that the appellants could not demonstrate that the conversion would lead to a new agricultural building. Furthermore, the Inspector found the substantial collapse of the main building and the poor construction of the lean to would require substantial reconstruction, which would not satisfy criterion c. Whilst the proposal would retain the form of the existing building (albeit collapsed), the Inspector shared the SDNPA's concern regarding the wider area. The proposal would include French doors which would open onto a field that was located outside of the appeal site. The proposed opening would cause domestication of the field, changing the character from rural agricultural to a domestic dwelling in a residential setting. The opening would also harm tranquillity and introduce lit development contrary to policies SD7 and SD8. The proposed parking to the north would result in necessary clearing and works which would exacerbate this domestic character. The Inspector concluded that there would be a conflict with criterion f, and policies SD4 and SD5, which aim to conserve and enhance the landscape character. The Inspector remarked that the dwelling would also be an open market house, as no robust evidence demonstrated why the occupier would need to be located at the appeal site. Criteria g was therefore not satisfied. The Inspector concluded that the development would be in conflict with SD4, SD5, SD7, SD8, SD25, and SD4I and therefore dismissed the appeal. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05963/FUL APP/Y9507/W/19/3225109	SDNPA (Planning Committee)	Market Garden Caravan Site, Clappers Lane, Fulking BN5 9ND	Retrospective change of use of land for stationing of caravans for residential occupation with facilitating development (hard standing).	A 08 February 2021
<p>Inspector's Reasoning <i>The effect on the character and appearance of the area</i></p> <ul style="list-style-type: none"> The site was described as a small undeveloped grass field set back from the road and enclosed by hedging and close boarded fencing. Access was through the appellants existing Market Garden site, which had two pitches set discreetly behind a belt of dense landscaping. Housing along Clappers Lane was noted as being set towards the front of plots with long rear gardens, typical of Fulking. The proposed scheme would introduce mobile homes, areas of hardstanding and other paraphernalia. The siting and nature of the proposal would intensify the presence of scattered development on the village edge, which would erode Fulking's nucleated form and character. Moreover, the location would be out of character with the linear frontage pattern of the village. The urbanisation of the plot would diminish the rural character, and was concluded to harmfully jar with the form, character, and grain of Fulking as a whole. However, the Inspector noted that these impacts would not be apparent in close range views from Clappers Lane. Existing planting was well established; planting to the south was within the appeal site and could be retained, whilst the planting to the west was not within the site but there was nothing which suggested it was to be removed in the near future. The Inspector added that the impacts would be apparent from the Fulking Escarpment, including locally important views from the South Downs Way, Devils Dyke and various viewpoints. The Inspector said the appeal scheme would be viewed in the wider context of sporadic development in the village. It was regarded as not isolated in this respect. Further, the cluster of houses south of the site moderate the impact of the appeal scheme on the nucleated form of the village. The proposal included landscaping to the south to soften the view from the escarpment, and both parties agreed there was additional scope to reduce the extent of the hardstanding. The Inspector noted that a condition to control rubbish, waste and paraphernalia would be important. 				

- Overall the Inspector noted that the scheme would still be visible from the escarpment, sited where it would consolidate development on the edge of a nucleated settlement. Therefore there would be a residual harmful impact to the character and appearance of the area, and would be contrary to the first purpose, as well as policies SD4, SD5, and SD6.

Whether the proposal would result in an over concentration of sites in one location or be of a disproportionate size to nearby communities

- In relation to Policy SD33, the provision of two plots would not be considered an over concentration of pitches in relation to Fulking as a whole. However, the proposal would increase the provision of pitches by 50%, and make up around 10% of the homes in the village. The cumulative size of the six pitches would amount to 500square metres, resulting in a large residential area relative to the nucleated footprint of the village, with a distinctly different domestic character, which would result in a disproportionate over concentration of pitches in one location.

The need for Gypsy and Traveller accommodation

- The SDLP acknowledged a need for 23 permanent pitches as of 1 October 2018, and had allocated 10 pitches with the remainder as unmet need. Policy SD33 seeks to permit planning permission on currently unidentified windfall sites in three area of the National Park; Mid Sussex was not one of those areas because the Gypsy and Traveller Accommodation Assessment (GTAA) did not identify a need there. However, the Inspector questioned the GTAA and whether it accounted for household formation, and therefore the Inspector took caution in relation to Mid Sussex in Table 7.4 in the SDLP, along with the strategy set out in Part 2 and Criteria 3a) of Policy SD33.

Five-year Supply of Pitches

- Authorities are required to set pitch targets for Gypsies and Travellers, for which the SDNPA were unable to identify current supply. As such the Inspector deemed that the SDNPA had failed to demonstrate five-year supply for pitches.

Accommodation needs of the future occupants and alternative options

- The appellants' two youngest sons were said to be married with young families, no longer dependent on the appellant and have no permanent base of their own. Due to overcrowding and absences of planning permission for additional units, the families are described by the Inspector as being in immediate housing need.
- Various sites were considered but were insufficient due to location, availability or were not yet developed. Therefore, the Inspector found that the accommodation needs were unlikely to be met elsewhere in the National Park.
- Given that residing at Market Garden pitches is not permitted, or desirable, the families would need to take to the road in the short term to seek temporary or unauthorised pitches.

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Personal Circumstances

- Ethnic travellers have the protected characteristic of race under s149 (7) of the Equality Act 2010. The Act requires due regard to be had to advance equality of opportunity between persons who share and do not share a relevant protected characteristic, including minimising disadvantages that are connected to that characteristic.
- Without a settled base, their nomadic habit of life would be difficult, as often a permanent address is needed for paying bills, administration, accessing healthcare to confirm with modern living.
- The unavailability of vacant sites also indicated the inequality in housing opportunity, which is an important aspect to address to achieve social sustainability sought by paragraph 13 of the Public Sector Equality Duty.
- Article 3(1) of the United Nations Convention on the Rights of the Child stipulates that the best interests of the child shall be a primary consideration; no other consideration is more important. A settled base would allow the families to be anchored within the community and allow the children to have certainty over their education, attend clubs and make friends.

