



Report to	Planning Committee
Date	12 May 2022
By	Director of Planning
Title of Report	Summary of appeal decisions received from 1 January 2022 – 14 April 2022
Purpose of Report	To update SDNPA Members on appeal decisions received.

Note

Recommendation: The committee is recommended to:

I. 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. This covers both those appeals dealt with by the host authorities and directly by the South Downs National Park Authority.
- I.2 From the 1 January 2022 to 14 April 2022:
- 20 appeal decisions (some dealt with concurrently) were received, 13 were dismissed and 7 were allowed.
 - There were no award of costs (2 applications were made and both were refused).
 - There were no judicial review judgements.
- I.3 The Authority's appeal performance in the 2021 / 22 financial year is good with 68% of appeals being dismissed (which compares to 67% for the previous financial year) and is consistent with the national average.

TIM SLANEY
Director of Planning
South Downs National Park Authority

Contact Officer: Kelly Porter
Tel: 01730 819314
Email: Kelly.porter@southdowns.gov.uk
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
Appeal method All are determined via written representations unless otherwise specified
Allowed A
Dismissed D

Planning Appeals	
Planning Application and Appeal Reference Number:	SDNP/20/05824/FUL APP/Y9507/W/21/3273094
Authority:	Horsham
Site:	Millbrook, Horn Lane, Henfield, BN5 9SA
Description of Development:	The development proposed is described as ‘hard stand for storage of 20 caravans’.
Decision and Date of Decision:	D 11 January 2022

Inspector’s Reasoning:

- The main issues were twofold; the suitability of the location outside the settlement boundary (Policy SD25) and the effect on the character and appearance of the area. The proposal was retrospective.
- Whilst the Inspector acknowledged that ‘Millbrook’ comprises of several commercial buildings and uses, they identified that the appeal proposal would not be in connection with an established business and would appear to be for an unrelated storage use. Furthermore, it would represent a significant expansion of the site into an area that was previously undeveloped and hence not brownfield land. Therefore the proposal would not comply with the criteria set out in Policy SD34 (e) or (f).
- Full weight was given to the Henfield Neighbourhood Plan, made in June 2021 during the appeal process, with conflicts identified with policy 1.

- Various claims made by the appellant on the limited availability of suitable alternative sites, potential alternative uses for the appeal site for businesses in key National Park economic sectors, or the relationship between storage and use of caravans within the National Park were unsubstantiated by sufficiently robust evidence to be persuasive. The Inspector was not convinced of any overriding need for the proposed development in this sensitive location and considered the benefits likely to be modest. The Inspector concluded that the appeal site would not be a suitable location taking the environmental and policy constraints into account.
- On the matter of character and appearance, the Inspector noted the site was relatively well screened and agreed with the Authority that the degree of visual/landscape harm would be less than substantial. However the proposal would nonetheless result in intrinsic harm to the natural beauty of the National Park. The proposal would be an incongruous and urbanising form of development detrimental to the character and appearance of the immediate surroundings and local landscape. Additional screening would not avert the harm. The appeal was therefore dismissed.

Planning Application and Appeal Reference Number:	SDNP/20/04081/FUL APP/Y9507/W/21/3279486
Authority:	Chichester
Site:	The Grove Inn, Grove Lane Petworth GU28 0HY
Description of Development:	The development proposed is change of use to single residential dwelling and associated alterations, and replacement garaging.
Decision and Date of Decision:	A 13 January 2022

Inspector’s Reasoning:

- The main issue was the effect of the change of use on the economic and social well-being of the local communities of the National Park, particularly Petworth town which is within walking distance of the site.
- As to the existing use, the Authority concluded that part of the property was a public house, however the appellant claimed it was a restaurant with living accommodation over. The Inspector noted the property was built as a dwelling, reviewed the licensing and planning history and considered the facilities within. The presence of a bar area was not conclusive of a public house as a bar would often form part of a restaurant. The Inspector found no

compelling evidence of a public house use and agreed with the applicant that it was a restaurant for the purposes of this assessment. Consequently the Inspector disagreed that marketing in accordance with SD43 was required and found there was no cogent evidence that the proposal would conflict with the policy aim of protecting existing community facilities. This conclusion was reinforced by the lack of local objection to the proposal including no Town Council objection.

- Since the premises were not a recreational facility, the Inspector found SD23 not directly relevant to the determination of the proposal.
- The Inspector agreed with the Authority that the proposed replacement garaging would not result in the loss of a structure of architectural merit or harm the setting of the listed building. The appeal was therefore allowed.

