

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 Application and Appeal Reference Number:	SDNP/22/02905/FUL APP/Y9507/W/23/3314508
Authority:	SDNPA
Site:	Daisy Dog Too, adjacent to existing Daisy Dog Meadow (land south of Hurstfield House), Ditcham Lane to Hurst Mill Lane, Hurst (near Petersfield), GU31 5RF
Description of Development:	The development proposed is change of use from agriculture to a dog walking paddock with associated parking.
Decision and Date of Decision:	D 06 September 2023

Inspector’s Reasoning:

- The proposal was for an extension, into a neighbouring field, for an existing dog walking business. The main issue was the effect of the proposed development on the character and appearance of the area.
- The appeal site comprised an agricultural field (east of the B2146) with post and wire fencing around its boundaries, as well as a mix of vegetation and mature woodland. The land immediately to the north of the site was under the appellant’s control (as the site of the existing dog walking business granted permission under SDNP/21/00416/FUL) but was segregated from the appeal site via post and wire fencing.
- The Inspector concluded that the proposed use of the field itself was unlikely to fundamentally change the agricultural character of the site and indeed noted that the Authority did not object to the principle of the change of use. However, the concerns lie with the additional infrastructure / works proposed to facilitate the change of use. Whilst the proposal did not seek to introduce any new buildings or dog related paraphernalia at the site, the built form proposed was the creation of a vehicular access, parking area, and new boundary fencing.

- The Inspector concluded that the proposed vehicle access was of an excessive scale, with the width of the bell-mouth entrance being substantial and the proposed car park would involve far more substantial coverage than the appellant’s suggestion that only two vehicles parking spaces were required. In addition, the car park would need to be enclosed with fencing for the safety of dogs visiting the site. Whilst the proposed use of post and wire fencing was typical of that found in the surrounding vicinity, its arrangement, formalising an area of car parking, would not be.
- The access and parking arrangements would intensify the built form in the area. Alongside the existing car park, the proposal would have a proliferating effect leading to a sprawl of development (given its overall scale and prominent roadside location) and this would erode the rural character of the area. The scheme would be harmful to the character and appearance of the area, contrary to Policies SD1, SD4, SD5 and SD7 and the minor benefits of supporting a local business and the ability of the proposal to promote access and enjoyment of the National Park (through enabling customers to experience the natural beauty of the area) did not outweigh the harm. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/03835/FUL APP/Y9507/W/22/3312968
Authority:	Lewes
Site:	Olwyn, Swanborough, Lewes, BN7 3PQ
Description of Development and Condition in dispute:	The development proposed is change of use of a residential outbuilding to a holiday let.
Decision and Date of Decision:	D 11 September 2023

Inspector’s Reasoning:

- The main issue was the effect of the proposal on character, appearance and amenity of the area.
- Olwyn was a semi-detached dwelling separated from its long front garden by a shared private access road, which branches off Swanborough Drove. The proposed holiday accommodation would be located within a one-and-a-half storey outbuilding located at the southern end of Olwyn’s front garden.
- The appeal site was directly adjoined by other plots with long front gardens associated with, and separated from, the main dwellings by the shared private access. The Inspector noted that this arrangement of dwellings separated from their long front gardens by a shared private access gives this part of Swanborough a distinctive pattern of development and character. The combination of long front gardens, and the low density of dwellings within mature landscaped plots, resulted in a tranquil rural character and appearance. In addition, the combination also created a comfortable transition between the built form of the settlement and the wider surrounding agricultural countryside. The rural character, appearance and tranquillity of the area

was readily perceived by surrounding residents, and by those travelling along Swanborough Drove, a public bridleway that links in with the South Downs Way National Trail.

