



South Downs
National Park Authority

Agenda Item 8
Report PC22/23-28

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| Report to | Planning Committee |
| Date | 9 March 2023 |
| By | Director of Planning |
| Title of Report | Summary of appeal decisions received from 19 November 2022 – 22 February 2023 |
| Purpose of Report | To update SDNPA Members on appeal decisions received |
| Decision | |

Recommendation:

I. 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 received in the period. 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 November 2022 to 22 February 2023:
- 22 appeal decisions were received, of which 16 were dismissed and 6 were allowed.
 - 4 applications for an award of costs were made, of which 3 were refused and 1 was allowed (Oakleaves, School Lane, Lodsworth).
 - In response to a pre-action protocol letter dated 10 November the Authority agreed to a Consent Order to quash a decision taken by East Hampshire District Council on the Authority's behalf. This related to a certificate of lawfulness application at Selborne Post Office with the claimant having two grounds of challenge, namely i) the misconstruction of Class F2(a) and, ii) that the Plan accompanying the Certificate of Lawfulness outlines the entire landownership area of the premises including the separate residential garden. The delineation of the Plan, in this case, should have been for the building area only and this was an error.

The first ground of claim would have been defended. However the second ground represents an error and on this basis and this basis alone the Authority consented to the decision being quashed which was authorised by the High Court on 16 December. On any subsequent application the correct plan would be used to rectify this error.
- I.3 The Authority's appeal performance in the financial year to date is good with 82% of appeals being dismissed.

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Director of Planning

South Downs National Park Authority

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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
Appeal method All are determined via written representations unless otherwise specified
Allowed A
Dismissed D

| Planning Appeals | |
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| Planning Application and Appeal Reference Number: | SDNP/21/01971/FUL APP/Y9507/W/22/3298243 |
| Authority: | Chichester |
| Site: | Abesters, Quell Lane, Lurgashall GU27 3BS |
| Description of Development: | The development proposed is the erection of replacement gates. |
| Decision and Date of Decision: | D 22 November 2022 |

Inspector’s Reasoning:

- The appeal site is in a tranquil and remote countryside location. The winding narrow road past the appeal site and the trees and woodland bordering the road and appeal site positively inform the intimate, secluded, shady and rural character and appearance of the area.
- Whilst the material of the gates (oak) relate well to the site’s woodland setting because of the significant height of the gates and the location of the gates and gateposts close to the edge of an outside bend in the lane, they would be prominent, including from an adjacent public right of way. The gates and gateposts would starkly contrast with the site’s rural setting and natural beauty and would have a harmful urbanising effect upon this part of the National Park. The scheme would harm visual tranquillity.
- Any security benefit was not considered to outweigh the harm to landscape, scenic beauty and relative tranquillity and the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/21/00548/FUL APP/Y9507/W/21/3276708 |
| Authority: | East Hants |
| Site: | Land east of New Barn Farm Lane, Blendworth, PO8 0QG |
| Description of breach of Planning Control: | The development proposed is the change of use from equestrian to a mixed use, of equestrian and residential, to allow for the creation of 4 Gypsy/Traveller Pitches comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch. |
| Decision and Date of Decision: | D Public Inquiry 30 November 2022 |

Inspector’s Reasoning:

- During the course of the Inquiry (including the submission of further information), it was agreed by all parties that the scheme did not conflict with Policies SD2, SD9 and SD10 in relation to protected species and habitats and to the Solent Special Protection Area (SPA) and Special Area of Conservation (SAC), SD49 and SD50 in relation to drainage, SD54 in relation to the living conditions of neighbouring properties and SD8 in relation to dark night skies as all these matters could be satisfactorily addressed with suitably worded conditions.
- Therefore, the main issues were whether the site was suitable for the proposed development having regard to its countryside location and its accessibility to local services and facilities, the effect on the landscape character and appearance of the National Park and the need for such accommodation and the personal circumstances of the occupiers.
- Given the context of this type of proposed development (including Policy SD33), the Inspector concluded there was no conflict with criteria (2) (b) of Policy SD25 as it is unrealistic to expect sites will generally come forward within settlement boundaries.
- In terms of the site’s wider context and accessibility, the Inspector stated that the proposal would conflict with Policy SD19 as it could not be said that the development is located and designed to minimise the need to travel and promote the use of sustainable modes of transport.
- The Inspector concluded that very little regard appears to have been paid to the juxtaposition of pitches to the existing boundary hedges or stables (should they be lawful), let alone to the need for new development to be located and designed in a way that reflects the status of a National Park. In addition, the proposed landscaping itself would be wholly out of context in this particular location and quite obviously serving to screen a poorly located development and the presence and general activity associated with the proposed residential development would be very evident, again even more so by

reason of the poor juxtaposition of the pitches within the context of the site. Therefore, the proposal was not landscape-led and would clearly fail to conserve and enhance the landscape character and appearance of the National Park, contrary to policies SD4, SD5, SD7 and SD25(2).