Planning Application and Appeal Reference Number:	SDNP/20/05495/HOUS APP/Y9507/D/21/3285346
Authority:	Lewes
Site:	Malling Edge Mill Road Lewes BN7 2RT
Description of Development:	The development proposed is described on the planning application form as: “two wooden platforms 3 X 3m and 2 X 2m and raised beds by the east fence which is at the top of a steep bank to provide a ‘wilderness’ play area”.
Decision and Date of Decision:	D 28 January 2022

Inspector’s Reasoning:

- The main **issues** were the effect on the living conditions of occupiers of adjacent dwellings with regard to overlooking, and the effect on the character and appearance of the locality. The proposal was retrospective.
- The appellant claimed the rising ground was both facilitating and experiencing overlooking as existing, however the Inspector found that the steep gradient did not lend itself to regular or prolonged use. Conversely, the proposed platform would provide a significantly better opportunity for users to remain in this position for an appreciable period of time, and at a more elevated level than was possible previously. The development has therefore resulted in an unacceptably greater degree of overlooking and an increased perception of overlooking that further exacerbates the impact.

- The bamboo fencing and additional planting were not sufficient to prevent overlooking and the planting could not be relied upon as mitigation in these circumstances in any event. Conflict was therefore identified with policy SD5.
- The horizontal surfaces and raised beds were identified to abruptly contrast with the slope of the land, and the structures were considered bulky and visually discordant. The Inspector noted that the development has resulted in the loss of trees which had unacceptably detracted from and diminished the sylvan character of the surroundings. There were no meaningful benefits for nature conservation.
- The Inspector concluded that the character and appearance of the locality had been harmed in contrast with Local Plan policies SD4, SD5, SD6 and Lewes Town Council Neighbourhood Plan policy PL2, therefore the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/21/00278/HOUS APP/Y9507/D/21/3278850
Authority:	Chichester
Site:	Leith House, Angel Street, Petworth, GU28 0BG
Description of Development:	The development proposed is for the demolition of an existing double garage and alterations and extensions to existing dwelling.
Decision and Date of Decision:	D 28 January 2022

Inspector’s Reasoning:

- The main issue was the effect of the proposed extensions on the character and appearance of the area, the wider landscape, the setting of listed buildings and the Petworth Conservation Area (CA).
- The Inspector recognised that Leith House was mid 20th Century and was unlike the nearby prevailing historic or architectural character. It had a neutral effect on the CA. The garage sat within views of the Church and Presbytery but did not dominate.
- The extensions would be larger than the existing garage and introduce a modern and contemporary design at odds with the host property, be insufficiently subservient and be discordant within the historic setting. It would overwhelm and draw attention away from its unassuming host and compete with views of the Church and Presbytery during daytime and darkness, causing significant harm to their setting.

- Post-decision amendments sought by the appellant were rejected procedurally due to lack of ability to consult appropriately, and would not in any event address the concerns. The Inspector also gave little weight to the proposed mitigation including low level lighting and automated blinds as no mechanism had been offered to secure these in perpetuity. However this would not have been, in isolation, sufficient to warrant refusal.
- With regard to Policy SD31, the Inspector noted Leith House was a medium sized house and rejected the appellant’s rationale for the extension to exceed the 30% allowance.
- The Inspector concluded the proposal would result in significant harm to the character and appearance of the area, and as such it would not preserve or enhance the CA and would harm the setting of the Grade II Listed Church and Presbytery. Such harm would be less than significant but real and enduring. This would not be outweighed by public benefits, therefore the proposal was contrary to both Local and Neighbourhood Plan policies.

Planning Application and Appeal Reference Number:	SDNP/21/00350/HOUS APP/Y9507/D/21/3284599
Authority:	Chichester
Site:	Leith House, Angel Street, Petworth, GU28 0BG
Description of Development:	The development proposed is provision of a new domestic ancillary outbuilding.
Decision and Date of Decision:	A 28 January 2022

Inspector’s Reasoning:

- The main issue was the effect of the proposed outbuilding on the character and appearance of the area, the wider landscape, the setting of listed buildings and the Petworth Conservation Area (CA).
- The Inspector identified that the shed would be small and not in a key view identified in the Petworth Neighbourhood Plan (policy ESD6). It would be set well back from the road and not be intrusive in the street scene. Vegetation would be retained and viewed in the context of another outbuilding. It would have a neutral effect on the setting of heritage assets and preserve the character and appearance of the CA and National Park. Therefore, the appeal was allowed.

