

Agenda Item 11
PC Report 21/22-37

Report to: **Planning Committee**
Date: **20 January 2022**
Title of Report: **Summary of appeal decisions received from 19 August 2021 – 29 December 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 and any Judicial Reviews 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 19 August 2021 to 29 December 2021:
- 14 appeal decisions (some dealt with concurrently) were received, 8 were dismissed, 5 were allowed and 1 was a split decision.
 - There were no applications for an award of costs.
 - There were no judicial review judgements.
- I.3 The Authority's appeal performance in the financial year to date is good with 70% of appeals being dismissed.
- I.4 Members will note the appeal decision at Eastmead Industrial Estate in Lavant which went to Planning Committee in February 2020. Although the Authority lost this appeal the appellant increased, during the course of the appeal, its affordable housing offer from the zero affordable homes put before Planning Committee to 16% (or 9 affordable dwellings) put before the Inspector. Although it is disappointing to lose this appeal it is also fair to state that these 9 affordable dwellings only came about as a direct result of the Authority's refusal of planning permission.

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

Key to Appeals Reporting

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

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/05467/HOUS APP/Y9507/W/20/3271114	SDNPA	Clay Lane House, Clay Lane, Warningcamp BN18 9QN	The development proposed is provision of a steel horse walker and all-weather equestrian exercise arena.	Split Decision 02 September 2021
Inspector's Reasoning				
<ul style="list-style-type: none"> The main issue was the effect on the landscape and scenic beauty of the National Park. The Inspector agreed that the site lies within the transition of the Angmering and Clapham Wooded Estate Downland Landscape Character Area (LCA) and the Arun Valley Sides LCA. Albeit they reasoned that the wider medieval landscape (as asserted by the Authority) was somewhat eroded, and the historic legibility lessened, due to the woodland planting to the north and east of the site. Whilst the proposal was for a 20m x 40m all-weather equestrian exercise arena and a Horse Walker of 11m in diameter and approx. 2.7m high (clad in galvanised framed panels), the Inspector considered they had different effects and the elements were clearly severable to enable a split decision. For the all-weather equestrian exercise arena the Inspector concluded that due to the proposed location (between the ridge to the north and an existing stable block), when viewed from the footpath at Blakehurst Farm it would be imperceptible and would not be seen from the intervening footpath due to the landform. In addition, it would not affect the medieval assart field pattern and would not affect a significant part of the fieldscape and the proposal would better preserve the wider landscape by allowing the proper exercising of horses rather than the landholding being over-used and suffer from 'poaching'. Therefore, this would represent a conservation based land management approach to the overall holding as required in Policy SD24 and overall this element would conserve and enhance this part of the National Park. However, they took a contrary view to the proposed Horse Walker, the Inspector concluded that it would be a comparatively tall feature, with a quasi-industrial appearance emphasised by the nature of the materials that would not respond to local character. While it would be located at a slightly lower level than the proposed arena due to the topography it would be taller, conspicuous, and readily seen from the right of way to Blakehurst Farm and would not assimilate into the landscape character and therefore would harm the landscape and scenic beauty of this part of the National Park. Therefore, the Inspector issued as split decision, the all-weather equestrian exercise arena was allowed and the Horse Walker was dismissed. 				

- In allowing the all-weather equestrian exercise arena the Inspector also considered that some of the conditions put forward by the Authority were not necessary. In particular they noted that a Landscape and Ecological Management Plan would not relate to the development being permitted and, given the location of the site away from the highway or nearby dwellings, a Construction Management Plan was not necessary.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/03081/LIS APP/Y9507/Y/20/3263841	Winchester	Post Cottage, Wood Lane, Bramdean, Alresford SO24 0JN	Appeal Against Non-determination The works proposed are described as renewal of three upper dormer wooden window openers and frames to the rear of the property.	D 21 September 2021

Inspector’s Reasoning

- Post Cottage is a Grade II listed building and the special interest and significance of the listed building resides in its C16th origin as a timber framed cottage, which was encased in brickwork during the C18th, and its related historic fabric and detailing. The rear elevation (northeast elevation) has been subject of modern extension, however the front elevation (southwest elevation) remains fully exposed.
- The Inspector noted that the current windows are all of recent origin. This was indicated both by the newness of the joinery and glazing, and the design change of the central dormer window. The latter now features 2 lights rather than the 3 lights noted in the list description. At what point replacement of the windows occurred, and whether or not such works were authorised, was unclear. However, as none of the dormer windows can be reasonably described as ‘historic’, the Authority’s objection on grounds of loss of historic fabric was not applicable.
- The Inspector stated that the proposed replacement windows would match the modern double-glazed windows installed within the rear extension. These feature substantial gaps between the panes, and correspondingly heavy glazing bars. Therefore the appearance is quite unlike that of a single glazed window, and is reasonably obvious viewed from a distance. Though described as ‘slim’, neither the double-glazed units currently installed, nor those proposed are or would be the slimmest available.
- Double glazing is otherwise an appreciably modern product, and its presence within the replacement windows would be apparent both in day to day use of the building, and in direct contrast with the single glazed windows retained. For this reason, the proposed windows would not complement the age, or the historic architectural character of the building, and would thus detract from its special interest and significance.
- The Inspector concluded, that the scheme would fail to preserve the special interest of the building and the harm caused to the significance of the listed building would be less than substantial. Whilst such harm could be weighed against the public benefits of the scheme the extent and duration of the public benefits (that the installation of double glazing would help to improve energy efficiency), would be modest and of very limited broader public benefit, particularly when also taking into account the energy embodied within the existing windows. Furthermore, no evidence had been provided that other less harmful or more sensitive ways of improving the energy efficiency of the building had been fully explored. Therefore, negligible weight was attached to the stated environmental benefits of the works.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/02791/HOUS APP/Y9507/D/21/3270196	SDNPA	Claylands Cottage, Underhill Lane, Clayton BN6 9PJ	The development proposed is demolition of existing extension, removal of existing summerhouse and construction of a one and a half storey extension to the rear with associated landscaping works.	D 29 September 2021
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> • The main issues to be considered were the effect of the proposal on the character and appearance of the host dwelling and the Clayton Conservation Area and whether the scheme complies with policy SD31 regarding the size of domestic extensions. • Claylands Cottage is described as an attractive one and a half storey dwelling, the character of which is derived from its modest scale and traditional design. The front of the property is screened by dense roadside hedging, but its western flank is prominent when approaching from the west along Underhill Lane. The lane bends at this point, drawing the eye to the distinctive chimney stack on the gable end. The pitched roof of a rear single-storey extension is also visible from the street, but this subordinate addition is very much in keeping with the host building. Other extensions to the cottage are hidden from public view. • The Inspector noted that the proposed extension would replace previous extensions and it would take the form of a separate range to the rear of the dwelling. The roof ridge would run parallel to the existing roof and there would be a short section of pitched roof linking the two. Although the development would be set back from the western gable, the additional roof mass at first floor level would be significant and this would overwhelm the host dwelling to the detriment of its simple form and character. • In addition, the Authority's Clayton Conservation Area Character Appraisal explains that the buildings within the village are insufficient in number to define any themes. However, it notes that the buildings are, for the most part, modest. The proposed extension would fail to respect the unassuming scale of Claylands Cottage and therefore would erode the established character of the Conservation Area. • The Inspector also notes that where the harm to a designated heritage asset is less than substantial, the harm should be balanced against the public benefits of the proposal. There would be some minor biodiversity gains from new landscaping, but otherwise no significant public benefits. Although the proposal would consolidate existing extensions and improve the living accommodation within the dwelling, these are private benefits which do not outweigh the harm. Therefore, the scheme would represent an unsympathetic addition to the host dwelling and it would fail to preserve or enhance the character or appearance of the Conservation Area. • The Inspector noted the complex planning and enforcement history to the property (a former garage), however they acknowledged that paragraph 7.89 of the Local Plan and the Technical Advice Note on Extensions and Replacement Dwellings indicate that the term small and medium-sized dwelling is a matter for interpretation based on the circumstances of the case. In their judgement, it is reasonable to treat Claylands Cottage as a medium-sized dwelling, as its current floor area is approximately 153sqm. The addition of 45sqm of floorspace would represent a significant enlargement and this would result in the loss of a medium-sized dwelling. Therefore, the proposal conflicts with criterion 1a of the policy SD31 insofar as it seeks to avoid the over-extension of existing dwellings and it would conflict Policy SD31 in relation to its impacts on the character and appearance of the host dwelling and Clayton Conservation Area. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03162/FUL APP/Y9507/W/20/3257831	SDNPA Planning Committee Decision	Eastmead Industrial Estate, Midhurst Road, Lavant, West Sussex, PO18 0BP	The development proposed is the demolition of existing buildings and erection of 58 dwellings and 420 sqm of Class B1 floorspace, with associated access and parking arrangements, landscaping and open space.	A 13 October 2021