- In light of national planning policy context, recent court cases and the evidence presented at the Inquiry, the Inspector stated that the provision of the proposed 4 pitches would contribute to the supply of pitches within the East Hampshire administration area, and that the need may be greater, which was a material consideration. However, given the highest protection afforded to the National Park, the Inspector concluded that the overall un-met need in the East Hampshire administration area was awarded only limited weight.
- In terms of personal need, whilst there were no specific health, welfare, schooling, or social reasons relating to either the appellants or their children, a settled base nevertheless ensures appropriate access to medical facilities and continuity in education. The Inspector stated that to have a settled base, particularly for the children, was a material consideration afforded significant weight. However, they concluded that whilst there are no alternative sites available in the area that would provide a settled base, those considerations in favour of permission would not justify the resultant and permanent harm to the special qualities of the National Park, nor, given the harm that would arise from the development, could the best interest of the children be addressed by granting a temporary permission or the omission of the day rooms (as suggested by the appellant). Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/21/03859/PA16 APP/Y9507/W/22/3290215 |
| Authority: | SDNPA |
| Site: | Highway Land off Station Road, Station Road, Liss, GU33 7AF |
| Description of Development: | The development proposed is installation of 1no. 13m monopole with 1no. antenna, 2no. equipment cabinets and associated ancillary works. |
| Decision and Date of Decision: | A 01 December 2022 |

Inspector’s Reasoning:

- An earlier application for prior approval for a 17m monopole was refused by the SDNPA and dismissed at appeal in May 2021 with the Inspector on this previous appeal concerned about the visual prominence of the monopole arising from its prominent location and height which would have extended significantly higher than the surrounding development.
- In the current appeal the Inspector noted that the height of the mast had been reduced (to 13m) and this brings it to a height comparable to the nearby trees. However, the proposed mast would rise significantly above the height of other lights and telegraph poles in the immediate area and in combination with its diameter which would exceed that of other nearby lights and posts and - together with its central position on the grass verge - the mast would

appear visually prominent and incongruous within the street scene, and would add to visual clutter. In some local views the mast would also appear heavily at odds with a spacious and verdant setting. The Inspector also noted that the size of the associated cabinets would be, by reason of their height and central position on the grass verge, prominent and appear as utilitarian structures, at odds with the character of the immediate area.

- However the proposal would not be visible in far reaching views across the landscape with the impacts being limited to more immediate localised views. The Inspector considered that, as a substantial utilitarian structure at odds with its surroundings there would be less than substantial harm caused to the setting of the Liss Conservation Area. Nonetheless, the Inspector found that the harmful effects of the development would be largely localised.
- Based on the evidence provided by the appellant the Inspector considered that there was a need for the proposed development to be located in the broad vicinity of the appeal site and no suitable options were available to erect the mast on an existing building, mast or other structure.
- The localised harm to the character and appearance of the area as well as less than substantial harm to the Liss Conservation Area was, the Inspector stated, outweighed by the need for the development, its associated public benefits, and the absence of more optimal alternatives available. Given this the siting and appearance of the development was found acceptable and the appeal was allowed.

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| Planning Application and Appeal Reference Number: | SDNP/20/04118/FUL APP/Y9507/W/21/3289423 |
| Authority: | SDNPA (Planning Committee – Overturn) |
| Site: | The Queens Hotel, High Street, Selborne, Alton GU34 3JH |
| Description of Development: | The development proposed is conversion and extension of the existing Queens building and barn to form 5no. aparthotel suites (C1), a field study centre and tap room (mixed class F.I and sui generis) and 1no. detached dwelling (C3) within the grounds, with associated parking and landscaping. |
| Decision and Date of Decision: | A 06 December 2022 |

Inspector’s Reasoning:

- The appeal site has been subject to previous applications for planning permission. Among the most relevant was an application for conversion and alterations of the existing Queens building and barn to form 4 residential dwellings, including demolition of single storey structures, and the erection of a detached dwelling within the grounds, with associated parking and landscaping. This was refused by the Authority in February 2019 and dismissed at appeal in October 2019, where the main issue related to the loss of the existing use.
- The main issues in the current appeal were the effect of the development on the provision of local community facilities and the effects on the character and appearance of the area, with particular regard to the Selborne Conservation Area.