Planning balance and Conclusion

- Whilst the proposal would meet immediate accommodation needs, which was a significant point in favour of the proposal, the harm to the National Park would not be outweighed. Nevertheless, the Inspector pointed out that the interests of the children were the primary consideration, and the benefits to them would “just about” outweigh the cumulative harm.
- On the consideration of the children, the appeal was allowed with conditions restricting the use by the current occupiers and their resident dependents.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01311/FUL APP/Y9507/W/20/3261128	Lewes (Planning Committee)	Land to the South of 46 Beacon Road, Ditchling, East Sussex BN6 8UL	Erection of a detached dwelling and garage, with new access & associated landscaping (Following withdrawal of SDNP/19/04109/FUL).	D 10 February 2021

Inspector's Reasoning

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- The site comprised and enclosed a tennis court and adjacent grassed areas within the southern part of a large back garden to 46 Beacon Road. The host dwelling and the immediate back garden to no.46 were within the settlement boundary for Ditchling (Neighbourhood Plan); the appeal site is outside of this boundary.
- Policy DSI in Ditchling Neighbourhood Plan (DNP) permits development outside of the settlement boundary where it complies with criteria. Criterion g) states, “It is an appropriate re-use of a previously developed site, excepting residential gardens”. Policy SD25 (of the SDLP) has a similar principle stating “It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park”.
- The appeal site was confirmed as “previously developed land” in that the tennis court occupies much of the site. However, the status of the land changed to domestic when the tennis court was built. Therefore, the Inspector noted that the proposal would not satisfy the exception imposed by SD25 and DSI.
- The appellant contended that there are other material considerations to justify the development being approved not in accordance with the development plans. The proposed property would be opposite housing on the western side of Beacon Road. A residential scheme was agreed on land outside the settlement boundary to the south of this site. The proposed dwelling would be closer to the centre of the settlement than the permitted dwellings, and would form a ‘full stop’ to the village with little scope of development south due to the woodland buffer separating the site from the open countryside.
- The appellant argued that the dwelling would provide a ‘much needed downsizer’ property for the village and provided a planning boundary assessment for Ditchling which showed there were no other comparable sites so it would not set a precedent.
- The Inspector found that the agreed scheme (south of this site) was an exception to the boundary to meet a perceived need of affordable homes, and that this development would correspond closely with houses in Long Park Corner. In contrast, the proposed dwelling would be relatively remote from the cluster of dwellings around the junction with Nye Lane on the eastern side of Beacon Road.
- Retention of a frontage hedgerow would help screen the house, and the Inspector acknowledged the proposed dwelling would reflect the character of other dwellings in Ditchling. However, the Inspector found that the dwelling would still be seen through the gap used for access, and its siting would not be appropriate. Furthermore, the location would still be beyond the settlement boundary.
- The Inspector considered the dwelling to be a personal benefit to the appellant, and a permanent addition to the settlement. Overall the development would undermine the adopted development strategy, and the material considerations raised would not amount to exceptional circumstances.
- The Inspector concluded that the dwelling would result in inappropriate residential use outside the settlement boundary for Ditchling, which would not relate well to the context of the settlement in terms of its location, and dismissed the appeal.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05392/FUL APP/Y9507/W/20/3260442	Chichester	Copyhold, Copyhold Lane, Fernhurst GU27 3DZ	Replacement dwelling and linked self-contained ancillary accommodation following demolition of existing dwelling and detached self-contained ancillary accommodation.	D 11 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The appeal site comprised Copyhold, a detached dwelling, and Copyhold Cottage, a detached building sited away from the main dwelling which had been used as self-contained ancillary accommodation. The site was located at the northern end of Copyhold Lane, a no through road that extended into common land in front of the site. There are multiple public footpaths within the vicinity of the appeal property. The Inspector described the character of the area as highly tranquil; a high level of perceived naturalness; a lack of visible overt human activity; low density settlement; and low noise levels. Landscape management advice (taken from the SDILCA) advises avoiding the further spread of small holdings and detached houses with gardens, particularly in the north of the character area (where the appeal was located), in order to avoid eroding the sense of tranquillity and remoteness. Copyhold was described as a substantial two storey property, with accommodation in the roof space served by dormer windows, located in an elevated position above Copyhold Lane. Its mass and height was found to have presence, especially in views approaching from the south along Copyhold Lane. The use of materials, modest detailing, and generally small opening and undulating landscape, were thought to soften the appearance, and relate well to the picturesque valley. The Inspector determined that as a result the dwelling made a positive contribution to the character and appearance of the SDNP. The property had been heavily altered, however the remnants of the original late seventeenth / early eighteenth century farmhouse were still visible in the centre of the south elevation of the building. The facades were considered important both in terms of the historical significance and the high perception of local distinctiveness. The proposal aimed to retain part of the southern and eastern walls of Copyhold in the new build. Apart from a large picture window in the east elevation, the fenestration in the existing south and east elevations proposed to be retained was small in scale and positioned in a way that enhanced the rural vernacular. The proposal would consolidate the built form on the site, but the Inspector noted that the northern extension would result in a dramatic increase in the footprint, mass and overall size of Copyhold. The dominant structure would visually upset the existing proportional relationship between the built and natural environment, and would not be representative of how, historically, rural buildings developed. 				

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- The core of the proposed dwelling would be designed to reflect the Georgian period, and have a classical mansion appearance. However, the design of the western side would step away from the Georgian styling, having pitched roof slopes of varying heights, and openings of varying styles and sizes. As a result, the Inspector found that the building would lack cohesion across its elevations, and would be generally unsympathetic to the existing built form.
- The dwelling would appear incongruous and jarring within its setting. The impact of the proposal would be exacerbated by users on the adjacent public right of way, even though native planting and setting back of the extension were proposed. The Inspector pointed out that even if the sites long views were limited by woodland cover, the proposal would be unacceptable in design and conservation terms, because it would have a visually harmful effect on the immediate surroundings.
- It was acknowledged that there were existing windows and dormers in the current dwelling and ancillary building, however no evidence was provided to demonstrate that the proposed dwelling would not cause more harm to Dark Night Skies than the existing dwelling. The appellant suggested timed blinds/shutters/blackout blinds, but the Inspector was not presented with evidence of their effectiveness, and therefore could not be certain that the issue could be addressed.
- The Inspector concluded that the proposal was not landscape led, and would conflict with policies SD1, SD4, SD5, SD6, SD7, SD8 and SD12 of the LP. The appeal was therefore dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01228/HOUS APP/Y9507/D/20/2363668	SDNPA	20 The Brow, Friston, Eastbourne BN20 0ES	Replacement garage.	D 12 February 2021

Inspector's Reasoning

- The Inspector noted that the works had commenced.
- The area was described as a private residential estate, consisting mainly of large detached homes. A number of properties had garages which were visible from the road, with generally reasonable separation or off-setting from the principal elevation of the house.
- The proposed garage would be significantly less prominent in the street scene than the existing examples, mainly because it would be located below the road level. The development would be almost entirely screened from wider views.