The appeal was heard via an Inquiry held on 8 – 10 December 2020 and 11 January 2021.

Inspector’s Reasoning

- The main issue was whether it has been robustly demonstrated that the affordable housing provisions of 16% would accord with Policy SD28. When the application was determined by SDNPA Planning Committee no affordable housing was offered but during the course of the appeal the appellant offered 16% affordable housing (9 affordable dwellings).
- The site comprises an industrial estate consisting of a number of industrial units and parking areas. There is a two-storey commercial property located to the front of the site. The proposed development would involve the demolition of the existing industrial units and the redevelopment of the appeal site with 58 dwellings and buildings for Class B1 industrial use. The industrial units would be located to the western part of the site with the residential dwellings occupying the remainder of the site.
- It was accepted that Policy SD28 does not impose a blanket requirement of 50% affordable housing and that the Policy can be complied with if it can be demonstrated that this provision would make the development unviable. The Authority consider that, in contrast to their costs put forward, the Appellant has understated the costs and therefore, regardless of the description of the works, the understating of the costings would lead to a failure of the Appellant to demonstrate robustly that 50% affordable housing cannot be provided on the site.
- The Authority and Appellant agreed a number of the inputs which inform the viability assessment. Nevertheless, a dispute remained over the Existing Use Value (EUV) of the site, informing the benchmark land value (BLV).
- The Appellant reached an EUV of around £2.6 million and the Authority concluded that it should be a negative figure of around -£585,000. This was because it assessed the extent of works needed to achieve the agreed rental value required the use of an Alternative Use Value (AUV) rather than an EUV.
- The Authority’s evidence assessed the costs necessary to bring the property into a condition suitable for lettings on FRI terms (Full Repairing and Insuring Lease) and the Appellant looked at the works that would bring the building to a state of repair that would allow continued use by similar tenants and leases as at present in relation to IRI terms (Internal Repair and Insuring).
- The current buildings are in varied states of repair and based on the reports and cost assessments submitted by both parties, the Inspector found it reasonable that the costs contained in the Appellant’s evidence should be able to achieve a building that could be rented out in a similar way to its current use, and accepted that the additional elements (put forward by the Authority) have been shown to be potentially exempt or excessive for the

potential end users. Therefore, they found the evidence put forward by the Appellant covers the necessary costs whereas some of the Authority’s costs are beyond those reasonable or necessary.

- The Inspector also found in favour of the Appellant’s approach to rents and yields and comparables to illustrate the buoyancy of the market.
- The Inspector concludes that a negative AUV figure would mean that the site is a liability in its current condition and this was not supported by the evidence. It was considered that requiring the works to be carried out to an FRI standard to be beyond those reasonable for the purposes of the viability of the proposed development. Therefore, the Inspector concludes that the Authority’s estimates exceed those that would be incurred to repair the property and therefore does not agree that in this instance the AUV approach should be favoured over the EUV approach.
- As such, the Inspector accepted the Appellant’s BLV inputs and calculations and their projected costings and found the assumptions informing their viability assessment to be sufficiently transparent. Consequently, the Inspector found that although the proposed development would not provide the 50% affordable housing as required by Policy SD28, it had been robustly demonstrated that the provision of a policy compliant amount of affordable housing would render the development unviable in this instance. As such, the proposed development is acceptable with the reduced affordable housing of 16%.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/02590/OUT APP/Y9507/W/21/3274563	East Hants	Oakfield, Love Lane, Petersfield GU31 4BW	The development proposed is the demolition of existing dwelling and erection of 27no. flats (outline) with access and all other matters reserved.	D 20 October 2021

Inspector’s Reasoning

- The Inspector noted that the application was outline with access to be determined and the detailed matters of appearance, landscaping, layout and scale reserved for separate consideration. As such, the layout and elevation plans submitted were for illustrative purposes only but were considered on the basis of what the likely impacts of the proposal would be.
- The main issues were the effect of the appeal proposal on: the character and appearance of the area including trees; the living conditions of existing residents to the west of the site (having particular regard to privacy, outlook and noise); highway safety with regard to the proposed access, parking and servicing arrangements; ecology; whether adequate provision is made for affordable housing, and drainage.
- The Inspector noted that the section of Love Lane nearest the site has a somewhat mixed character due to the nearby housing, schools, community facilities and ambulance station. However, it retains many rural characteristics because of the plentiful tree cover, narrow nature of the lane, prevalence of hedgerows and openness of nearby playing fields. In this context, the mostly one or two storey built form has an unobtrusive presence relative to the prevailing verdant and spacious character and appearance of the surroundings.
- The site is broadly triangular and accommodates a two storey detached house set in generous grounds. The building has a restrained presence largely due to the mature trees and hedgerows along the boundaries of the site that shield it. Accordingly, views of the site from Love Lane and the adjacent playing field are mostly of these natural features. Therefore, the site and particularly the protected established trees within it make a positive contribution towards the leafy, spacious qualities of the area.