Planning Application and Appeal Reference Number:	SDNP/20/02824/FUL APP/Y9507/W/21/3272210
Authority:	SDNPA
Site:	34a Lavant Street, Petersfield, Hampshire GU32 3EF
Description of Development:	The development proposed is change of use from retail Class A1 to hotel temporary accommodations C1.
Decision and Date of Decision:	D 31 January 2022

Inspector's Reasoning:

- The main issue was whether the building alone was suitable for hotel use.
- It was considered that the position of the appeal building at the front of the Tews Engineering yard, where industrial/warehouse uses could recommence, sharing the yard access, would not provide a suitable environment for a hotel. Moreover, no details of how the accommodation would be satisfactorily laid out had been submitted and it seemed unlikely that good quality accommodation could easily and viably be provided. Therefore, the proposal would not accord with the vision for hotel accommodation and associated policies set out in the Petersfield Neighbourhood Plan. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/19/05568/LDE APP/Y9507/X/21/3278669
Authority:	Winchester
Site:	Sutton Park Farm, Polly Glovers Lane, West Meon, GU32 1JS
Description of Development:	The use for which a certificate of lawful use or development is sought is a dwelling C3 residential use.
Decision and Date of Decision:	D 01 February 2022

Inspector’s Reasoning:

- The main matter for consideration was the appellant needed to show that the C3 residential use of the appeal building started at least no later than 20 November 2015. Moreover, the dwelling use must have continued substantially uninterrupted over the relevant four year period.
- The appellant stated that the stables (the building subject of the appeal) were constructed in 2005 and shortly thereafter converted to a one-bedroom self-contained dwelling and occupied by them until 2010, after which the building was tenanted.
- The statement from the Authority, which included reference to site visits across the period 2006 – 2020, and comments from neighbours suggest that whilst the building may have been converted in 2005, there were indications the building was not occupied for residential purposes. Furthermore, in a Planning Contravention Notice response from the appellant, where persons with an interest in the land should have been declared, the long-standing tenant was not listed.
- A series of annual tenancy agreements from 2010 through to 2020 submitted by the appellant, along with a declaration from the tenant stated they lived at Sutton Park Barns, rather than Stable Cottage (which is the building subject of the appeal). It was noted by the Inspector that this declaration did not appear to have been witnessed by and signed in the presence of a solicitor, commissioner for oaths or notary public, and therefore was afforded little weight.
- It was therefore considered that the evidence from the Authority and neighbours contradicted the appellant’s case. Moreover, the appellant’s evidence was not sufficiently precise and unambiguous to discharge the burden of proof on them to show that over any four-year period, from 2005 up until the date of the LDC application, the C3 residential use continued substantially uninterrupted. On this basis the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/20/05361/FUL APP/Y9507/W/21/3272202
Authority:	Chichester
Site:	Laudacre Cottage, Beechwood Lane, Duncton GU28 0NA
Description of Development:	The development proposed is replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).
Decision and Date of Decision:	A 02 February 2022

Inspector’s Reasoning:

- The main issue was the effect on the character and appearance of the area.
- The Authority’s reason for refusal related primarily to the increased upward massing and the introduction of accommodation at the first floor level. The proposed replacement dwelling would entail a 256% uplift in the gross internal area of the building, which clearly conflicted with Policy SD30.
- Despite this, there was agreement between the parties that planning permission for a replacement dwelling granted in 2016, had been implemented and there was no reason to believe that there was not a very real prospect of these works being continued. Therefore, this fall-back position was found to be a material consideration of significant weight.
- The changes between the extant 2016 permission and current proposals were considered to be of a modest scale albeit resulting in the development being perceived as a larger building on the site. The Inspector considered that the changes beyond the 2016 scheme would not cause unacceptable visual harm to the character of the area.
- Given the existence of the extant 2016 permission, the proposed development would not have an adverse effect on the character and appearance of the area, having particular regard to the statutory purposes of the National Park. The proposal would conserve and enhance the natural beauty of the area, and would not cause conflict with the purposes of the designation of the National Park.

Costs Decision – Refused

- The applicant considered the Authority demonstrated unreasonable behaviour through its failure to give appropriate weight to the presence of the fall-

back position.

- The Inspector considered that the officer report substantiated the reason for refusal, which acknowledged the planning history of the site and went on to discuss the implications of the development proposed compared to the existing and approved schemes. They were therefore satisfied that the Authority did have regard to the fall-back position when reaching their decision and therefore the cost application was refused.