- The Queens Hotel is a public house with rooms above, and includes off street parking, a pub garden and a detached barn within the grounds. The site last operated as a public house with letting rooms in 2015, and it has been closed and vacant since this time.
- Policy SD43 of the South Downs Local Plan 2019 (the SDLP) relates to community facilities. Part 2 of the policy relates specifically to development proposals that would result in the loss of an existing community facility and gives criteria which should be met. Importantly, the three criteria are presented as options, where one must be achieved to comply with the policy.
- Criterion 2c) of Policy SD43 allows the provision of alternative community facilities, but states that those facilities should be accessible, inclusive and available, and of an equivalent or better quality to those lost, without causing an unreasonable reduction or shortfall in the local service provision. The policy does not specifically define the attributes that would result in a proposal meeting this criterion, and as such this is a matter of judgement.
- The Inspector noted that alternative community facilities would be provided as part of the proposal and that they would be situated on the ground floor of the main building, where they would engage with, and contribute to, the vibrancy of the high street. The Inspector stated that based on the evidence and findings of their site visit, the proposal would not cause an unreasonable reduction or shortfall in the local service provision and that in line with Policy SD43, it therefore fell to be considered whether the alternative facilities proposed would be of an equivalent or better quality than those lost.
- The Inspector acknowledged the strength of feeling in the local community about the loss of the public house and acknowledged the Authority's concerns that the proposed operating hours for the tap room, together with its food and drink offer and lack of a garden area, would be notably different than those of the former public house and that consequently the services to the local community would undoubtedly differ. However, these factors taken together would not necessarily, the Inspector considered, result in a use which could not be of an equivalent quality, or better. When considered in combination with the other facilities proposed, in particular the field study centre, which has potential to serve a wider and more diverse section of the local community, the proposed development could also provide a high quality and valued facility.
- The Inspector noted that there was no reason to control the rates at which groups used the new facility as it would be a burden on the development and the former pub was a commercially led enterprise. Similarly it would not be reasonable to restrict the geographical area of future users of the field study centre to prevent its use by people outside the village. The absence of a mechanism to tie the proposed community uses to the Gilbert White Museum and the wider community was not considered to be necessary particularly as the proposed uses would conform to those listed in the supporting text to Policy SD43.
- The Inspector held that the proposed community uses would be accessible, inclusive and available, with the Inspector stating that they had no reason to believe that together they could not provide an equivalent or better quality of facility to that lost, albeit through providing different services to the former public house. The proposal would not cause an unreasonable reduction or shortfall in the local service provision and would comply with Policy SD43 of Local Plan.
- The proposed barn extension, and new single storey building alongside Huckers Lane, would be appropriately scaled and detailed to appear as visually subordinate structures to the main Queens building. Their relationship to one another, as well as the spaces between them, would also reflect those characteristics of the wider Conservation Area. The proposed new car park, which would be positioned centrally on the site, would be largely screened

from surrounding public and private view points by the surrounding developments and proposed landscaping. However, even if some visibility were to occur, given the presence of other parking areas behind the main frontage in the surrounding area, this would not appear incongruous to this context.

- The positioning of a new building would entail the removal of the existing hedgerow which lines the edge of Huckers Lane. However, due to the building's height and its low eaves level, it would not obstruct longer views to the countryside to the north and views of mature trees would remain apparent from the High Street. For these reasons despite the dilution in rural character at this point, the Inspector did not find the removal of the hedgerow would be harmful to the significance of the Conservation Area.
- Subject to a suite of planning conditions the appeal was allowed.

Costs Decision - Refused

- The applicant considered that the Authority behaved unreasonably by making vague, generalised and inaccurate assertions about the appeal scheme that were unsupported by objective analysis, and through misapplying Policy SD43 of the Local Plan.
- The provisions of Policy SD43 part 2c) require the decision maker to draw a comparison of the proposed uses with the former use. This is a matter of judgement, and the considerations could be diverse and wide ranging, and the Inspector did not consider the means by which the Authority carried out the assessment to be unreasonable.
- While the planning committee disagreed with the officer's recommendation, and despite the applicant having worked alongside officers to reach that point, the planning committee were not obliged to follow the officer's recommendation. This is an inherent part of the Authority's decision-making process and does not, in itself, constitute unreasonable behaviour. Therefore the application for costs was refused.

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| Planning Application and Appeal Reference Number: | SDNP/21/05124/LDE APP/Y9507/X/22/3295638 |
| Authority: | East Hants |
| Site: | Lone Barn Farm, Church Lane, Greatham, Liss, Hampshire GU33 6HB |
| Description of Development: | The use for which a certificate of lawful use or development is sought is the use of the land as a caravan site. |
| Decision and Date of Decision: | D 08 December 2022 |

Inspector’s Reasoning:

- To secure a certificate of lawfulness in this case the use (use of the land for a caravan site) had to have begun more than 10 years before the date of the application with the burden of proof falling on the appellant.
- The substantive evidence submitted by the appellant comprised a statutory declaration. However the Inspector noted that all this supports is that a caravan was generally used as a tea or rest room for the previous owners whilst looking after their horses that grazed on the land, albeit one of the previous owners very occasionally slept overnight in it.
- The Inspector agreed with the Authority that the evidence provided by the appellant, on the balance of probability, does not establish that human habitation has been taking place in at least one caravan continuously for the last 10 years. The Inspector considered that the evidence comes nowhere near to establishing the lawful use of the land as a caravan site used for continuous human habitation for the last 10 years and the appellant’s occupation of the site for such at present is therefore manifestly unlawful and the appeal failed.

Costs Decision – Refused

- The appellant applied for costs against the Authority on the grounds that sufficient information was provided to establish the lawfulness of the use on the balance of probabilities and that the Authority relied on the flawed information provided by neighbouring objectors to the application.
- The Inspector concluded that the Authority’s decision to refuse the LDC was well founded. Whilst the comments of neighbouring objectors backed up the NPA’s reasons for refusing the Lawful Development Certificate the Inspector concluded that the appellant’s evidence came nowhere near to establishing the lawful use of the land as a caravan site used for continuous human habitation for the last 10 years, irrespective of the comments of neighbouring objectors. Therefore the application for costs was refused.