- The proposal would demolish the existing dwelling and replace it with 27 flats. The size and triangular shape of the site, together with the position of the access onto Love Lane would limit the number of ways such a development might be realistically accommodated. Given the number of dwellings proposed it is highly likely that it would need to take the form of a large block of at least three storeys in height. As such, the development would represent a dramatic increase in the volume and massing of built form at the site and consequently, a reduction in spaciousness.
- In addition, the proximity to the boundary would likely result in the removal or severe reduction of the established trees and hedgerow along the eastern boundary leaving only limited space for planting to provide screening. As a result, it would have a much more prominent presence from the adjacent playing fields. There would also be substantial changes to the secluded access and impression of the frontage of the site including a reduction in tree cover and vegetation due to the widened access and visibility splays.
- The Inspector concluded that the likely scale of the proposal would appear harmfully disproportionate and the combination of the resulting reduction in spaciousness and tree cover, together with the increased prominence of the built form would adversely dilute the positive characteristics of the surrounding area. Moreover, the prominence of these changes in the street scene would exacerbate the degree of harm.
- Given the scale of the development, the resultant degree of coverage and built form and associated hardstanding, some development would be in close proximity to the boundaries. It seems very likely that this would be incompatible with the retention of many of the protected trees. The remaining space within the site not otherwise taken up by built form or hardstanding would be limited, which in turn would have consequences for the degree of planting and screening that could be successfully accommodated to soften the appearance of the development or establish replacement trees of a similar size. As such, it is very doubtful that tree cover equivalent to that presently at the site could be attained.
- Therefore, the development would appear stark and cramped which would undermine the spacious verdant qualities of the area. On that basis, it would not be sympathetic to local character, including the surrounding built environment and landscape setting, and would be harmful to protected trees.
- Based on the information provided and the Inspector's comments on the existing trees / landscaped boundaries, whilst a separation distance could be provided to prevent an overbearing impact on the residents to the west, they were not convinced that an unreasonable level of overlooking, chiefly to the garden areas, would be avoided. Therefore, the proposal would significantly and unacceptably harm the privacy of the occupants of 30, 32 and 44 Upper Heyshott.
- In addition, the development would lead to a notable increase in vehicle movements using the access as well as parked cars close to the western boundary. The illustrative proposed site plan shows car parking directly adjacent to the adjoining boundaries of 40, 42, 44 and 46 Upper Heyshott. Due to the likely proximity and number of car parking spaces, occupants of those properties would be aware of the presence and movement of vehicles. They would be likely to be regularly disturbed by associated vehicle noise. Occupants of no. 44 already have a communal car parking area to the south of their outside space and so the proposal would cumulatively have a significant detrimental impact. Therefore, the proposal would fail to achieve a high standard of amenity for existing users and would have an unacceptably harmful impact on the living conditions of existing residents to the west of the site.
- On Highway Safety (including Parking) the Inspector found that, despite the widening of the access, there would be insufficient visibility to safely serve the increase in vehicle movements. Given the specific highway conditions (the unrestricted sections of the lane containing parked cars and proximity of

Ambulance Station mean that pedestrians and cyclists using the section of road near to the site already must exercise a considerable degree of caution) the proposals would represent an unacceptable risk to highway safety.

- In addition, the evidence indicates that it is likely there would be a shortfall in on-site parking provision. In turn, this would increase pressure and competition for on-street parking spaces, demand for which appears to be high in the vicinity of the site. This could lead to increased congestion and incidents of anti-social parking, both of which would compromise the safety of other road users, particularly more vulnerable pedestrians and make the walking and cycling environment less pleasant. Therefore the proposal would fail to provide a safe and suitable access to the site and would be likely to generate overspill on street parking.
- In terms of Ecology, the Inspector noted that the submitted reports concluded that the existing property had moderate potential for roosting bats and the site hedges and trees a moderate potential to support foraging bats. Therefore, there would be a reasonable likelihood of harm to a roost supporting a protected species. However, there is no specific evidence to confirm this, and the scale of the harm is not identified. The Inspector concluded that there is no certainty as to whether appropriate safeguards are proposed, or are indeed possible, to adequately mitigate for the likely harm, and that this is not a matter that can be appropriately conditioned, nor left to the reserved matters stage. Therefore, it has not been demonstrated that the proposed development would have no materially harmful effects on a protected species.
- In terms of affordable housing, whilst the Appellant states that 100% of the homes proposed would be affordable, the Inspector concluded that it follows that in the absence of a legal agreement, it is not shown that 100% affordable housing would be secured as a benefit of the proposal (nor that the policy requirement of at least 50% affordable housing would be secured). Therefore, the proposal would fail to meet the requirements of policy SD28.
- In terms of Drainage, the Inspector was satisfied that proportionate information (the submitted drainage strategy) had been submitted and therefore there was no conflict with policy SD17.
- In conclusion, the Inspector found that the net gain of 26 dwellings was a moderate benefit but would not outweigh the significant degree of harm identified.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/05220/HOUS APP/Y9507/W/21/3272391	Lewes	26 Lee Road, Lewes BN7 2SF	Appeal Against Non-determination The development proposed is a loft conversion with rear dormer.	A 02 November 2021

Inspector’s Reasoning

- The Authority confirmed that, had it been in a position to determine the application, permission would have been refused on the basis that the proposal would result in the loss of a three-bedroom, medium-sized dwelling contrary to Policy SD31.
- The appeal relates to a mid-terrace property. There are some small differences between the floorspace figures presented by the Authority and those calculated by the Appellant. The Appellant calculates that there would be an increase in GIA of 33%. Although the Authority calculates a slightly

different figure, no objection is raised in terms of the percentage increase. Policy SD31 envisages extensions of “approximately 30%” and the Authority accepted that the proposal would meet that criterion. The Inspector agreed with this.