Planning Application and Appeal Reference Number:	SDNP/20/04726/HOUS APP/Y9507/D/21/3283228
Authority:	Chichester
Site:	St Peters Well, Vicarage Lane, Lodsworth GU28 9DF
Description of Development:	The development proposed is 'New build timber-framed garage building, brick retaining wall and relocation of existing oil tank.
Decision and Date of Decision:	D 03 February 2022

Inspector’s Reasoning:

- The main issues were the effect on the setting of the Grade II Listed Building (St Peters Well), the effect on Lodsworth Conservation Area (CA), and on the landscape character and cultural heritage of the National Park.
- The appeal site comprised a large plot with a verdant domestic garden. As an early domestic building, the appreciation of St Peters Well within its landscaped garden is an important part of its setting and significance. This contributed positively to the significance of CA, whilst the spaciousness and verdant setting provided an important transition between the village and countryside.
- The Inspector found that by reason of the footprint of the proposed garage in combination with its substantial pitched roof, the proposed structure it would fail to appear as a visually subordinate outbuilding to this garden setting. Significant groundworks would be required to provide access, which would appear stark and at odds with the soft landscaped garden. This would create a prominent landscape feature within the site.

- The development would fail to respect the scale and form of the building and would result in the loss of green and verdant character, thereby causing less than substantial harm to the setting of the listed building. The Inspector found no public benefits would outweigh this harm. Further, the development would fail to either preserve or enhance the character or appearance of the CA.
- The scale and prominence of the proposal would unacceptably erode the contribution the site makes to the transition between the edge of the village and countryside beyond, eroding the understanding of the development pattern and contribution to natural beauty and cultural heritage of the National Park. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/18/05230/FUL APP/Y9507/W/19/3239485
Authority:	Winchester
Site:	The Plantation, Woodlands, Bramdean Common SO24 0JH
Description of Development:	The development proposed is for erection of 3 holiday chalets within existing clearing.
Decision and Date of Decision:	D 22 February 2022

Inspector’s Reasoning:

- The main issues were the effect on the character and appearance of the Sites of Important Nature Conservation (SINC) and the National Park, effects on the habitat of the SINC and Ancient Woodland, and on the purposes of the National Park.
- The Inspector found that despite suggestions to the contrary, notwithstanding any design features of the proposed built form, by its very nature the proposal would have an impact upon the woodland character and general appearance of the area. Even if movement of visitors were limited, activity would still be evident which would harm the currently tranquil character integral to the Woodland and Plantation SINC.
- The presence of protected remnant woodland species were found on the site. Despite proposed measures for improved management of the woodland, it is questionable whether it would be feasible to enforce such measures alongside a proposed tourism use. Furthermore, the potential for indirect

harm within the Ancient Woodland is significant. The habitat identified on the appeal site would be irreplaceable, therefore in accordance with Ancient Woodland guidance, compensatory measures should not be considered as part of the assessment of the merits of the proposal.

- Although benefits associated with the proposal had been identified, such as provision of tourist accommodation and support for the rural community, in accordance with Policy SD23, the Inspector identified harm to the character and appearance of the area. In addition, it had not been demonstrated that exceptional circumstances exist to suggest such harm was justified, nor had it been clearly shown that the benefits demonstrably outweigh the great weight applied to the first purpose of the National Park. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/20/00778/FUL APP/Y9507/W/21/3278658
Authority:	East Hants
Site:	Smiths Farm, Worldham Hill, East Worldham, Alton, GU34 3AT
Description of Development:	The development proposed is conversion of existing mixed use building (brewery and agricultural) to a mixture of the following uses: <ul style="list-style-type: none"> • Conversion of front part (former brewery) to residential dwelling • Granny Annex ancillary to Smiths Farm including new window opening, replacement of an existing window with a pair of French doors and one new door opening • Conversion of (part) upstairs to a yoga / fitness studio / meditation room • Ancillary garaging / storage to Smiths Farm • Drying out of Oak (seasoning) is to be carried out in the two remaining areas of the building at first floor • Use of second barn as additional parking area.
Decision and Date of Decision:	A 24 February 2022

Inspector's Reasoning:

- The main issue was whether the appeal site was an appropriate location for the development.
- Both existing buildings were considered to be of typical agricultural appearance, with no need for substantial reconstruction or extension in order to facilitate the proposed uses. Bringing them into more productive use and investing in the external fabric would enhance the local landscape.
- The Authority considered that options for uses other than the ones proposed might be more appropriate to a countryside location, and these should have been explored first. The Inspector accepted that the appellant had provided very little evidence to demonstrate that alternative uses, including tourism or rural works dwellings.
- The Inspector found that in the case of the former brewery, this represented an employment site that due to its small size and awkward arrangement, would not be fit for modern employment purposes. Similarly the layout and levels of the agricultural buildings would not easily lend themselves to modern agricultural use and do not relate well to agricultural land. Changing the use to residential would not therefore conflict with the provisions of SD35. The Inspector concluded that alternative uses would likely rely on the use of a private vehicle in much the same way as a residential use. Therefore, a small scale residential use as proposed would not be so inappropriate as to justify withholding permission.
- It was considered the conflict identified with parts of Local Plan policies (i.e. lack of consideration of alternative uses), were out-weighted by the benefits of bringing such substantial buildings back into beneficial use without causing material harm to the character and appearance of the local area and the National Park. Therefore, the development was not considered to be inappropriate in this location and the appeal was allowed.

Costs Decision – Refused

- The appellant considered the Authority unreasonably refused permission because the wrong policy was applied to the conversion of the brewery element of the scheme. Further they considered the Authority acted unreasonably by not supporting the re-use of the buildings and insinuating that allowing the proposal would result in further development pressures in the countryside.
- It was found that it was not unreasonable of the Authority to consider whether the proposed uses were the most appropriate ones and that no evidence from the appellant of the likely viability of the uses set out in the cascade was provided. The Authority were entitled to conclude that there would be a risk that elsewhere there may be pressure for tourism related development, or development that specifically needs a countryside location, and which could otherwise have been accommodated in the Buildings.
- The Authority were entitled to judge that the proposal taken as a whole should be refused. Even though the overall reasoning could have been more clearly expressed in relation to the different uses, it was concluded that the appeal could not have been avoided.
- Therefore, it was found that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated and the application for costs was refused.

Planning Application and Appeal Reference Number:	SDNP/21/00523/FUL APP/Y9507/W/21/3280855
Authority:	East Hants
Site:	76 Portsmouth Road, Liphook GU30 7EF
Description of Development:	The development proposed is conversion of garage/workshop building to create a one bedroom dwelling.
Decision and Date of Decision:	D 24 February 2022

Inspector’s Reasoning:

- The main issues were (1) whether the location within the countryside is suitable for a new dwelling and (2) whether the appeal scheme provided appropriate living conditions for future occupiers. The proposal was retrospective, with the works viewed on site undertaken also not in accordance with the submitted plans.
- With regard to (1) no essential need had been submitted therefore there was conflict with Policy SD25. As a domestic outbuilding, the existing structure was clearly ancillary and wholly in keeping with the existing linear and low density development character. Despite little physical alteration, the proposal would result in a significant increase in the intensity of the use of the building and a higher density of development than is characteristic. The position of the new dwelling would introduce an incongruous residential layout and constitute an unduly cramped and confined form of development. This would not constitute landscape-led development.
- On the matter of (2) amenity, the Inspector considered the outlook from primary windows would be compromised and in some elevations oppressive, with natural light restricted and a reliance on opaque glazing. The close proximity of the new property with the existing buildings, and parking arrangements thereof would likely give rise to a loss of privacy and unrestricted day and night time noise. The scale of the amenity space would be acceptable but the quality unsatisfactory.
- On both issues the Inspector concluded the scheme would be unacceptable, and dismissed the appeal.

Planning Application and Appeal Reference Number:	SDNP/20/03967/HOUS APP/Y9507/W/21/3277896
Authority:	Chichester
Site:	Hill View, Cocking Causeway, Cocking GU29 9QG
Description of Development:	The development proposed is to replace an existing outbuilding within the curtilage of Hill View with a detached annexe.
Decision and Date of Decision:	D 28 February 2022

Inspector’s Reasoning:

- The main issues were the suitability of the location, having regard to whether the annexe would be ancillary or incidental or a separate dwelling unit, the location in the rural area and its effect on the character and appearance of the area.
- The Inspector identified that the locality had a sporadic layout of buildings of diverse styles and a tranquil, green and rural character.
- The proposed building would have all the accommodation and facilities required for independent living. The Inspector had no demonstrable evidence that the appellant’s needs could not be provided for within the main dwelling or physically attached to the host property which sits within a spacious plot. There would be no functional connection between Hill View and the proposed annexe, for either internal accommodation, garden or parking. There was no mechanism to ensure the arrangement for shared services and utilities would continue in perpetuity. The Inspector concluded that the evidence very strongly suggested the accommodation would be able to function independently and a condition restricting use to ancillary purposes would be effective and enforceable.
- The Inspector did not object to the design and materials of the new building per se however the clearly residential design, height, bulk and massing of the replacement building, the increased dominance in the site and uncharacteristically small plot, and the position relative to other dwellings would be unacceptable. The Inspector also noted concerns about intensification. The combination would result in a development that would be discordant and detrimental to the spacious rural character of the area. Consequently, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/20/03501/LDP APP/Y9507/X/20/3264164
Authority:	SDNPA
Site:	Land at The Ranch, Water Lane, Angmering, BN16 4ER
Description of Development:	The use for which a certificate of lawful use or development is sought is to use the land for the stationing of a caravan for occupation by a travelling showperson.
Decision and Date of Decision:	A 03 March 2022

Inspector’s Reasoning:

- The main issue was whether the refusal of the lawful development certificate for the proposed use of land was well-founded.
- The Inspector identified the relevance of the site’s planning history, including an enforcement notice in May 2019 for the change of use of land to residential and the construction of a structure for human habitation, and a planning permission in February 2016 for the siting of one showperson’s caravan and use as a dwelling which was implemented. The Inspector recognised the Authority’s case included the claim that there was an intervening caravan storage and agricultural use for grazing. The Inspector noted that there were material differences between the development subject of the enforcement notice in 2019 and that subject to the lawful development certificate subject of this appeal. There were inconsistencies between the extent of land identified on the planning permission and enforcement plans and lawful development application. The relevant date for this appeal (the date of the application for the certificate) was 19th August 2020.
- Upon reviewing the evidence, the Inspector concluded;
 - By reason of the implemented 2016 permission, the land was lawfully used for the stationing of a caravan intended for residential occupation before the development subject of the enforcement notice. Consequently on the relevant date it would have been possible to revert to that previous use;
 - The mobile home was intended to be used residentially, even it that use was not active;
 - There were no conditions limiting occupation of the land to travelling showpeople on the planning permission granted in 2016, and the use of the land by people other than travelling showpeople would not be a material change of use and would not be material to the conclusions of the lawful use of the land;

- The area identified on the planning permission from 2016 was identified as the area on which the stationing a travelling showperson’s caravan for residential occupation may be lawful;
- Due to the tarmac surfacing on part of the site, the agricultural use would have taken place other land, and not that parcel subject to the planning permission for the caravan;
- The temporary storage of a caravan on site post-dated the relevant date for the appeal.
- The Inspector concluded that, on the balance of probability, the refusal of the proposed lawful development certificate was not well-founded, the appeal should succeed and a certificate of proposed lawful use should be issued.

Planning Application and Appeal Reference Number:	SDNP/20/04533/HOUS APP/Y9507/D/21/3277488
Authority:	Chichester
Site:	Dunrovin, Limbourne Lane, Fittleworth RH20 1HR
Description of Development:	The development proposed is erection of a two storey rear extension and front porch together with installation of tile hanging at the first floor level.
Decision and Date of Decision:	D 24 March 2022

Inspector’s Reasoning:

- The main issue was the effect of the proposed development on the supply of small and medium sized homes within the National Park.
- The property was identified as a small dwelling, with 2 bedrooms. Both parties agreed that the appeal scheme, which would result in a four bedroom property, would be in breach of the 30% set out in Policy SD31.
- The Inspector reviewed the appellant’s considerations of permitted development rights as a fall-back position and the educational impacts of avoiding the need to relocate. They did not find exceptional circumstances applicable nor sufficiently weighty material considerations to outweigh the harm caused to the supply of small dwellings within the National Park. The design and character impacts were considered neutral. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/21/00587/HOUS APP/Y9507/D/21/3278886
Authority:	Chichester
Site:	7 Luffs Meadow, Northchapel, Petworth, West Sussex GU28 9HN
Description of Development:	The development proposed is described as ‘retention of home office built 2020 retrospective application.’
Decision and Date of Decision:	D 24 March 2022

Inspector’s Reasoning:

- The main issue was the effect of the development on the character and appearance of the area.
- The Inspector noted the spaciousness of the built form characteristic to the street scene and that this spaciousness was part of the landscape character and formed an important part of the relationship between the edge of the settlement and the open countryside beyond.
- The development sits forward of the front building line of the main building and is prominent in views, with harm accentuated by its materials (the stark contrast of the timber cladding when compared to the main building and other buildings within the street).
- In combination (i.e. the location and materials) it resulted in a development which intrudes on and erodes the spacious feel of the street scene.
- Therefore, the development was deemed to cause harm to the character and appearance of the area and the appeal was dismissed.