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- The Inspector noted that the scale of the garage, taken with a modest separation of 1.5m, would have an adverse effect on the appearance of the house in its immediate context. The adverse effect would be exacerbated by significant expanse of flat roof, and part of the retaining wall.
- A hedge was suggested by the appellant, which the Inspector agreed would limit the visual impact, but concluded that it could not be relied upon. In any case, the garage would still be visible via the access, and the scale, siting and dominance of the proposal would make it unacceptable. The Inspector dismissed the appeal on these grounds.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05093/LDE APP/Y9507/X/19/3232691	Chichester (Committee Decision)	Buryfield Cottage, Sheepwash, Elstead, Midhurst, West Sussex GU29 0LA	Occupation of a dwelling house without complying with an agricultural occupancy condition.	D 15 February 2021

Inspector's Reasoning

- The appeal property was described as a two storey detached dwelling house set in the open countryside, close to agricultural buildings. Outline permission was granted for its erection by CDC on 14 August 1984 (referred to as the permission).
- Condition 3 of the permission restricts occupation of the property to those solely or mainly employed (or last employed) in the locality for agriculture.
- The appellant submitted an application for a certificate of lawfulness on 28 September 2021. The appellant was required to demonstrate, on the balance of probability that a breach of condition had occurred continuously for a period of 10 years at the date of the application.
- The 1985-6 built property was occupied by a cowman until 1991. The appellant moved into the house on 24 December 1991 as a tenant of Slate House Farms, an agricultural business. This company ceased trading in 1995 and the appellant has lived at Buryfield Cottage ever since.
- The appellant clarified that they retired from agriculture in 1995 with the demise of Slate House Farms. From then until 1999 the appellant considered their activities as a councillor on Elsted and Treyford Parish Council (ETPC) to be a 'part time interest'. As such they were of the opinion that they were 'last employed in the locality in agriculture', and this was accepted by the Authority.
- However, it was the view of the appellant that from May 1991 they no longer complied with the condition as they were elected to CDC and ETPC, and elected as a councillor to Harting Parish Council in 2015. They contended that these activities represented employment.

- The Authority argued that these activities from 1991 did not equate to the words “employed” and “employment” and therefore there was no breach.
- The appellant contested that there was no requirement for a person to be paid to be employed.
- There were various definitions of “employment”, but the Inspector afforded great weight to a Secretary of State decision in which the view was taken which favoured the principal of “employed” to mean having a “financially beneficial outcome”
- The Inspector then examined whether the work undertaken from 1991 was paid employment, as to fit under an employment basis. The appellant provided a court of appeal decision indicating that activities as a councillor equated to ‘work’ in the Local Government Act 1972 (LGA). The Inspector dismissed this claim as it was to be interpreted only in terms of the LGA.
- The appellant further argued that there was remuneration for councillors,
- The evidence provided demonstrated that the appellant had not been employed in agriculture since 1995. Whilst it was accepted that the activities since 1999 were work, they did not accord to “employed” and “employment” set out in condition 3. The appellant was unable to demonstrate 10 years of occupation without complying with the condition, and the appeal was dismissed.

Costs Decision – Refused

- The appellant claimed that the SDNPA failed to give full and proper attention to the application which resulted in the wrong decision being made by the Planning Committee and that the SDNPA misinformed itself on the meaning of the words “employed” and ‘employment’ and failed to consider them in the light of the *Parker v Yeo CoA* [6 October 1992] appeal.
- The Inspector noted that the officer report referred to a number of court decisions, including, though not explicitly referencing, the Parker case. The Inspector found that the SDNPA position was well-reasoned and reached an opposing view, which was not considered to be unreasonable.
- The Inspector noted that the appellant was able to counter the officer’s position and recommendation, and found that members of the committee were not misled.
- Overall, the costs award was refused.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01514/HOUS D/4001361	SDNPA	Pailin House, 6 Kings Ride, Alfriston BN26 5XP	First floor extension over garage.	A 19 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The appeal site was located within Alfriston village. Kings Ride runs westward from the village centre, and forms part of the South Downs Way. A previous scheme was dismissed at appeal, on the grounds the addition would not be subordinate and would have a significant adverse effect on the street scene due to its visibility. In comparison, the appeal proposal was much reduced in height and bulk (eaves 300mm below main house and ridge height 760mm below ridge of main dwelling). The fenestration was also simplified with a single large window above the garage. The Inspector considered that the amended design would ensure it would appear subordinate and complementary. In addition, the external materials would match the host dwelling and the use of tile hanging would ensure a recessive appearance. The Inspector also noted that the resultant dwelling would be proportionate in size to its plot and not dissimilar to the scale of properties nearby. The flank gable would be visible in views from the east along Kings Ride, but would be set against the larger gable end of the existing dwelling and would not protrude further from the rear elevation. The Inspector concluded that the proposal would accord with policies SD5 and SD31 and planning permission was granted. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01876/FUL APP/Y9507/W/20/3254915	SDNPA (Planning Committee)	Soldiers Field House, Soldiers Field Lane, Findon, BN14 0SH	Demolition of existing dwelling and construction of 12 dwellings, public open space, access, parking and landscaping and other associated works.	A 24 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The appeal site was located on the eastern edge of Findon. The village's historic core was surrounded by a mix of suburban estate type development. The existing houses to the west of the site comprised predominantly of large modern detached housing in cul-de-sacs. 				