- The Authority’s objection turns on the assertion that increasing the number of bedrooms from three to four must inevitably amount to a conflict with Policy SD31. However, the Inspector found that there is nothing in Policy SD31 that requires consideration of the number of bedrooms. The Inspector took into account the fact that the underlying purposes of Policies SD31 and SD27 are broadly consistent. However, the Inspector concluded that it does not follow that a policy requirement relating to numbers of bedrooms contained in Policy SD27 (which deals with new dwellings) can, in effect, be imported into Policy SD31. Moreover, the Technical Advice Note (TAN) on Extensions and Replacement Dwellings states that a small or medium-sized dwelling is typically considered to have a GIA of less than 120sqm; *and/or* have one, two or three bedrooms.
- On either the Appellant’s figures or those of the Authority, the property as proposed to be extended would still have a GIA of less than 120sqm. Given the use of “and/or”, the proposal would be considered to be small or medium sized in terms of the TAN advice.
- In conclusion, the Inspector found by any standards, the appeal property is a modest dwelling with a GIA of just 80sqm. The particular configuration of the building enables a fourth bedroom to be created within a total GIA that would still be below 120sqm. Therefore, the resulting building would still be a small or medium-sized dwelling and there would be no harm to the supply of such dwellings and no conflict with Policy SD31.
- Whilst the Authority suggested a condition relating to ecosystem services, this was deemed to be a very small scale proposal that would be within the existing developed area of the site and therefore such a condition was not considered necessary.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/04931/FUL APP/Y9507/W/21/3272035	Lewes	Holly Trees, Underhill Lane, Westmeston BN6 8XE	The development proposed is for the construction of an equestrian sand school and associated access track.	D 11 November 2021

Inspector’s Reasoning

- The main issue was the effect of the proposal on the character and appearance of the area, with particular regard to the rural landscape.
- The site is located beyond a settlement boundary that is typified by rolling arable fields and sparse rural type development. The fields slope up to the wooded areas of the chalk grassland foothills and ridges of the Adur to Ouse scarp which include ‘Ditchling Beacon’, the ‘South Downs Way’ and other footways which sit above the appeal site and the countryside surrounding it.
- The tree and hedge-lined site forms part of a number of post and rail enclosed paddock areas adjacent to Underhill Lane which runs westwards from the village of Westmeston towards the dwelling of ‘Holly Trees’ that has a stable block to one side. The site is accessed from the highway via a double gated asphalted parking area that leads onto the paddocks, pastures and foothills beyond.
- The proposal was to construct a 58 x 38 metre equestrian sand-school on the site to enable year round use of the facility. There would be a new access track and the parking area would be retained. The development would have a silica-sand and recycled fibre mix surface and the track would be topped with shingle to match other farm type tracks nearby.

- The Inspector acknowledged the appellants submitted Landscape and Visual Appraisal (LVA) found that 13 of the 22 chosen viewpoints had either limited or no view to the appeal site. However, even if views to the site were only possible from the remaining chosen sites, the fact remains that the site is situated in an area of high landscape value. Moreover, the proposal would not only be seen from the panoramic and well appreciated ‘View 22’ from ‘Ditchling Beacon’, but also from the nearby connecting footways and byways and also when travelling along Underhill Lane.
- The Inspector noted that notwithstanding its close proximity to an existing stables and the neighbouring dwelling of ‘Holly Trees’, if the proposal were to be allowed there is significant scope for a range of additional equestrian type activity and paraphernalia that would be on view throughout the year. For example, but not limited to, jumps and other equestrian type equipment, as well as the coming and goings associated with the use of the facility such as motor vehicles and horse trailers.
- Whilst the Appellant had sought to reduce the number of fences associated with the established paddock, limited earthworks and engineering to the unlit facility and proposed the development of the flattest area of the paddocks, the impact of the proposal could not be mitigated by new double-planted hedgerows or other landscaping to provide a satisfactory transition between the proposed development and the countryside. Consequently, the proposal, whether well designed to a high standard or not, would harm the landscape receptor in this specific National Park location.
- In addition, the Inspector noted at their site visit that walkers traversing the ridge above could be readily seen from the appeal site. Therefore, given the regular and numerous visitors to this elevated location within the SDNP they are likely to be sensitive visual receptors of the expansive and unfettered views of the appeal site and its rural surroundings. As such, irrespective of surface colour or texture applied, and whether conditioned or not, the alien type appearance of the extensive sand school would be a stark and jarring addition to the countryside for visual receptors of the verdant and ‘breath-taking’ landscape beauty of the National Park.
- The Inspector concludes that this incongruous proposal would significantly erode the beauty of the visual landscape and the impacts would be substantial contrary to Policies SD4, SD5, SD6 and SD24 and Policies CONS2 and CONS6 of the Ditchling, Streat and Westmeston Neighbourhood Plan 2018.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/05128/FUL APP/Y9507/W/21/3280077	Chichester	The Old Dairy, Mill Lane, Stedham GU29 0PR	The development proposed is described as a new agricultural barn.	D 24 November 2021

Inspector’s Reasoning

- The main issue was whether the development would conserve and enhance the natural beauty of the National Park and whether any adverse effect would be justified by need.
- The site forms the southeast corner of a field which slopes down to the River Rother. Parts of the field are planted with trees, as is the land adjacent to the river. Both the site, and the field of which it forms part, generally blend with the attractive rural setting of Stedham, which in turn blends with the landscape of the National Park at large.