Planning Application and Appeal Reference Number:	Appeal against Enforcement Notice issued on 20 August 2021 APP/Y9507/C/21/3284029 SDNP/21/00622/HOUS APP/Y9507/C/21/3279810
Authority:	SDNPA
Site:	Honeysuckle Cottage Horsham Road Findon Sussex BN14 0UY
Description of Development:	Enforcement Notice: The breach of planning control as alleged in the notice is that without planning permission and within the last 4 years, the erection of a rear extension on Honeysuckle Cottage (Appeal A). SDNP/21/00622/HOUS - Single storey rear conservatory. Change of use for incorporation of open space to side of property into garden and construction of new boundary wall (Appeal B).
Decision and Date of Decision:	A 29 March 2022

Inspector’s Reasoning:

- On a procedural issue, the planning application (Appeal B) related to a single-storey rear extension, change of use of land to garden and construction of a boundary wall. The application was however only refused owing to the rear extension. As no planning harms were identified in respect of the other developments, the Inspector did not need to consider these further.
- The main issue for both appeals was therefore whether the roof lantern was harmful to the character and appearance of the area and the dark night skies of the National Park.
- The site consisted of a semi-detached property located on a corner plot. The immediate area was developed and residential in character, of mixed designs, with the majority of properties set in comparatively modest sized plots. The single-storey rear extension was constructed from brick to match the dwelling, under a flat roof with glazed roof lantern.

- The Inspector accepted that roof lanterns can result in upward light spill which may not conserve the intrinsic quality of the dark night skies. However, they found that the adjoining semi-detached property comprises a rear conservatory, with fully glazed roof, and witnessed during the site visit that there were numerous examples of such structures in the immediate area and potential forms of light pollution. Against this backdrop, they were not convinced that the addition of the roof lantern lead to excessive or harmful upward light spillage, to the detriment of the intrinsic qualities of the area’s dark night skies or any wider unlit environment within the parish.
- In addition, it was considered that the roof lantern was not unduly prominent and the materials, height and design did not have a detrimental impact on the character and appearance of the area.
- Therefore, the appeals were allowed, the enforcement notice was quashed, and planning permission was granted.
- In addition, the Inspector concluded they did not deem it necessary to impose a condition for low transmittance glass or automatic black out blinds to be installed.

Planning Application and Appeal Reference Number:	SDNP/21/01457/HOUS APP/Y9507/W/21/3286422
Authority:	Lewis
Site:	Flat 16 34-36 Cliffe High Street Lewes BN7 2AN
Description of Development:	The development proposed is replacement of windows.
Decision and Date of Decision:	D 31 March 2022

Inspector’s Reasoning:

- The main issue was whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area (CA).
- Flat 16 is at the back of the mixed use development at 34 to 36 Cliffe High Street, which was built in about the mid-1980s. The flat includes a second floor roughly north facing window that faces into the courtyard, and first floor and second floor windows that face roughly south. The proposal would replace the existing single-glazed timber framed windows with double-glazed uPVC framed windows of similar pattern.

- The Inspector acknowledged that the windows of the flat were mainly visible from the courtyard within, and other parts of, the development, and from nearby parts of Rusbridge Lane and Morris Road but recognised that their statutory duty is not dependent on the ability of the public to appreciate the heritage asset, and concluded that the existing development had a neutral effect on the character and the appearance of the CA.
- The application did not include detailed drawings of the frames or a detailed specification for the windows. The Inspector found that whilst the proposed replacements aim to replicate the existing timber windows, there was insufficient evidence to show that this would be achieved, and because it would not be reasonable, the suggested condition seeking the Authority’s approval to the windows, could not be imposed.
- There was almost no technical evidence to show that the proposed windows would be more energy efficient than well-maintained timber windows with secondary glazing, or that they would last as long as the present windows. In addition, the lower cost and easier maintenance of the proposed replacement windows would be of private benefits for the appellant. Therefore, because the proposed windows would be likely to contrast starkly with the existing timber windows, they would harm the character and the appearance of the development and its surroundings.
- The Inspector concluded that the proposed development would fail to preserve or enhance the character or appearance of the CA and would be contrary to Policies SD12 and SD15 of the Local Plan.