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| Planning Application and Appeal Reference Number: | SDNP/21/02960/HOUS APP/Y9507/D/22/3291920 |
| Authority: | Lewes |
| Site: | 67 North Way, Lewes, BN7 1DJ |
| Description of Development: | The development proposed is a hip to gable roof extension, rear dormer and front rooflights, the construction of front porch and landscaping. |
| Decision and Date of Decision: | D 09 December 2022 |

Inspector's Reasoning:

- The main issues are the effect of the proposal on the character and appearance of the dwelling and surrounding area, housing mix within the National Park and ecosystems.
- The hip to gable change and the scale of the rear dormer was found to represent poor, inappropriate design in their immediate and wider context. The property had been extended prior to the adoption of SD31, which placed it outside of the small-to-medium home category. It was considered unduly harsh to be critical of the appeal scheme on the grounds of the 30% limit, therefore there was not found to be an adverse impact on the range of properties available. Measures inherent to the scheme were also considered to satisfy the enhancement of ecosystem services.
- Despite sympathy being expressed for the family circumstances, that had required the extension (and it having been constructed prior to the appeal being determined), these were not found to outweigh the concerns related to the unacceptable impact the development has on the character and appearance of the dwelling and the locality.

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| Planning Application and Appeal Reference Number: | SDNP/21/05908/HOUS APP/Y9507/W/22/3292952 |
| Authority: | Chichester |
| Site: | Oakleaves, School Lane, Lodsworth GU28 9DH |
| Description of Development: | The development proposed is the extension of existing bungalow to provide first floor accommodation and construction of a new garage building. |
| Decision and Date of Decision: | A 13 December 2022 |

Inspector’s Reasoning:

- The appeal was a non-determination appeal against the failure to determine the planning application within time.
- Given the small scale of the development proposals and the site’s setting within a built up area the proposal would not result in any adverse landscape effect. There would be no harm caused to neighbouring amenity.
- With respect to Local Plan Policy SD31 it was noted that although the internal floorspace would increase by over 30% the house would remain a 3 bedroom property complying with the definition of a medium sized house as specified in the Authority’s Technical Advice Note. As the development would not harm the supply of medium sized dwellings within the National Park the Inspector considered it would comply with the aims of Policy SD31.
- In terms of impacts on bats there would be no net increase in the number of houses within the site and it was identified that the house has negligible habitat value for bats. Furthermore, it was not proposed that any trees or hedgerows be removed as part of the development proposals. The Inspector considered that the development would not therefore adversely affect any bat activity which may occur within the area, be it roosting, foraging or travelling between functionally linked habitats.
- Conditions were attached to the grant of planning permission including in respect of dark night skies, ecosystem services and in respect of the provision of a bat box.

Costs Application – by Appellant, allowed

- The Inspector considered that it had not been demonstrated that the Authority (Chichester District Council on behalf of the Authority in this instance) had entered into communications with the applicant regarding the development proposals within the 8 week statutory determination period for the application.
- In indicating within their appeal documentation that the Authority would have conditionally approved the planning application, the Authority had no substantive reasons for withholding planning permission. The Inspector held that better and more timely communication from the Authority to the

applicant prior to either the statutory determination period or before the submission of the appeal, might have prevented an appeal from being necessary.

- Notwithstanding that the Authority sought to work pro-actively with the applicant post the submission of the appeal, this communication occurred after the appellant had already incurred costs associated with the preparation and submission of the appeal. Therefore unreasonable behaviour resulting in unnecessary expense during the appeal process had been demonstrated and an award of costs was made against the Authority.

Costs Application – by the Authority, refused

- Whilst the NPA had indicated that it would have recommended the approval of the planning application, this indication was not provided until the day following the date that the appeal was made. By that time, the appellant had already incurred costs in relation to the appeal process.
- That the appellant chose to let the appeal run after being advised that the application would be recommended for conditional approval was a decision that they were within their rights to make, and which was not unreasonable. The Inspector said that whilst the Authority incurred costs in defending the appeal, had they determined the application within the prescribed time, then no such appeal on the basis of the failure to determine the planning application within the prescribed time could have been made. An award of costs against the appellant was therefore refused.

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| Planning Application and Appeal Reference Number: | SDNP/20/05776/FUL APP/Y9507/W/22/3294999 |
| Authority: | Lewes |
| Site: | The Chalkpit, Hoddern Farm Lane, Peacehaven BN10 8AR |
| Description of Development: | The development is the proposed conversion and extension of existing agricultural building to create a new dwelling. |
| Decision and Date of Decision: | D 16 December 2022 |

Inspector’s Reasoning:

- The appeal site comprises a bowl-shaped cutting within an open countryside location. The site is well maintained and largely grassed, with a range of scrub plants and trees located around the sides and edges of the cutting. A historic single storey barn and a series of low brick walls are located within the site. The walls of the barn are mainly constructed of flint rubble. The buildings within the site are located away from the main complex of buildings at Hoddern Farm. Due to the site’s location and the topography of the area, both the buildings within the site and the site itself have a secluded quality, and a pleasant tranquillity. The age, appearance and relatively modest scale of the structures within the site positively inform the rural character and appearance of the area.