- Policy SD70 of the SDLP allocates the site for 10-12 dwellings.
- The main dispute between the parties was whether the design would positively enhance the contribution of the site to the Downland landscape and the character of the village edge. The appellant accepted that there were a number of design approaches that could be adopted, and design officers commented that a number of approaches were tested.
- The appellant adopted a landscape led agricultural farmstead approach. The result was an informal layout of dwellings set around a central space, akin to a cluster of agricultural buildings forming a traditional farmstead. The appellant contended that the approach was formed through an understanding of the landscape and informal farmsteads, a feature of the surrounding Downland, all whilst providing benefits in relation to landscape, ecology and biodiversity.
- The Inspector, found that the proposed design worked extremely well in this location. The 'barn form' design, appropriate massing, spacious layout, high quality hard and soft landscaping would result in a high quality, low density development and would make a positive contribution to the character and appearance of the Findon area.
- The Inspector noted that outside of Findon's historic core, there was no uniform style to the modern housing. Within this context, the Inspector felt that the appeal proposal would be of a much higher quality design and finish. It was felt particular attention was given to the views of the site from the south and east to minimise dominance in views and include detailing and materials that do not attract attention.
- Furthermore, whilst the proposed dwellings would be visible, the views would be similar to that of existing properties in the village, which would provide a backdrop to the appeal site. The proposed development would also be viewed in the context of the poor quality large buildings that form part of Soldiers Field Stables to the north of the site.
- The large host building, tennis courts, and swimming pool would be replaced by evenly spread dwellings. Combined with an extensive native tree hedge, the proposal was found to provide a natural edge to the village. The use of tree lined lanes, attenuation basin, areas of grass/wildflowers would enhance the integration of the site within the local landscape character.
- The Inspector stated that the authorities design preference was for an equestrian approach, referring to the long established equestrian heritage of Findon. However, the Inspector explained that this was not the only approach to the redevelopment, and no evidence was provided to indicate that a different approach would represent appropriate solution that could secure the same benefits. In addition, this preference was not reflected within policy SD70.
- The second reason for refusal, relating to affordable housing, was addressed by the signing of a S106 agreement to provide 6 units of affordable housing.
- Other concerns, such as road safety, drainage, local infrastructure ownership/maintenance of the lane, archaeology were raised. Some items were addressed by conditions, but the Inspector found no evidence that the remainder of concerns would result in material harm.
- The Inspector found that the proposal would accord with the SDLP, Neighbourhood Plan, and NPPF policies and therefore the appeal was allowed.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/04720/FUL APP/Y9507/W/20/3255468	SDNPA (Planning Committee)	Former Tews Engineering, Rear of 34 Lavant Street, Petersfield GU32 3EF	Erection of 29 apartments and approximately 241 square metres of office floor space following demolition of existing buildings.	D 26 February 2021
Inspector's Reasoning <ul style="list-style-type: none"> The proposal would provide 29 flats, of which 3 one bedroomed units would be provided as 1x shared ownership unit and 2x affordable rented units. This provision of 10% affordable homes was acknowledged as being significantly below the 50% affordable homes required by SD28 for a scheme of this size. The appellant provided an Economic Viability Assessment (EVA) to justify the level of affordable units proposed and the Authority commissioned an independent review which was updated during the course of the appeal that demonstrated that 5 affordable units could be financially viable. The disagreements regarding the viability assessments were centred on the Benchmark Land Value (BLV), the site's Existing Use Value (EUV), and a possible Alternative Use Value (AUV). The appellant also submitted a Commercial Viability Report (CVR) which provided an assessment on the suitability of the site for ongoing commercial occupation. It indicated that the existing warehouse, store building and retail unit were unsuitable for modern occupiers and a continued commercial use, with access to the site impractical for HGV access. The report concluded that the site would create a negative land value. The Inspector noted that the existing use had generated very limited interest as demonstrated by the CVR, but appeared to contradict the appellant's view of the EUV or AUV of the site. The CVR would therefore support a £nil value due to there being no value in either the existing or alternative use. Both parties agreed that this £nil value would not persuade a landowner to sell the site. The Inspector raised concerns that the appellants BLV did not fully reflect the value of the site, and that proposed by the Authority was more realistic. The Inspector also accepted that the external works and abnormal works costs and professional fees advocated by the appellant were not unreasonable. However, whilst the different inputs would inevitably impact bank charges and interest, it was concluded that the 'surplus' for affordable housing was potentially greater than that offered by the appellant. 				