- The proposed building would be a large modern agricultural storage shed. The Inspector noted that whilst it would bear no relation to the more traditional agricultural structures which characterise the broader landscape of the National Park, examples of which cluster towards the northwest, its siting in the corner of the field would also lack a close relationship with other buildings. In this regard there would be no obvious physical or visual relationship between the building and other structures located on a sewerage works towards the south of the site.
- In order to reduce the extent of resulting intrusion into the open landscape, a green roof and bunding are proposed. The Inspector noted that the type of green roof intended is unclear, but that this would provide the building with an unusual appearance. The bund would appear as a wholly alien feature within the existing sloping terrain of the field, and this would be the case whether or not it was planted. In each regard therefore, the proposed measures would serve to highlight rather than mitigate the intrusive presence of the building.
- Both scope for and the extent of views of the building from outside the site would be limited. This would however be partly dependent on screening provided by trees located towards the east, whose long term presence cannot be guaranteed. In the absence of these trees, it is likely that the building would be clearly exposed to view from the public footpath along the river. Within the field itself, and particularly from higher ground toward the northwest, the intrusion caused by the building and associated landscaping would otherwise be obvious. Therefore, the development would not conserve and enhance the natural beauty of the National Park.
- The agricultural activity claimed to generate a need for the proposed building is the production of hay. Excluding those parts of the field which contain trees, its productive area is relatively small, and it is further reduced by perimeter mowing and the open-air storage of machinery and implements.
- The machinery and implements in question vary in size, and most are reasonably compact. In this regard, the Inspector acknowledged that the height of the proposed building has been dictated by that of the Appellant's tractor, and that this would facilitate access. However, it is far from clear that this would be essential in relation to all parts of the building, and all of the machinery and implements which could be hooked to the tractor. In this regard the scale of the proposed building appears excessive.
- The extent to which the area designated for storage of hay would correlate with the volume of hay yielded by the field is additionally unknown in the absence of any figures. Moreover, at the time of the site visit, the Inspector saw no evidence that a hay crop had actually been produced this summer. Indeed, though the Appellant reports that the crop is stored outdoors wrapped in plastic, and that this caters for a peak winter demand, they observed no such bales within the field or anywhere else. As the stated need for indoor storage of hay provides one of the key reasons for the proposed building, the apparent absence of the crop casts some doubt on the nature of need, as too on the nature of the hay making enterprise which ultimately generates it. Therefore beyond the confirmed existence of agricultural machinery and implements and their probable past use in the field, the evidence is insufficient to clearly establish the full nature of the agricultural need for the building, both in terms of the operation generating it, and minimum space requirements. The Inspector concluded that they could not be satisfied that there is a need for a building of the size, dimensions or type proposed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/06024/FUL APP/Y9507/W/21/3274207	SDNPA Planning Committee Decision	Land adjacent to Coppice Cottages East Meon, Hampshire	The development proposed is described as 12 new dwellings comprising 2 no. detached 2 storey houses, 6 no. detached two-storey houses, 1 no two-storey building comprising 4 flats, detached car barns, 2 no. new accesses from Coombe Road, new footpath, attenuation pond, swales and 5 metre landscape buffer on southern boundary.	A 02 December 2021
Inspector's Reasoning				
<ul style="list-style-type: none"> • During the course of the appeal the Appellant submitted further information in relation to drainage and access and a Unilateral Undertaking (UU) to address the issue of affordable housing and impacts on the European Sites. The Authority therefore withdrew its objections on drainage and access grounds and confirmed the UU had been agreed between the parties. Therefore the Inspector concluded the only matter for consideration was the effect of the development on the character and appearance of the area, including the National Park. • The site is a field enclosed by hedges. This is located on gently rising ground to the south of Coombe Road, just beyond the edge of the currently developed area of East Meon. The site adjoins other fields and clearly forms a component of the immediate landscape setting of the settlement. • The site is allocated for 11 houses under Policy EM16 of the East Meon Neighbourhood Development Plan. Therefore, the Inspector noted that development of the field would have a transformative effect that would inevitably give rise to some adverse effect on the character of the landscape. The site would be brought within the developed area of the settlement, whose edge would in turn be pushed further into the surrounding setting. That some such harm would be acceptable must logically follow from the site's allocation. It must also limit the extent to which conservation and enhancement can be considered achievable. • Coombe Road is described as a historic lane, the section which runs along the frontage of the site is reasonably narrow, and the boundary along the north side of the site is marked by a thin hedge. By contrast the north side of Coombe Road opposite the site lined by a mix of closely spaced dwellings with in-frontage parking and a variety in boundary treatments. Access to further housing along a number of cul-de-sacs is provided via Duncombe Road opposite the west end of the site. The Inspector concluded that the streetscene is reasonably 'suburban' in character, notwithstanding a scatter of vernacular finishes. The difference from one side of the lane to the other currently reflects the transitional edge of settlement context. As the development would see housing also introduced to the south side of the lane, a change in its perceived character, as too a greater sense of suburbanisation, would be unavoidable. • The proposal would result in the removal of hedgerow and the introduction of 2 accesses, a pavement and a swale. The Inspector noted that Policy EM16 requires the provision for 2 accesses and a pavement therefore the loss of the hedgerow would be inevitable, so too would be the significant modifications in ground levels required in order to achieve this. • Policy EM16 also seeks the incorporation of SuDS, and for flooding in Coombe Road to be addressed as part of the development. Given the fall in ground levels across the site towards Coombe Road, the Inspector noted that the obvious response both is and would be the provision of a swale 				

across the frontage. In view of the topography of the site it is unclear how else these matters could be appropriately addressed, and no alternative has been suggested by the Authority. Again, provision of a swale would also require modification of ground levels.

- The Inspector found that ditches are not unusual features along rural lanes to address flooding, whilst such proposals do not often display the precise contouring proposed on the plans, they rarely appear 'natural' but also they do not remain 'static' or in a pristine state. Therefore it is unlikely that the proposed shallow swale would appear overly engineered, excessively scaled or suburban in character.
- The Inspector concluded that the provision of the swale and pavement would together cause widening of the corridor within which the lane is located. The swale would however support vegetation, and a replacement hedge would be planted towards the rear. This would provide a traditionally enclosed broad green edge to the lane, the attractive appearance would blend more successfully with the wider landscape setting than the streetscene opposite.
- In addition, the provision of the pavement and swale would involve incursions into the indicative rooting areas of off-site trees. These trees are not subject of any protection and chiefly fall within a sparse hedgerow along the east side of the site. Whilst the trees are individually unremarkable, together they make a very modest positive contribution to the general character of the area. The Inspector noted that it is apparent that in order to deliver a functional pavement and site drainage, some impact on tree roots would be unavoidable. Whilst Policy SD11 seeks to conserve trees and hedgerows it acknowledges that such impacts may arise in relation to unprotected trees. The harm was capable of mitigation, secured by condition, and therefore no unacceptable overall effects would arise.
- There were no objections to the scale, appearance, general layout or design of the buildings proposed and the Inspector noted that this would achieve broader integration with the settlement at large. There was also no objection to the overall number of dwellings proposed (12). Whilst concern was raised that some buildings would cut across contours, the Inspector noted that this would be far less the case than within the indicative scheme attached to Policy EM16, and would not therefore be unacceptable.
- The Inspector concluded that the siting, scale and layout of the development would be such that it would be visible from, but not prominent within the broader landscape. Planting within and around the site would reduce prominence further, and could result in a net increase in boundary vegetation. In combination with the green edge along the frontage, it would help to mitigate the adverse effects of developing the field on the character of the broader landscape. Therefore when considered in relation to the site's allocation, the scheme would achieve conservation and enhancement of the landscape, natural and scenic beauty of the National Park to the extent that this would be possible.
- On the matter of affordable housing, the Inspector was satisfied that the submitted UU secured the proposed level of affordable provision and mix in overall conformity with policies SD27 and SD28.
- On the matter of the impact on European Sites, (Solent and Southampton Water Special Protection Area (SPA) and Ramsar site; the Portsmouth Harbour SPA and Ramsar site; the Chichester and Langstone Harbours SPA and Ramsar sites; the Solent Maritime Special Area of Conservation (SAC); the Solent and Dorset Coast SPA; and the Solent and Isle of Wight Lagoons SAC). The potential for the development to have likely significant effects on the integrity of the above sites would arise due to the increase in population that it would support. This would in turn lead to increased generation of wastewater enriched with nutrients which could be ecologically harmful. The proposal was to remove an area of land from agricultural production to balance the effects of increased discharge from the development, enabling it to achieve nutrient neutrality. The Inspector was satisfied