- The large single storey extension proposed would significantly enlarge the footprint of the existing building whilst the formation of a gravel driveway, parking, turning area and path, which would extend from the site entrance down to and alongside the rear of the existing building, would have a harmful urbanising effect upon the site.
- The design and extent of alterations to the building, when taken together with the contemporary design and size of the extension and hard landscaping proposals; would cause significant harm to the rural character and appearance, historic legibility, and landscape values of both the buildings and the wider site. Therefore the scheme would have a harmful effect on the character and appearance of the area.
- It was found that no compelling case had been made demonstrating that there is an essential need for one or more people engaged in the forestry enterprise to live within the appeal site which is close to their place of work, as required by Local Plan policy SD32.

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| Enforcement Appeal Reference Number: | APP/Y9507/C/22/3293731 |
| Authority: | Horsham |
| Site: | Land at Truleigh House, Truleigh Hill, Shoreham on Sea, West Sussex, BN43 5FB |
| Description of breach of Planning Control: | <p>The breach of planning control as alleged in the notice is Within the last 4 years and without planning permission, the erection of a stable building the approximate location of which is shown in green on the attached plan.</p> <ul style="list-style-type: none"> • The requirements of the notice are: (1) Cease the use of the unauthorised stable building; (2) Remove the unauthorised stable building from the Land; (3) Remove from the Land all materials and debris resulting from the compliance of the above steps; (4) Restore the Land to its condition before the breach took place. • The period for compliance with the requirements is: Step 1 – four months; Steps 2, 3 and 4 – ten months |
| Decision and Date of Decision: | <p>D</p> <p>16 December 2022</p> |

Inspector’s Reasoning:

- The main issues for consideration in the appeal under ground A (and the deemed planning application) are whether the development is acceptable in principle, the effect on the character and appearance of the area and, the effect of the development on the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site with regard to water neutrality and ecological enhancements.
- Whilst the principle of a stable building in this location was found to be compliant with policy, and would have appropriately conserved the character of the landscape, there was considered to be an unacceptable risk of harm to the protected Arun Valley sites in respect of water neutrality.

- The inspector increased the period for compliance to 10 months for all steps, in the interests of equine welfare. All other requirements of the notice remained unchanged.

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| Planning Application and Appeal Reference Number: | SDNP/22/1045/HOUS APP/Y9507/D/22/3306050 |
| Authority: | Chichester |
| Site: | 16 Old School House, Petworth GU28 9BF |
| Description of Development: | The development proposed is a side extension to provide a single garage. |
| Decision and Date of Decision: | D 19 December 2022 |

Inspector's Reasoning:

- The main issue was the effect of the proposed garage on the character and appearance of the street scene of Old School Close.
- The Inspector considered that the property sits comfortably within the vernacular of the estate with the hipped roof of the single storey side element forming a harmonious development. Conversely the proposed garage roof would create an awkward relationship with the roof of the single storey part of the house, which would be clearly seen in the front and flank elevations which formed part of the street scene and was visible in longer views. This detrimental effect would be accentuated by the projection of the garage increasing its dominance.
- The Inspector concluded the garage would not integrate with the host dwelling, would harm the street scene and harm the setting of the adjoining Petworth Conservation Area, and accordingly dismissed the appeal.

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| Planning Application and Appeal Reference Number: | SDNP/21/00454/HOUS APP/Y9507/D/22/3300241 |
| Authority: | Chichester |
| Site: | Smugglers Cottage, Jobsons Lane, Windfall Wood Common, Lurgashall GU28 9HA |
| Description of Development: | The development proposed is the erection of a garden outbuilding. |
| Decision and Date of Decision: | A 19 December 2022 |

Inspector's Reasoning:

- The main issue considered was the effect of the outbuilding on the character and appearance of the host dwelling and its immediate surroundings.
- The outbuilding was found to be of a modest size for its context, with an appropriate simple, flat roof design. It would be well screened by surrounding trees and shrubs. It was therefore considered not to be in harmful conflict with National Park policies.
- A condition was imposed to secure further additional planting along the boundary with Jobsons Lane. Conditions were also imposed to limit external lighting and the use of the buildings for ancillary purposes only.

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| Planning Application and Appeal Reference Number: | SDNP/21/03527/FUL APP/Y9507/W/22/3292185 |
| Authority: | Chichester |
| Site: | Field South East of Beggars Corner, Halfway Bridge, Lodsworth, West Sussex, GU28 BP |
| Description of Development: | The development proposed is the erection of a timber stable building and the change of use of land for the keeping of horses for private use. |
| Decision and Date of Decision: | D 19 December 2022 |

Inspector's Reasoning:

- The main issue was the effect of the proposed stable building and change of use of land for the keeping of horses on the character and appearance of the area and the local landscape of the National Park.
- The proposal sought to relocate the stable building from the north east corner of the field (this was dismissed in a previous Enforcement Notice Appeal Decision) to its western boundary. The Inspector stated that this would be an improvement but that it remains the case that a building would be introduced into an open and undeveloped landscape, which because of its location in a National Park warrants the highest level of protection in local and national planning policy.
- The change of use of the field for equine use would alter its appearance and would likely result in equine paraphernalia of various amounts on a permanent basis. And, as the Authority noted, because of the land slope it seems likely that some earth works and levelling of the site would appear necessary.
- Whilst acknowledging that the proposal is not of a significant scale, it was held to harm the character and appearance of the area and thereby adversely affect the landscape of this part of the National Park and the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/21/02768/FUL APP/Y9507/W/21/3285129 |
| Authority: | SDNPA |
| Site: | Long Furlong Farm, Long Furlong Lane, Clapham BN13 3YN |
| Description of Development: | The development proposed is erection of a farm worker's dwelling and farm office. |
| Decision and Date of Decision: | A 22 December 2022 |