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- The submitted 'Unilateral Undertaking' did include a clawback clause to secure a further financial contribution towards affordable housing should market conditions dictate greater developer profit. The Inspector stated that the clause would mitigate against a lower proportion of affordable housing being provided, however it did not overcome the shortfall in the proposed provision arising from the BLV. Therefore, the proposed development would not make adequate provision for affordable housing and was therefore in conflict with Policy SD28 of the SDLP and Policy HP6 of the Petersfield Neighbourhood Plan
- The Inspector then moved onto to deal with the character and appearance of the appeal proposal. The site was located within Petersfield Conservation Area (PCA), next to the railway station, which was identified as a principal focal point and gateway to the National Park.
- The limited width of the plot would create a tall and narrow development. The proposals height and scale would make it prominent from both the station and approaching the area from the town centre, and it would provide a visual stop to the line of built development along Lavant Street. However, the proposed windows were tall and narrow, which would add vertical emphasis, and would be in stark contrast with neighbouring properties with more generous bay windows.
- The station elevation would be wider with a large pitched roof and high gable feature facing towards the station. The design of the windows were similar to that to the Lavant Street Elevation, but were considered less apparent in the context of other buildings. The Inspector accepted that the stepped pitch roof, would give the proposed frontage an irregular appearance which would add visual interest.
- All of the windows would be painted aluminium, which would suit a contemporary building, but not a traditional material of the PCA. The windows would also be a simple form with no glazing bars, unlike characteristic buildings within PCA, making them appear bland and uncharacteristic.
- The Inspector found that the use of contrasting brick and detailing would provide prominence to the building. But there was little in the design or use of materials that would link the development to the National Park, enabling its role as a gateway building.
- Limited details had been provided regarding the proposed shopfronts, and the appellant proposed that the details could be secured via condition. However, the Inspector ruled that as was a key element of the building and how it is experienced by visitors, in addition to shopfronts being a key priority in the CAMP and sensitive to character and appearance of the PCA, the detail would need to be secured as part of the overall design.
- The poor design and arrangements of windows, use of sympathetic materials and the lack of detail around the design of the shopfront on a prominent building was considered to contribute to harm, and fail to preserve and enhance the character and appearance of the PCA as a whole. The harm would be less than substantial, however the public benefit of additional housing and reuse of the site would not outweigh this harm. The Inspector dismissed the appeal.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/16/06034/LDE APP/Y9507/X/19/3234115	East Hants	The Cabin, Hawkley Road, Liss GU33 6JS	Certificate of lawful use as C3 – Dwellinghouse.	D 01 March 2021
Inspector's Reasoning <ul style="list-style-type: none"> The cabin was described as a small timber structure with an internal floor are of approximately 8.5sqm. It was noted as being equivalent to a domestic garden shed. There was a timber pergola and outside toilet broadly attached. The appellant argued the cabin had been in its present location since January 2000, which was not contested by the Authority, and therefore has permanence. The Inspector described the cabin as being affixed to the ground principally by its weight transferred to staddle stones which were partially set into the ground. Therefore it was described as having physical attachment to the ground. In addition, the Inspector received no evidence to demonstrate that the building could be removed and transported without requiring demolition. Therefore, the relevant period for the determination of a certificate was 4 years preceding the date of application. The Inspector noted that there was a single basic kitchen unit, chair, chest of drawers and partial fireplace, upon inspection, but acknowledged this was not within the relevant period. The appellant's statutory declaration explained that the use of the cabin started as occasional use for holidays, and around six years prior to the declaration was turned into continuous occupation. The statement then stated there was no clear date for this change, for which the Inspector concluded led to considerable doubt. The appellant provided a number invoices and bills, including information from the local police. However the Inspector explained that it did not demonstrate or corroborate that the cabin was used, on the balance of probability, as a dwellinghouse for the relevant period. The Inspector concluded that the evidence provided was limited and imprecise, and therefore did not demonstrate the requirements for a certificate of lawful use. The appeal was dismissed accordingly. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01982/HOUS APP/Y9507/D/20/3263994	Chichester	Wayside, A286 Cobblers Row, Singleton, PO18 0HD	Single storey detached garage.	A 01 March 2021
Inspector's Reasoning <ul style="list-style-type: none"> The proposed garage would be sited to the front of the existing dwelling. The Inspector viewed the proposed garage as subservient to the host dwelling. The property was enclosed by substantial mature hedges, which provided screening to views from the street scene. Nonetheless, the Inspector found that if the hedges were removed, the garage would remain subservient. Views of the appeal site from the north were limited due to the curvature in the road and the presence of trees. In closer views it was viewed within the context of surrounding built development, and Singleton Conservation Area. In the immediate vicinity, neighbouring properties were set back from the within plots, but were varied in scale and design, including their siting. The dwelling within the appeal site was located behind the front elevation of both neighbouring properties, which the Inspector therefore decided the building line was not a defining characteristic of the nearby development. Within the local context, the proposed garage would not be an inappropriate or incongruous addition to the site and would reflect the layout of development in the wider area. Furthermore, the Inspector added that the garage would not be visually dominant. The scheme was considered to accord with policies SD1, SD4, SD5, SD6 and SD15 and the appeal was allowed. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01482/FUL APP/Y9507/W/20/3255985	East Hants	Windward, Reservoir Lane, Petersfield, Hampshire GU32 2HY	Detached dwelling and garage revision to that approved under application SDNP/19/02810/FUL.	D 01 March 2021
Inspector's Reasoning				

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- The site was located outside the Settlement boundary (SD25) and partly within the Defined Development Boundary (DBB) of Petersfield, in an area identified for future self-build housing (site H11) in the Petersfield Neighbourhood Plan 2013-28 (PNP). The appeal site was located behind a recently planted hedge, elevated above Reservoir Lane. The view from the Lane, made the appeal site appear as the edge of the countryside rather than an urban streetscape, positively contributing to the rural character of the National Park.
- The Inspector noted that the positioning of the dwelling would be seen to be an addition, rather than part of the H11 site. When seen from the lane, the development would fill the gap between the existing dwelling and the H11 site. The Inspector found that this would create the appearance of a new, denser and extended urban edge. It was concluded that the development would harm, rather than evolve, the intrinsic value of the landscape.
- It was acknowledged that there was an extant permission for a dwelling and garage, understood to be of similar scale and appearance. However, the Inspector clarified that this development would be situated wholly within the DBB and site H11 and therefore would be seen a part of it. Therefore, the Inspector afforded limited weight to the extant permission.
- The Inspector found that the development did not accord with policies SD4, SD25 of the SDLP, Policy 1 of the PMP or Policy BEP6 of the PNP.
- The second reason for a refusal was addressed by the appellants submitting a signed and dated Unilateral Undertaking to ensure the development was a self-build.
- Other matters addressed included the addition of an energy efficient self-build dwelling to the housing stock; preservation of the setting of the Listed Building located 125 metres away; and the appellant's arguments that no objections in relation to noise, biodiversity, accessibility to services, highway safety or drainage were received. However, the Inspector found that they did not outweigh the fact it would only be partly located on land identified for future development, with the remainder sitting outside of the DBB, harming that defined as countryside within the wider landscape of the National Park. Therefore, the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00069/HOUS D/4001789	Lewes (Planning Committee)	26 Shirley, Ditchling, BN6 8UD	Remodel to form a two-storey dwelling with single storey rear extension, two-storey side extension, raising the ridge to create a first floor and demolition of existing detached garage.	D 01 March 2021

Inspector's Reasoning

- The property was described as a three bedroom detached bungalow set within a private residential cul-de-sac. The existing dwelling satisfied the definition of a medium sized dwelling.
- The proposal would result in a two storey four-bedroomed dwelling with extensions to the north side and rear elevations, an infill extension and a remodelled roof with raised ridge and eaves height. The increase in floorspace would significantly exceed the 30% limit imposed by SD31.

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- The Inspector confirmed that both the additional bedroom and the increased floor area would result in a loss of a medium sized dwelling.
- The Inspector acknowledged that the appellant grew up in the area and had strong local ties, however this did not represent exceptional circumstances.
- Other examples of increasing dwelling sizes were given, but were not comparable as they were granted before the SDLP, or they were not medium dwellings in the first place.
- The proposal did not accord with Policy SD3I and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01713/FUL APP/Y9507/W/19/3242880	SDNPA (Planning Committee)	Garretts Copse, Moorhen Lane, South Harting GU31 5PD	Change of use from agricultural land to site for 2 showmen's plots	D 02 March 2021