to adopt the Authority's Appropriate Assessment and agreed the submitted UU would secure the removal of the land from agricultural production. Therefore the Inspector concluded that the development would have no adverse effect on the integrity of the above European sites.

- On the matter of conditions, the Inspector accepted the majority of the conditions put forward by the Authority however, in relation to SD48 (sustainable construction) the Inspector did not impose a requirement for a further 20% reduction in CO2 emissions through the use of renewable sources. They also did not impose separate conditions requiring details of the development's connection to a foul sewer, the provision of site levels and sections, restricting a broad range of householder permitted development (PD) rights or a Construction Environmental Management Plan (CEMP). This is because scope for a sewer connection has been agreed by Southern Water and can be separately arranged, levels and sections are already shown on the plans and no specific justification has been provided for the restriction of PD rights. On the CEMP, in view of the small size of the site, its lack of adjoining neighbours, and the resulting low probability of undue adverse effects on amenity it was considered unnecessary.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/21/00355/FUL Appeal A: APP/Y9507/W/21/3277840	Chichester	Longmeadow, Bell Lane, Cocking, West Sussex GU29 0HU	Appeal A (planning ref: SDNP/21/00355/FUL) - The development proposed is described as erection of a single detached property with associated garaging and associated surface parking.	Appeal A D Appeal B D 02 December 2021
SDNP/20/03543/FUL Appeal B: APP/Y9507/W/21/3274485			Appeal B (planning ref: SDNP/20/03543/FUL) - The development proposed is described as erection of two detached properties with associated garaging and associated surface parking.	

Inspector's Reasoning

- Whilst the appeals on the site relate to two different schemes, to avoid duplication the Inspector considered the appeals together except where otherwise indicated.
- The main issues were: the effect of the developments on the integrity of the Arun Valley Special Area Conservation, Special Protection Area, and Ramsar Site; in relation to Appeal B, the effect of the development on the living conditions of occupants of 8 High Meadow with regard to outlook and privacy; and the effect of the developments on the character and appearance of the area, including the natural beauty and cultural heritage of the National Park.
- Natural England (NE) issued advice stating that it cannot be concluded that existing groundwater abstraction within Sussex North Water Supply Zone (the Zone) is not having an adverse effect on the integrity of the Arun Valley sites. Consequently, all new development within the Zone requiring the supply of water could potentially contribute towards this adverse effect.
- The proposed dwellings would not be water neutral. As use of tap water by future occupants would therefore increase the demand for abstraction, when considered either alone or in combination with other projects, likely significant effects on the integrity of the Arun Valley sites cannot be ruled out. No means of strategic mitigation currently exists. In the apparent absence of any other mechanism by which mitigation could be secured, likely

adverse effects of the development on the integrity of the Arun Valley sites would not be mitigated. Alternative solutions which would have a lesser impact on the integrity of the Arun Valley sites exist (and NE have outline interim measures). The Inspector concluded that as such and in the absence of any imperative reasons of overriding public interest for the developments to proceed, allowing either appeal would be contrary to the Habitats Regulations and paragraph 180(a) of the NPPF.

- Therefore, the developments subject of both Appeal A and Appeal B would have a likely adverse effect on the integrity of the Arun Valley sites. This would conflict with the Habitats Regulations and Policy SD9.
- In relation to impacts on living conditions (Appeal B), the site forms part of the garden of Longmeadow and lies immediately towards the north of the modestly sized plot on which No 8 is located. The latter tapers towards its west, or back garden end, and given a steep fall in ground levels it mostly stands at a lower level than the site. No 8 occupies the east end of its plot, whereas Unit 2 would be located towards the west. As such both proposed Unit 2 and its car port would stand close to the back garden boundary of No 8. Though the car port would be single storey, Unit 2 would present a long 2-storey side elevation to the boundary. The development would have a significant physical and visual presence when viewed from within both No 8 and its garden. This would be amplified by the tapering shape of the plot, by falling ground levels, and by the fact that built form would occupy much of the space on the north side of the boundary. The resulting effects of physical overbearing would be somewhat oppressive, and would not be meaningfully balanced by the otherwise open outlook that would continue to exist towards the south.
- The proposal includes a high hedge to screen Unit 2, and part of the boundary does already feature such a hedge. However, the Inspector noted even assuming that this hedge could be retained and rapidly supplemented by additional planting, it would not be wholly effective in concealing the height, solid mass and physical form of Unit 2 and the long-term retention of such a hedge cannot be wholly guaranteed. A hedge would not therefore remove or adequately mitigate the effects of overbearing identified, which would in consequence cause unacceptable harm to the outlook of occupants of No 8.
- Though the car port in the scheme subject of Appeal A would occupy the same position as the car port serving Unit 2 in Appeal B, the dwelling would stand further to the north. The components of the dwelling closest to the boundary with No 8 would also be single storey. The effects of the developments would therefore differ, and here the Inspector shared the Authority's view that these effects would not be unacceptable in relation to Appeal A.
- The front elevation of No 8 faces eastwards whereas that of proposed Unit 2 would face westwards. The proposed layout would thus see the rear elevations stand roughly parallel, but reasonably well offset. The distance measured between would be very modest. However, the angle would be acute enough, that when taken in combination with the difference in levels there would be little scope for easy or direct overlooking between first floor windows. No unacceptable harm to the privacy of occupants of No 8, or for that matter Unit 2, would therefore arise.
- Therefore, the Inspector concluded that whilst the development subject of Appeal B would not have an unacceptable effect on the privacy of occupants of No 8, its effects in relation to outlook would be unacceptable and would conflict with Policy SD5.
- In terms of character and appearance, the Inspector noted that the site lies towards the fringe of Cocking, but is otherwise set well within the established developed area of the settlement. Aside from the building of which Longmeadow forms part, the immediate context contains a mix of

predominantly large detached dwellings whose design, layout and plot size varies. This includes a cul-de-sac development along High Meadow which partly bounds the site, and which thus helps to inform the character of the immediate setting.