Inspector's Reasoning:

- The Authority was satisfied in this case that the farm enterprise is established and viable, and that there is a justified need for an additional agricultural tied dwelling in the farmstead. The main issue therefore was the effect of the proposal on the character and appearance of the area.
- The proposed dwelling would be constructed on what is presently a horse paddock to the north of the woodland copse. It would comprise a split level, contemporary style dwelling, cut into the slope of the site, with walls finished in vertical timber cladding and a series of mono-pitched roofs constructed using pre-weathered zinc sheeting. The Authority was concerned that the proposed extension of the farmstead onto agricultural land would fail to conserve and enhance the landscape character of the area and would result in unacceptable visual harm from public rights of way and that there would be an adverse impact on relative tranquillity and dark night skies.
- The Inspector considered that whilst the proposal would extend the farmstead onto previously undeveloped land outside of the woodland copse the development would be closely related to the existing farmhouse and livestock buildings and considered that the impacts from public vantage points would be negligible with views being limited to glimpses of a recessive, dark coloured roof against the backdrop of trees.
- The proximity of the site to buildings within the existing farmstead mean that this would not represent isolated development and whilst there would be some harm to landscape character arising from development on what is presently a grazing paddock, the impacts would be localised and minor. The new dwelling would be dug into the slope of the ground, meaning that it would read as single-storey. Planting on the site boundaries would help to mitigate the visual impacts from surrounding farmland.
- The building had been designed with no roof openings and deep eaves overhangs to minimise upward light transmission and sky glow. Although some of the elevations have large, glazed openings, the position of the building in the base of the coombe means that these are unlikely to be visible from public vantage points. External lighting and glazing specification were controlled through planning conditions. The Inspector also noted that the lower yard is not in complete darkness and produces some light due to artificial lighting within the cattle barns. The Inspector held that the proposal would not have a significant adverse impact on dark night skies.

- The Appeal was allowed, with a condition to tie the occupancy of the dwelling to a person who is solely or mainly working or last working at Long Furlong Farm, a widow or widower of such a person, and to any resident dependants.

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| Planning Application and Appeal Reference Number: | SDNP/22/03791/HOUS APP/Y9507/D/22/3310257 |
| Authority: | SDNPA |
| Site: | Halfway, Ditchling Road, Clayton, West Sussex, BN6 9PH. |
| Description of Development: | The development proposed is retrospective permission for 3 No gable windows and proposed blackout blinds. |
| Decision and Date of Decision: | A 05 January 2023 |

Inspector’s Reasoning:

- The main issue was whether the gable windows would conserve and enhance the landscape character and special qualities of the South Downs National Park.
- The property is prominent in the landscape, including open views from surrounding footpaths and the Jack and Jill Windmills. The appeal site is located within a Dark Skies Intrinsic Zone of Darkness. The high level glazing has been installed within three gables on the south, east and west elevations.
- The Inspector was satisfied that in design terms, the gable additions were appropriate and not suburban or dominant in the overall design. They considered the gables would enhance the dwelling’s appearance. They considered that the combination of non-reflective glass and automatic blackout blinds would be sufficient to avoid glint, glare and light spill and accordingly allowed the appeal.

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| Planning Application and Appeal Reference Number: | SDNP/21/05652/HOUS APP/Y9507/D/22/3304686 |
| Authority: | SDNPA |
| Site: | Shepherds Hey, The Street, Poynings, East Sussex, BN45 7AQ. |
| Description of Development: | The development proposed is described as: Improvements to an existing pre-1981 extension to eastern elevation including minor expansion; Introduce a new door to western elevation to improve access and maintenance of this area of the site; Internal remodelling to bring the property up to modern standards including Building Control compliance. |
| Decision and Date of Decision: | D 05 January 2023 |

Inspector’s Reasoning:

- The main issues were the effect of the proposal on the architectural integrity of the host property, the setting of Forge House and Oak Cottage listed at Grade II, and whether the development would preserve or enhance the character or appearance of the Poynings Conservation Area.
- The appeal property is attached to three other dwellings in an L shaped configuration, two of which are listed. It is a modest two storey dwelling with a mid 20th century single storey flat roof pitched fascia addition to the east elevation. It is prominent in the street scene, read in the context of its neighbours and forms a significant part of the character and appearance of the conservation area.
- The Inspector found the existing extension utilitarian in appearance with a negative and detrimental impact on the host dwellings and sensitive setting. The proposed extension would be modest in scale and subservient to the host cottage, with greater separation between the extension roof and first floor windows. However the Inspector considered the proposed extension, particularly due to an extended run of pitched fascia, would result in an inelegant and unattractive design solution that would increase the detrimental impact on the architectural integrity of the host dwelling and harm the appearance of the conservation area and to a more limited extent the setting of the Grade II listed dwellings, which would disregard the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- With regard to the NPPF, the Inspector determined that the public benefits of the proposal would not outweigh the harm, and dismissed the appeal.