Inspector's Reasoning

- The appeal site was described as being an irregular parcel of land approximately 0.4ha. Access was via a narrow and enclosed historic rural lane across a strip of common land. Access was shared with a larger pastoral field which wrapped around the appeal site.
- The Landscape Character Assessment set out that historically the area would have been wooded. Garrett's Copse, immediately to the south of the site was Ancient Woodland. The appellants LVIA described the site border as marked by a modest self-seeded bund. There was also some immature non-native planting around the sites frontage by Moorhen Lane. The Inspector was advised that the site previously formed part of a nineteenth century farmstead, however this was found to be barely appreciable due to the passage of time.
- The landform and character, paucity of nearby rights of way, resulted in limited visibility of the appeal site, except from views from the site access and fleeting views through hedgerow from Moorhen Lane. Very few buildings were noted around the appeal site; the settlement pattern in the area was described as a scattering of isolated farmsteads. The Inspector found that the site and surroundings have a historic, intimate and beguiling character. There were strong features of tranquillity and natural darkness.
- The proposal would result in two show person's plots. Each intended to provide space for a mobile home, touring caravan, storage shed, and parking. An area for maintenance and repair of equipment would be located in the north-eastern corner of the site with an acoustic fence around it. Access would be improved with a new permeable aggregate.
- The appellants argued that the scheme would have a negligible or beneficial effect due to new planting and improvement on the unkempt site. However the Inspector disagreed, and noted that the proposal would fundamentally alter the character owing to the manmade structure and

surfaces, paraphernalia and pressure to maintain the site to domestic standards. The design of the homes were standardised geometric forms which did not form any relationship to the organic character of the site and surroundings, nor nearby buildings. The 2.5m acoustic fence would be at odds with the established field boundaries.

- Furthermore, the existing unkempt state of the site and non-native planting did not fundamentally alter the character of the site or its consistency with its surroundings. Views would be fleeting and partial, however the Inspector explained that site access would need to remain unobstructed, enabling views across it from Moorhen Lane.
- The proposal would affect tranquillity and natural darkness, and whilst the appellants indicate how these would be relatively limited, the proposal would dilute strong characteristic features of the area.
- For the reasons above, the Inspector deemed that the scheme would have a significant adverse effect on local character and be contrary to policies SD1, SD4, SD5, SD6 and SD7, along with relevant elements of NPPF paragraph 172.

Accessibility

- The appeal site was described to be in a location remote from services and facilities catering for day-to-day needs. The site is located four kilometres (about a 40 minute walk) from services, with no dedicated footpath on the lane, no lighting, giving rise to the need for the private vehicle. There was no indication that the bus services were sufficiently frequent to make them preferable. Whilst two dwellings vehicle movements and emissions would be relatively modest, there would nevertheless be some adverse environmental implications. The Inspector concluded that the sites location would be in conflict with expectations of the Government's Planning Policy for Travellers Sites and NPPF.

Plot Supply

- The Inspector confirmed that there was evidence of significant demand for travelling show persons' plots around the National Park relative to supply. They found no substantive evidence that circumstances in the area of administrative overlap between SDNPA and Chichester District Council have altered significantly since the adoption of the Local Plan. The benefits arising from the proposal in respect of plot provision would therefore be limited. The proposal would advance equality and opportunity by providing spaciousness and privacy for the occupants.

Personal Circumstances

- The appellants argued that the current conditions of their existing plot were cramped, and attested to antisocial behaviour towards them. However, the Inspector found limited weight to support these, and noted that complaints of this type were not remedied by the planning process.
- The Inspector found that the appellants grandchildren have integrated well, and they are in close proximity to a doctor's surgery. This would be in contrast to the proposed appeal site.
- The appellant's evidence to identify alternative accommodation demonstrated a very limited period of activity and not in all administrative boundaries close by. Temporary permissions were considered, but the proposal was still considered to cause harm.

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- The appellant's argument for 'exceptional occasion' to justify granting permission were therefore deemed insufficient and the Inspector found that other material considerations were not sufficient to alter the conclusion of the development proposed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/02297/HOUS APP/Y9507/D/20/3262454	East Hants	15 Pulens Crescent, Petersfield GU31 4DW	First floor rear extension.	D 04 March 2021

Inspector's Reasoning

- The appeal property was a two storey detached dwelling, set in a plot with a long back garden, in the suburban residential area of Petersfield. The site was located within the settlement policy boundary (SD25).
- It had side/rear single-storey flat-roofed additions, granted in May 2016, and extended across the full width of the building and infill the original L-shaped two-storey building footprint. The appeal proposal would be positioned above the existing single storey building, and replace an existing first floor subsidiary rear projection.
- The appellants contested the GIA increase, (comprised of the dwelling and a sun lounge approved in 1979) and stated the appeal proposal would reflect a 38% increase as oppose to the 62% stated by the Authority.
- The Inspector concluded that they did not have sufficient information from either party to ascertain the correct percentage increase, however both parties agreed the amount was over the policy threshold.
- The Inspector explained that even taking the best case scenario represented an 8% difference over the policy stipulation, for which was thought to be too large to be considered 'approximately 30%', as per SD31. They explained that in their mind, the terms would allow for rounding up or down to the nearest whole number.
- The Inspector examined any potential 'exceptional circumstances' and contemplated the design in terms of an enhancement to the appearance of the dwelling, in case this gave rise to other considerations. However, no exceptional family needs were presented and the existing extensions were deemed not to be unduly harmful to the character and appearance of the host property.
- Therefore no other reasons outweigh the conflict with SD31, and therefore the appeal was dismissed.