- The size of the 2 small dwellings subject of Appeal B would relate poorly to the prevailing pattern. Though the size of the plots would nonetheless be comparable with that of No 8 to the south, the close proximity of the rear elevation of Unit 2 to that of No 8 would be atypical viewed in context. The uneasy nature of the resulting relationship would be further emphasised by physical overbearing. Each would be capable of perception from Bell Lane, whether boundary hedging was in place or not. When considered in combination with the close spacing of the proposed dwellings, as too the positioning of the car port almost wholly in front of Unit 2, the development would appear unduly cramped. Its resulting incongruous appearance relative to its setting would not be altered by the use of vernacular materials.
- The single detached dwelling subject of Appeal A would relate more directly to the prevailing pattern. Its overall dimensions and massing would appear greater than that of some other nearby dwellings, but its footprint and form would be relatively compact. The size of the plot would otherwise fall at or above the higher end of the range found within High Meadow, and would be broadly comparable with those of other detached dwellings found on the north side of Bell Lane further towards the east. Taking these points together, the development would not appear cramped when considered either individually or in relation to other nearby developments. It would indeed fit reasonably well within the broader pattern.
- The Authority additionally states that the dwelling subject of Appeal A would compete with the building of which Longmeadow forms part. This it has identified as a non-designated heritage asset, despite any clear explanation of what it considers the significance of the building to be, or how this would be harmed. The Inspector found that the dwelling would fit the broader pattern applies equally in relation to the building to the north, which, when taken as a whole, would furthermore remain more substantial than the dwelling proposed. Furthermore, the physical and visual presence of the dwelling would not appear unusual. Nor would the dwelling therefore be perceived as atypically 'dominant', particularly when compared to other, more visually exposed dwellings towards the east.
- The Inspector commented that given its location and developed context within the settlement the site currently makes no obvious contribution to the landscape and scenic beauty of the National Park. Moreover, beyond the immediate setting of the site, the proposed dwellings would have little broader exposure. It appears possible that both a distant and partial view of the developments could be obtained from land outside the settlement towards the south. However, given the limited nature of the view and the distance involved it is highly unlikely that the dwellings would stand out within their setting. The developments subject of both appeals would therefore conserve the landscape and scenic beauty of the National Park.
- Therefore, the Inspector concluded that the development subject of Appeal A would have an acceptable effect on the character and appearance of the area, including the natural beauty and cultural heritage of the National Park. It would therefore comply with Policies SD1, SD4 and SD5. The effects of the development subject of Appeal B on the character and appearance of the area would however be unacceptable, and would conflict with Policy SD5.
- The overall conclusion is that the developments subject of Appeal A and Appeal B would have an unacceptable effect on the Arun Valley sites. That subject of Appeal B would also otherwise have an unacceptable effect on the living conditions of occupants of No 8 and the character and appearance of the area.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01255/CM APP/Y9507/W/20/3265729	SDNPA	Avington Wellsite, Land off Matterley Farm, Petersfield Road, Ovington Down, Hampshire	The development proposed is use of wellsite and surface and sub-surface infrastructure for a period of 5 years to allow for appraisal of oil and gas.	A 10 December 2021

The appeal was heard via a Hearing held on 15 November 2021.

Inspector’s Reasoning

- The main issue was whether or not the proposal would conserve and enhance the landscape, scenic beauty, wildlife and cultural heritage of the National Park.
- The Inspector noted that both parties agree that the proposed development would not constitute ‘Major minerals development’ under the terms of the definition used in Policy 4 of the Minerals Plan or paragraph 177 of the NPPF and footnote 60. Therefore, Policy 4 is not applicable to the proposed development. Furthermore, given that the proposal would not be major minerals development, they saw no basis for the Authority’s approach in applying the criteria set out in Policy 4 when considering whether exceptional circumstances exist under the terms of Policy 24.
- The site covers an area of approximately 1.33 hectares and comprises an area of hardstanding containing well heads, storage tanks and other equipment within a compound that is secured by fencing. The site includes bunds to the north and east, and existing vegetation towards the northern boundary. A dense hedgerow and tree belt runs to the west of the site on the opposite side of the access road, and a dense area of woodland is located to the north. Agricultural land adjoins to the east, with a hedgerow/tree belt running along the eastern side of the field. Immediately to the south of the site is a large area of hardstanding at a higher land level, and Matterley Motocross Centre is located further beyond. The site is also situated within Oil and Gas Authority Licence Area PEDL 070.
- The Inspector noted that the site currently contains the infrastructure required for the proposed oil exploration, and the Appellant states that there would be no need for any additional above ground installations. The site covers a modest area, and the infrastructure is of a small scale. Whilst the infrastructure, by its nature, is alien to its surroundings, the nearby bunds and trees/vegetation ensure that the site is visually well-contained. There is very limited visibility of the infrastructure in the surroundings. In particular, the infrastructure was not visible from South Downs Way to the north, and the belt of mature trees adjacent to the site provides extensive screening in views from South Downs Way to the west. Furthermore, the vegetation cover would be supplemented by additional planting, which could be secured by a planning condition.
- The Appellant indicates that there would be around 16 HGV movements per day, which is a modest amount. Furthermore, the Noise Impact Assessment shows that noise associated with the proposal would be localised and would not cause significant disturbance to the nearest noise sensitive

receptor. There is no substantive evidence that the previous temporary permissions have given rise to levels of noise and HGV movements that detract from the experiential qualities of the National Park.