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| Planning Application and Appeal Reference Number: | SDNP/20/04927/FUL APP/Y9507/W/21/3284896 |
| Authority: | East Hants |
| Site: | Land North of Hurst Farm Bungalows, Hurst Lane, Privett, Alton GU34 3PJ |
| Description of Development: | The development proposed is the change of use from grazing of horses to equestrian and the change of use of two of the existing larger mobile field shelters to permanent stabling with associated works. |
| Decision and Date of Decision: | D 06 January 2023 |

Inspector’s Reasoning:

- The main issue was the effect of the proposed development on the character and appearance of the countryside, including the landscape character of the South Downs National Park. The development is retrospective.
- The inspector identified that the area has a rural character and countryside setting, largely comprising agricultural land with narrow lanes. There are occasional houses and farmsteads. Local Plan policy SD24 was of particular relevance to the equestrian development.
- While the structures converted to stabling were modest and rural materials deemed appropriate, they were readily visible from the site access and road to the east. The arrangement of the stable buildings near the site entrance effectively formed a yard which is visually and functionally separate from the remainder of the site used for grazing. Furthermore, equestrian paraphernalia including fencing subdividing fields into paddocks were considered to clutter the site and detract from the largely unspoilt character of the surrounding countryside.
- The Inspector found that cumulatively, the stable structures, together with associated yard and equestrian paraphernalia, appeared out of character with the area and were inappropriate in this landscape setting.
- With regard to the Authority’s reason for refusal on over-intensive use of the land, the Inspector noted the ground was considerably muddier than surrounding land and that no increase of horses was proposed. The use of the site was for private purposes and for a range of animals including rescues, unshod ponies and those with ailments that were not ridden. The appellant also owned additional land for supplementary grazing. A condition was proposed by the appellant to limit the number of horses to twelve. The Inspector concluded that whilst such a condition could be imposed should the appeal be allowed, it would not overcome the harm they had identified to landscape character in respect of the structures, yard or paraphernalia more generally.
- With regard to other matters, there was no dispute between the Authority and appellant that the setting of Basingdene Cottage, a Grade II listed building approximately 50m from the site would not be harmed by the proposal. The potential for noise was considered a neutral issue. Little detail of a

fallback scheme using permitted development rights was available to the Inspector who gave this limited weight. It did not alter their conclusion to dismiss the appeal.

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| Planning Application and Appeal Reference Number: | SDNP/20/05471/FUL Appeal A Ref: APP/Y9507/W/22/3296210 |
| Authority: | Horsham |
| Site: | Link Farm, Wiggonholt, Pulborough, West Sussex RH20 2EL |
| Description of Development: | The development proposed is described as a retrospective application for the continued storage of bricks. |
| Decision and Date of Decision: | D 10 January 2023 |

Inspector’s Reasoning:

- The main issues considered were the effect of the open storage of bricks on the first purpose of the National Park, whether this storage use would be an appropriate commercial use in terms of policy SD25 and SD34 and whether the use had the potential to adversely affect protected species or ancient woodland in the SPA, SAC or SSSI.
- The commercial open storage and distribution of bricks on pallets was found to have no particular need for a rural location, much less one in a National Park. It was considered to be incongruous, inappropriate and unnecessary in this location. Whilst views into the site were limited, the use would not conserve or enhance the existing landscape, nor does it conserve scenic beauty, wildlife or cultural heritage. Further, whilst there was some agriculture taking place on the wider holding, the brick storage operation would not support agricultural development or diversification.
- No preliminary ecological survey was submitted as part of the application or during the appeal process. Therefore, the inspector took a precautionary approach and concluded the use would fail to comply with policies SD9 and SD10. For these reasons, the appeal was dismissed.

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| Enforcement Appeal Reference Number: | Appeal B Ref: APP/Y9507/C/22/3302386 |
| Authority: | Horsham |
| Site: | Link Farm, Wiggonholt, Pulborough, West Sussex RH20 2EL |
| Description of breach of Planning Control: | <p>The breach of planning control as alleged in the notice is within the last 10 years and without planning permission, the change of use of the land for the continued use for the storage of bricks on the Land.</p> <ul style="list-style-type: none"> • The requirements of the notice are: (1) Cease the use of the Land for the storage of bricks. (2) Remove all the bricks from the Land. (3) Remove from the Land all materials and debris resulting from the compliance of the above steps. (5) (sic) Restore the Land to its former condition before the breach took place. • The period for compliance with the requirements is three months from the date this notice takes effect. |
| Decision and Date of Decision: | <p>D</p> <p>10 January 2023</p> |

Inspector’s Reasoning:

- For the reasons given in the above appeal, the Inspector did not consider it appropriate to grant planning permission. The legality of the enforcement notice was also challenged by the appellant, for covering the entire site within the red line. The inspector considered this good practice – and sensible – given the storage use was occurring outside of the planning application boundary. Therefore the appeal also failed in this respect. The Inspector considered the LPA had served notice in accordance with the Regulations. Further there was found to be sufficient clarity in the steps needed to remedy the breach and the appeal also failed on these grounds.
- The time period to comply with the Enforcement Notice was extended from 3 months to 6 months, in order to enable the tenant to find an alternative site for the business.