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05914/FUL W/4001199	Horsham (Planning Committee)	West Sussex Golf Club, Golf Club Lane, Wiggonholt RH20 2EN	Change of use of land for extension to existing golf course for 6-hole practice short course.	D 18 March 2021
Inspector's Reasoning <ul style="list-style-type: none"> The long established golf club (West Sussex Golf Club) covered in excess of 89 hectares. Adjacent to the appeal site was Hurston Farm equestrian centre, and immediately to the appeal site's boundary was a sand school. The Inspector described the sound of a golf ball strike would be momentary, and already established in the vicinity. However, it was clear that the appeal proposal would result in an intensification of the striking of balls, and associated noise. The current openness of the site and clear absences of significant planting along the boundary, would mean the noise would be audible from the adjacent property. The appellants proposed noise mitigation was in the form of additional planting, however the Inspector found that on the evidence provided it would have an extremely limited impact. It was acknowledged that there was already an existing level of noise, and that the adjacent horses could become accustomed to additional noise. However, the Inspector found that the proposal would bring noise significantly closer to the neighbouring property and would be harmful. Therefore, the proposal was contrary to Policy SD5. Other matters addressed, but did not mitigate the harmful impact, were the distances and orientation of the proposal protecting against the effect of lone golf balls on the nearby bridleway and the potential increase recreational facilities. Therefore, the appeal was dismissed. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05444/FUL APP/Y9507/W/20/3256462	SDNPA (Planning Committee)	Garden Street Auction Rooms, Garden Street, Lewes BN7 1TJ	Redevelopment of 'former auction rooms' into ten residential units comprising four no. two-bed split-level apartments, two no. three bedroom houses and four no. four-bedroom houses.	A 06 April 2021
Inspector's Reasoning <ul style="list-style-type: none"> • This site was unused and occupied by two corrugated metal buildings with a large area of hardstanding and brick retaining wall. The topography of the site and its relationship with the road junction appeared to have been derived from levels of the railway and tunnel mouth. • The effect of the existing buildings on the Conservation Area were described as neutral at best, and harmful in some views. With an acceptable replacement scheme it was accepted that demolition and clearance of the site would not be objected to. • The site was close to the boundary wall of Southover Grange Gardens, and historic open space with Listed Buildings at the further end. Lewes Railway Station was also highlighted as being Listed, spanning the diverging tracks on the elevated Station Road. Lewes Castle was noted to be prominent in views from the Mount. • The site was allocated for 10 dwellings under Policy PL1.B of the Lewes Neighbourhood Plan and therefore there was no in principal objection. • The Inspector noted that the proposed buildings would introduce a greater height than the existing townscape. There would be more places that the buildings would be visible, but in many views the building would be subsumed within rising ground and higher forms beyond. • The different distribution of buildings on the site would reinstate an urban frontage so the overall effect would be beneficial to the townscape, containing views alongside the wall to the gardens. The same applied to views along the other two limbs of neighbouring road where the site would be clearly seen to be occupied by an urban form rather than incongruous corrugated metal. • The faceted appearance would fit well with the various planes and angles of the nearby houses to the south, and in views would add variety and interest. The use of materials were considered contemporary but appropriate to mixed townscape. • The Inspector ruled that the effect on heritage assets would be acceptable and noted other examples where good quality modern interventions were successful. • The Inspector considered the proposals design quality to accord with policy and was appropriate to the degraded and prominent site. 				

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- The Authority were provided with considerable evidence to show that the provision of affordable housing was not viable. A legal agreement was put in place to review the affordable housing provision, which was accepted by the Inspector.
- The Inspector concluded that the site would not cause harm to the character and appearance of the Conservation Area, or other designated assets and would result in an enhancement in some close views. The proposal was thought to be of high quality design, and there was a mechanism to revisit the affordable housing provision. Therefore, the Inspector allowed the appeal.

Costs Decision – Refused

- The appellant raised concern regarding the process and timescale for the production of the legal agreement, which was completed on 18 January 2021.
- The Inspector found that there was not a clear case of failure to co-operate, or unreasonable delay due to the pandemic, and noted that there was not an overall delay to the scheme through the production of the agreement. Therefore, unreasonable or wasted expense was not demonstrated and the award of costs was refused.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/03199/HOUS APP/Z3825/D/20/3264400	Horsham	Paget, Henfield Road, Small Dole, BN5 9XH	Erection of a double storey annex with attached double garage and shed.	D 09 April 2021

Inspector's Reasoning

- The site was located outside of the settlement boundary (SD25).
- The proposal would result in the floorspace being increased by approximately 200-300%, and therefore would be over the 30% limit set out in Policy SD31.
- The proposal would be located at the south western end of the site, whereas the host dwelling was located at the north eastern end. Other than the driveway, there would be no physical link or close interaction between them, and the Inspector was not convinced there was a demonstrable functional link.
- The footprint of the building is substantial; the width would be similar to that of the host dwelling. The two storey proposal was not “modest” and neither would it be subordinate to the host dwelling.

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- No exceptional circumstance were provided by the appellants to justify exceeding the criteria in policy SD31.
- In relation to the character and appearance of the proposal, the existing neighbouring properties were large with spacious gardens. Some had outbuildings, but were discrete, small and subordinate to the hosts.
- The appellants argued that there were some biodiversity gains (log pile and wildflower planting) and the trees to the rear of the property would be retained and protected. However, it was questioned whether the trees would be in the appellant's ownership or control.
- The Inspector noted the trees would provide some screening, but the proposal would be highly visible from various public vantage points on the lane and public footpath. Due to the substantial scale, the building would be dominant, and therefore not conserve or enhance the character of the area.
- The use of flat roofs and balconies in combination with the substantial scale accentuated the failure of the proposal with regard to local distinctiveness.
- As a result, the Inspector dismissed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05938/HOUS APPEAL A - Appeal Ref: APP/Y9507/W/20/3249478	Chichester	Aldworth Farm, Jobsons Lane, Lurgashall GU27 3BY	Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section.	D 19 April 2021
SDNP/19/05939/LIS APPEAL B - Appeal Ref: APP/Y9507/Y/20/3249490				D 19 April 2021

Inspector's Reasoning

- The Inspector confirmed that the special interest of the building stemmed from its architectural interest. The building was said to date from 16th Century, with later alterations and extension from 18th and 20th Century.

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- The proposed extension would be substantial in scale, particularly in length, compared to the relatively modest proportions of the historic core. The proposal would appear unduly dominant on the most architecturally significant section of the building. Whilst the roof would be designed to have a lower ridge height, the design would be incongruous to the existing building.
- The appellants had an extant permission for an extension with a higher ridgeline and cat slide roof, however the Inspector determined that the proposed flat valley roof form, whilst resulting in a marginal length increase would be sufficient to make the northern wing appear bulkier and dominant and ultimately more harmful to the significance of the Listed Building. As such, the Inspector afforded significantly limited weight to the extant permission.
- The proposed new slimlite double glazed windows and doors would match the existing units within the later extensions. As such, the proposal would not cause additional harm to the architectural interest of the listed building.
- The Inspector identified the harm to be less than substantial, but nevertheless of importance and afforded considerable weight. Benefits would largely be private, with very limited public benefits which were insufficient to outweigh the harm identified. On balance, the Inspector determined that the appeal proposal would fail to preserve the special historic interest of the Grade II Listed Building, and fail to satisfy paragraph 192 of the NPPF and policies SD12 and SD13 of the SDLP. The Inspector also concluded that it would fail to satisfy policies SD5 and SD31 of the SDLP which seek appropriate and sympathetic designs which respect local character.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/03281/HOUS APP/Y9507/D/21/3267935	Chichester	Sybs Farm, Jobsons Lane, Windfall Wood Common, Lurgashall GU27 3BX	Replacement garage with ancillary accommodation.	D 21 April 2021

Inspector's Reasoning

- Both parties accepted that the extension would increase the floorspace above the 30% threshold within Policy SD31.
- The appeal property was not considered to fall within the definition of a small to medium home, and as such the proposal would not result in the loss of one.
- However, the Inspector found that the proposal would be of considerable bulk, height and scale. Whilst some screening would be provided, the size and scale and topography of the site would mean that the building would be clearly visible. The proposal would be intrusive and have an adverse impact on the character and appearance of the area.