- The supplementary planting set out in the Landscape Statement includes native chalk grassland, new/enhanced hedgerows and a section of linear woodland. This would reinforce the landscape pattern and provide suitable enhancements to biodiversity in the area. The restoration stage enhancements include restoration of the site to an arable field utilising soil from the bund, and new native boundary hedging and chalk grassland to enhance the landscape pattern and biodiversity. This approach is acceptable, and a detailed scheme could be secured by a planning condition
- The Inspector noted there is no dispute between the parties that there is a national need for onshore oil and gas, as part of a diverse and secure energy supply. Government energy policy recognises that the United Kingdom is not currently in a position to rely solely on renewable energy sources, and fossil fuels will therefore continue to have a role in the UK’s energy system. The proposal would enable a greater understanding of the oil resources within PEDL 070, which is contained wholly within the National Park. The Framework highlights that minerals can only be worked where they are found, and the Appellant’s evidence was accepted that it would be impractical to explore this resource from outside the National Park. The proposed exploration facility would contribute towards meeting the Government’s objectives to achieve secure and reliable energy supplies, and it would also provide modest support to the economy through employment during the investigation activities. These are benefits that attract significant weight.
- The Inspector concluded that the proposal would not compromise the reasons for designation of the National Park and there is a demonstrable need for the oil exploration development. Furthermore, the required infrastructure is already in place, which would avoid environmental impacts associated with drilling and construction activities. Therefore, the proposal constitutes exceptional circumstances for oil exploration development in the National Park, as required by Policy 24 of the Minerals Plan. Furthermore, the proposal would have an acceptable environmental impact, and it provides for the restoration and subsequent aftercare of the site.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/01960/LIS APP/Y9507/Y/21/3269343	Chichester	Ffowlers Bucke, The Street, South Harting GU31 5QB	The works proposed are replacement of windows to the front elevation	A 14 December 2021

Inspector’s Reasoning

- During the course of the appeal the Appellant submitted revised plans showing that the proposed windows at first floor level whilst still being double glazed would no longer have horizontal glazing bars. The Inspector found that no parties would be prejudiced through consideration of the amended plan. Therefore, the appeal was considered on this basis.
- The main issues were whether the proposal would preserve a Grade II listed building and any features of architectural or historic interest that it possesses; and the effect of the proposal on the character and appearance of the South Harting Conservation Area.
- The Inspector observed that there were a variety of different window styles and designs within the Conservation Area albeit that the majority of windows included some form of glazing bars.

<ul style="list-style-type: none"> Ffowlers Bucke is a Grade II listed building, originating from the late 16th Century. The proposed works would consist of replacing all of the windows in the front elevation with timber slimline double-glazed units. The design of the first-floor units would remain the same whereas the ground floor units would be replaced with a simple two pane casement design. The Inspector noted that the concern of the Authority was focused on the use of double-glazed windows which were considered would be inappropriate for the property. The Inspector considered that the current windows are non-historic. Furthermore, they observed on site that the secondary glazing which has been installed in a number of windows is visually very prominent and given its depth results in a noticeable double reflection, which detracts from the character and appearance of the listed building and the Conservation Area. The Inspector acknowledged that double glazed units can have a thicker and heavier appearance than single glazing and can require unsympathetic alterations to frames and glazing bars to accommodate the additional weight and thickness of the double-glazed units. However, because the proposal would use slimline double-glazed units, it was considered that there would be limited visual effect on the bulk and detail of the proposed windows and whilst there would be some double reflection this would be far less noticeable than that caused by the current secondary glazing. The use of a black internal strip would minimise the visibility of the gap between the windows and would mimic the shadow gap found on single glazed units. Furthermore, as the proposal would use the existing openings there would be no incidental damage to the historic building fabric as a result of removing the existing windows. The proposed two pane window design and the use of slimline double-glazed units would enable the removal of the visually prominent secondary glazing and would introduce a window design that would reflect the design of windows elsewhere in the Conservation Area. Therefore, it was considered that the proposed replacement windows would not detract from the special architectural and historic interest of the listed building or its significance or the character and appearance of the Conservation Area. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/20/03482/APNB APP/Y9507/W/21/3270409	Chichester	Land to the North of Blind Lane, Lurgashall, Petworth GU28 9ET	The development proposed was originally described as: 'Two separate barns. See attached Drawing with Notes.'	D 14 December 2021
Inspector's Reasoning				
<ul style="list-style-type: none"> The main issue was whether the proposal represents permitted development by virtue Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO). The proposed location for the barns is within 400 metres of a protected building (a protected building is defined in Part 6 as a permanent building normally occupied by people or would be so occupied), and the original application form categorically states that the proposed building would be used to house livestock. This matter was subsequently clarified on a revised drawing to confirm that the proposed barns would be used as emergency shelters in adverse weather conditions, storage of animal feeds, bedding etc. and agricultural equipment. 				

- Paragraph A.1.(i) of 2015 GPDO is explicit in its restrictions regarding proximity to protected buildings. On this basis, the proposal would not be permitted development. The additional interpretation provided in Paragraph D.1(3) is an important element of the permitted development right as it provides a degree of flexibility in how buildings are used. However, the Inspector judged, this flexibility should not be used as the regular interpretation of Part 6, Class A. The interpretation in Paragraph D.1(3) provides a form of insurance policy which enables buildings to be used in this manner in unusual circumstances. The relevant paragraph makes reference to emergency situations, extreme weather conditions, sickness, and temporary accommodation for giving birth and for animals newly born.
- The Inspector considered that giving birth is a fundamental aspect of livestock farming and a matter that can be readily planned for. The same applies for animals that are newly born, and perhaps to a lesser extent, sickness. Moreover, providing shelter against extreme weather conditions does not, in of itself, provide a compelling reason for the proposal. Using the interpretation of Class A to justify the buildings simply on this basis does not implement the permitted development right in its correct manner. The Inspector's interpretation is that Paragraph D.1(3) provides flexibility in how buildings may be used in the future where circumstances dictate. It should not be used as a means to justify the location of new buildings because this would be in direct conflict with the specific permitted development right. Accordingly, the permitted development right is not designed to enable buildings to be erected for these specific reasons, rather that when circumstances dictate, a building allowed under the permitted development right could be used for this purpose.
- In addition, Paragraph D.1(3)(a) explicitly requires that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock. The Inspector had no evidence that this would not be the case, and consequently, when combined with concerns identified above, the Inspector was satisfied that Paragraph D.1(3) does not provide justification for the proposal.
- Accordingly, the appeal was dismissed as the proposal would not represent permitted development under Schedule 2, Part 6, Class A of the 2015 GPDO.