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| Planning Application and Appeal Reference Number: | SDNP/19/04459/LDE APP/Y9507/X/21/3272637 |
| Authority: | SDNPA |
| Site: | Land East of Pony Farm, Findon BN14 0RS |
| Description of Development: | The use for which a certificate of lawful use or development is sought is described as ‘the use of part of the property (including the buildings that have been erected on it) for the storage of building materials, plant and equipment (Use Class B8 as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended))’. |
| Decision and Date of Decision: | D 12 January 2023 |

Inspector’s Reasoning:

- The site of the claimed use relates to a roughly rectangular piece of land on which two buildings are sited – one in the north east corner and one in the north west, along with a hard surfaced area in front of and between these buildings.
- The evidence from the appellant comprised two statutory declarations. Whilst acknowledging that the statutory declarations represent first hand evidence sworn on oath the Inspector noted the evidence was significantly lacking in precision as to the factual detail of the claimed storage use such as the nature, quantities and location of materials over a claimed ten year period.
- The Inspector found the evidence relied upon by the appellant to be sparse in relation to the factual detail of the use claimed over the required ten year period and not sufficiently precise and unambiguous to justify the granting of a Lawful Development Certificate.

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| Planning Application and Appeal Reference Number: | SDNP/21/03987/FUL APP/Y9507/W/22/3294470 |
| Authority: | Winchester |
| Site: | Lithywood Acres, Green Lane, Hambledon, Waterlooville, PO7 4SX |
| Description of Development: | The development proposed is the conversion of the existing structure, The Old Goat Shed, to an independent 4 bedroom dwelling with small western extension for utility and access door, with associated fencing and hedging. |
| Decision and Date of Decision: | D 18 January 2023 |

Inspector’s Reasoning:

- The proposal was to convert an outbuilding from lawful incidental residential accommodation to an independent self contained dwelling.
- The site lay beyond Hambledon and in the countryside where Local Plan Policy SD25 takes an appreciably more restrictive approach to development.
- The Inspector found that there was no essential need for a countryside location and the site did not represent a previously developed site. The Inspector noted a difference between the definitions of previously developed land between the NPPF and the Local Plan (with the latter making clear that residential gardens are not to be taken as a ‘previously developed site’). It was stated that the Local Plan had been through formal scrutiny and adoptive procedures and the policy stands and can be read as written.
- The Local Plan was issued after an earlier NPPF definition of previously developed land (which has not changed to this day) so this is not a case of national policy subsequently emerging and making a development plan policy questionable or out of date. Instead the Local Plan had been legitimately tailored to meet circumstances within the Authority’s area and Policy SD25 2c) should be acted upon as it is set out.
- The Inspector noted that would be erosion of the character of the countryside given paraphernalia associated with a separate household and the proposal would not accord with the Local Plan’s aim to achieve sustainable patterns of growth. The new dwelling would also be reliant on the private car.
- The proposal would fail to accord with Policy SD25 and would be an unsustainable form of development and the Inspector dismissed the appeal.

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| Planning Application and Appeal Reference Number: | SDNP/21/05081/HOUS APP/Y9507/D/22/3293690 |
| Authority: | East Hants |
| Site: | 18 Station Road, Petersfield, GU32 3ES |
| Description of Development: | The development proposed is a detached outbuilding following demolition of existing outbuilding. |
| Decision and Date of Decision: | D 18 January 2023 |

Inspector's Reasoning:

- The main issue considered was the effect of the proposal on the living conditions for neighbours.
- The scheme was set against the background of an extant planning permission that included a new outbuilding, however whilst this was considered to be a realistic fall-back, the position of the proposed building combined with its height, scale and bulk, was found to be oppressive and dominant to occupants of 20 Station Road. In particular, the south-east corner of the development was found to be too close to the ground floor glazing of the neighbouring dwelling and the run of new building along the common shared boundary was too extensive. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/01857/FUL APP/Y9507/W/22/3303197 |
| Authority: | Lewes |
| Site: | Kingsbrook Farm, The Street, Kingston, East Sussex, BN7 3NT |
| Description of Development: | The development proposed is a temporary permission to extend the time limit for the siting of a temporary caravan for a further three years. |
| Decision and Date of Decision: | D 13 February 2023 |

Inspector's Reasoning:

- The caravan had been the subject of two previous three year temporary period planning permissions. Planning permission expired in February 2022.
- It was noted that the site was not within a development plan defined settlement and the Inspector was not persuaded that the current farming arrangements or those set out for the future demonstrate any sort of essential need to live on this small, non-intensive farm and in this respect the proposal would be contrary to the development plan.
- The Inspector stated that a further extension of the time limit for this temporary home would perpetuate unsustainable development that has seen its time passed.
- The Inspector held that landscape qualities would be harmed by the retention of this structure and that the caravan is beyond the main farm buildings and projects, conspicuously, into more open countryside. The area is one of wider downland landscape, open in character, and the caravan is readily visible in the larger scene. It appears out of place, not conforming with local development patterns or character, and visually harmful.