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<ul style="list-style-type: none"> The Listed Building of Sybs Farm, located immediately south of the existing garage, was described as detached, tile roof, sitting in a substantial plot. The proposal would sit on an elevated part of land, and due to its greater scale, bulk and mass, would be visually prominent development. As a result the proposal would undermine the legibility of Sybs Farm as a historical, vernacular rural dwelling, diminishing its significance. The proposal would fail to conserve and enhance the local character, historic environment, and the significance of the Listed Building, and the appeal was dismissed. 				
Planning Application No	Authority	Site	Judicial Review	Decision
SDNP/19/06035/FUL	SDNPA	Land South West of Woodcote Manor Cottages Petersfield Road Bramdean Alresford Hampshire SO24 0LR	Application for judicial review in respect of decision to grant permission for a proposed Agricultural Grain Store, Agricultural Building and Associated Infrastructure (Inclusive of Hardstanding, Attenuation Pond and Landscaping)	A 04 May 2021
<ul style="list-style-type: none"> The SDNPA planning committee granted planning permission for application SDNP/19/06035/FUL on 14th December 2020 for “an agricultural grain store, agricultural building and associated infrastructure (inclusive of hard standing, attenuation pond and landscaping)” at land to the south west of Woodcote Manor Cottages, Petersfield Road, Bramdean. The owner of an adjacent listed property, Woodcote Manor, challenged the decision of the SDNPA through Judicial review. The application for judicial review was brought on three grounds which can be summarised as follows:- <ul style="list-style-type: none"> Ground 1 – Major development in the National Park. Failure to have regard to the principle of consistency of decision making/error of fact between previous decisions and the application for planning permission or failure to give reasons as to why the development was not ‘major development’. Failure to apply the correct test in assessing ‘major development’. Ground 2 – Heritage impact. Assessment and weight of impact of the development upon Woodcote Manor and the Gardeners cottage. Ground 3 – Noise impact and conditions. Imposition of unlawful noise conditions and condition dealing with traffic impact. The SDNPA conceded the claim on the basis that a material error of fact occurred when explaining the differences between an earlier application in 2018 and the proposed development, in relation to the reason why the earlier application in 2018 was considered major development and the proposed development was not. The permission was quashed by a court order. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/06009/LDP APP/L3815/X/20/3256176	Chichester	Meadow Cottage, Hawksfold Lane East, Fernhurst GU27 3JW	Single-storey rear extension	D 04 May 2021
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> The basis for the appeal was whether the proposal would meet the requirements of Permitted Development under Class A. All parties agreed that the proposal, which consisted of a single storey extension across the entire rear elevation (which included an additional lean-to), would meet the relevant limitations in Class A paragraph A.1 (b)-(f) and (i), and A.2 (a), (c), and (d). However, the limitation at paragraph A.1 (j)(iii) does not permit an extension beyond a wall forming the side elevation of the original dwelling to be of a width greater than half that of the original structure. Additionally, Paragraph A.2 (b) does not permit extending beyond a wall forming a side elevation of the original dwelling. The definition of 'original' in the GPDO at Article 2(1) is as it existed on 1 July 1948. The Inspector found that the existing lean-to was of more recent origin, with evidence being supplied insufficient to show that the lean-to originated prior to 1 July 1948. Therefore, the existing lean-to was not regarded as the 'original' dwelling. The proposed development would span the width of the rear elevation, which included the additional lean-to. Therefore, the proposal would extend beyond the side elevation of the original house, and the appeal was dismissed. <p>Costs Decision – Refused</p> <ul style="list-style-type: none"> The appellants applied for an award of partial costs on the basis that the SDNPA introduced a new reason for refusal in their appeal statement. The Inspector agreed that by introducing new reasons for refusal this could be seen to be unreasonable behaviour. However, the applicants written submissions in respect of the new matter were brief, and were unlikely to have been great and would not amount to extra expense. Therefore, it was not clearly demonstrated that the SDNPA's actions resulted in the applicant incurring unnecessary or waste expense, and the costs award was refused. 				

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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/00708/FUL APP/Y9507/W/20/3259372	Winchester	Hayden Barn Cottage, Hayden Lane, Warnford SO32 3LF	Erection of private recreational stable and extension of track.	D 06 May 2021
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The existing paddock lied to the north of the appellants dwelling and garden, and to the east of an area of woodland. • The Inspector noted that the appeal site was an enclosed manicured paddock, seen in close association with the host dwelling. The dwelling hosted a degree of visibility in wider public viewpoints and public rights of way. The current track, whilst not as visible from public viewpoints, was unsympathetic and appeared overly large and coarse. • The stable block, to be relocated from elsewhere, was thought to be modest in scale, and the intention to stain the relatively new timber to darken the finish would make it more recessive in the landscape. Minor alterations to the land level would be required, but to a lesser extent than was necessary to accommodate the building in its current position. • The Inspector found that the modest scale was not disproportionate to the existing paddock, or out of context with the landscape, given the proximity to domestic buildings. • It was concluded that the proposal would not have a harmful effect on the character or appearance of the area, and complied with Policies SD4 and SD24 of the SDLP. • The use of the site was undisputed as agricultural land, with the keeping of horses for grazing being permitted under this use. The intention of grazing 2 to 3 horses in the paddock would require supplemental feed, which would be contradictory to a wholly or primarily grazing basis for legitimate agricultural use. The Inspector confirmed that the stable block would go beyond the basic provision of shelter, and would not have a functional relationship with the agricultural use. Therefore, the proposal would result in a material change in the use of the land. • The Inspector noted that broadening the description of the proposal to include a change of use would not be possible, as the material alteration could prejudice the interests of others. • Therefore, it was confirmed that the agricultural use of the land would not support the keeping of horses and the appeal was dismissed. 				