Planning Application and Appeal Reference Number:	SDNP/20/05646/FUL APP/Y9507/W/21/3280944
Authority:	East Hants
Site:	Land Adjacent Apple Acre Plantation Road Hill Brow Liss GU33 7QB
Description of Development:	The development proposed is described as “Proposal for the erection of a single storey dwelling bungalow and carport with associated access and landscaping”.
Decision and Date of Decision:	D 12 April 2022

Inspector's Reasoning:

- The main issues were: whether the proposal would be suitably located; the effect of the proposal on the character and appearance of the area, included in respect of protected trees; whether the proposal would provide satisfactory living conditions for future occupiers of the development, having particular regard to outlook and privacy; and the effect of the proposal on protected species.
- The appeal site comprised an area of undeveloped land located within the small village of Hill Brow, which lies outside the settlement boundary of Liss.
- The Inspector found no substantive evidence to demonstrate that there was an essential need for a countryside location. Moreover, the proposal does not include the provision of community infrastructure, and would not constitute an appropriate reuse of a previously developed site. The appeal site did not appear to be sustainably located and given that Plantation Road was a relatively narrow and partially unmade road, with no continuous footway and/or cycle path, future occupiers of the development may need to travel further afield to access most of the local services and facilities associated with day-to-day living and those trips would be heavily relied on the private car.
- Whilst the appellant submitted a Unilateral Undertaking to provide a financial contribution towards the provision of cycle storage facilities at Liss Train Station. The Inspector concluded it remains unclear, whether there was a clear need for such infrastructure or a specific scheme which the contribution would provide for, and how it was calculated. Therefore, they consider that the planning obligation would not be directly related to the development, and fairly and reasonably related in scale and kind to the development, and would be contrary to the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations (as amended).
- Therefore, in relation to location, it was concluded that the proposal not be suitably located and would not constitute a sustainable form of development, contrary to Policies SD1 and SD25 of the Local Plan and Policy Liss 1 of the Neighbourhood Plan.
- With regards to character and appearance, the Inspector found that the proposal would constitute a significant intensification of development on the site, not only in terms of the massing and footprint of the dwelling and car port, but also the area of hardstanding required for the construction of the driveway. The new dwelling would be sited within proximity to two of the site's boundaries, whilst the window serving bedroom 2 would look directly onto the proposed car port. The proposed layout and siting of the dwelling suggests that the site may not be large enough to accommodate a dwelling of this size, particularly in the context of the prevalent pattern of development in the area. As a result, the development would diminish the site's contribution to its surroundings, whilst eroding the spacious character of this semi-rural area.
- Whilst the Authority raised no objection to the removal of Tree (protected by a Tree Preservation Order) subject to its replacement, the Inspector concluded that as the appellant has provided limited information regarding the proposed replacement tree (including where it would be planted). In the absence of more detailed evidence in this regard, they were unable to fully assess the effect that this would have on the character and appearance of the area, which added to their concerns.
- Therefore, in terms of character and appearance, it was concluded that the development would cause unacceptable harm to the character of the area, contrary to Policies SD4 and SD5 of the Local Plan and Policies Liss 4 and Liss 9 of the Neighbourhood Plan.

- With regards to living conditions, the proposed dwelling would be constructed at sufficient distance away from Apple Acre, which would ensure that this neighbouring property does not appear overbearing to future occupiers of the development. However, the North-Eastern elevation of Apple Acre includes a number of first floor windows, one of which serves a habitable room. Regardless of its size, this opening would enable the occupiers of Apple Acre to overlook, and from a modest distance, the private garden area associated with the new dwelling. The overlooking and perceived sense of being overlooked would be detrimental to the living conditions of future occupiers of the development, by adversely affecting their enjoyment of their private amenity space. Therefore, the development would not provide a satisfactory living environment for future occupiers of the development, having particular regard to privacy and consequently fails to accord with Policy SD5.
- With regards to protected species, whilst the site lies within proximity to Rake Hanger Site of Special Scientific Interest, the submitted reports found no reasonable likelihood of reptiles on site. Therefore, it was unlikely that the scheme would have a harmful effect on protected species contrary to Policy SD9.
- The Inspector acknowledged that the proposal would provide a dwellinghouse for the appellant and its family, and that the scheme seeks to introduce a number of improvements. However, these considerations are outweighed by the conflict with the development plan and the harm which would result from the proposal. There are no other material considerations. Therefore, the appeal was dismissed.