- The proposed landscaping surrounding the holiday accommodation included 1.8m high bamboo fencing, a 2m high clumping bamboo living screen boundary, stone filled gabion retaining walling, and an area for bin and bike storage. The effect of the fencing would be to provide a private outdoor area for future occupants of the holiday accommodation. The Inspector also noted that it would effectively subdivide the existing front garden to Olwyn, resulting in the appearance of an independent residential unit on an uncharacteristically small plot, in a location harmfully at odds with the distinctive character. In addition, Bamboo was not a native species, and the use of bamboo fencing would not be consistent with local materials. Therefore, the proposed landscaping would fail to connect to the wider landscape and was not consistent with local character.
- With regards to tranquillity, the Inspector noted that it was reasonable to expect that the use of the outbuilding as separate holiday accommodation would give rise to more activity over time than its continuing use incidental to the main dwelling and the proposal would result in a greater expected trip generation than the existing single dwelling. Overall the arrival and departure of guests, and the effects of separate residential occupation, in terms of additional vehicles parked at the site, lighting, and noise, would harm the tranquillity of the area.
- Whilst the Inspector noted the negative factors affecting tranquillity within Swanborough include traffic noise, agricultural and commercial livery uses, and vehicular movements along Swanborough Drove. These negative factors were generally located a sufficient distance away from the site so as to not be significantly detrimental to the tranquillity of the area surrounding the outbuilding. The tranquillity of the area adjacent to the outbuilding was, however, significantly influenced by the quietude of the open fields to the west that lead to Swanborough Hill. Compared to the existing use, therefore, they found that the holiday accommodation would result in a detrimental effect on the relative tranquillity.
- The Inspector also found that there would only be limited harm to the living conditions of the immediately adjoining occupiers as a result of the increased activity and noise generated by the proposal. Furthermore, appropriate privacy for surrounding occupiers would be maintained given the sufficient distance to neighbouring occupiers' windows, and from first floor windows of the holiday accommodation to private outdoor spaces.
- Overall, the Inspector concluded that whilst the provision of holiday accommodation offered some benefits, those benefits were limited and did not outweigh the detrimental effect of the proposal on the existing distinctive sense of place, and on the relative tranquillity of the National Park. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/02313/HOUS APP/Y9507/D/23/3316776
Authority:	Chichester
Site:	Ashurst Barn Farm Lickfold Road, Fernhurst, West Sussex, GU27 3JB
Description of Development:	The development proposed is to extend an existing stable block and store and convert it into a two bedroom annex.
Decision and Date of Decision:	A 26 September 2023

Inspector’s Reasoning:

- The main issues were whether the proposal would constitute an annex, the effect on the character and appearance of Fernhurst Conservation Area and South Downs National Park.
- The Inspector acknowledged it was a matter of fact and degree as to whether the proposed accommodation could be considered a separate planning unit to the appeal property. In this case, the proposal would be single aspect with all non-obscured windows overlooking the shared courtyard and with no access to private outdoor space. The lack of privacy for users, the proximity to the appeal dwelling, the size and facilities associated with the proposal combined to demonstrate a functional and physical link between the proposal and appeal dwelling.
- The appeal site was part of a later extension to the Conservation Area (CA), which focused on several large dwellings and their settings. The building was also considered a non-designated heritage asset. The significance of the appeal site was considered by the Inspector to be as part of the setting of one such property (Ashurst) and its ‘estate’. The Inspector found that the proposal would retain the character of the courtyard associated with the ‘estate’ and retain the legibility of its layout. The external changes associated with the proposal would not overwhelm the host building, nor degrade the subservient relationship with the appeal dwelling. The proposal would not be so visually intrusive as to cause harm to the settlement pattern of the CA, nor harm the understanding of the historical uses associated with the CA.
- The Inspector considered that the visual and aural environment would not be harmed by the proposal and therefore the relative tranquillity of the area would be maintained.
- Overall, the scheme was considered to comply with the development plan as a whole and would conserve the landscape and scenic beauty of the National Park. Therefore, the appeal was allowed.

Costs Decision - Refused

- Applicant considered the SDNPA had behaved unreasonably by not being consistent in what constitutes an annex and cited a previous appeal decision

(APP/Y9507/D/15/3136599) as evidence. The Inspector found that had this appeal decision been given substantial weight, or the Authority had considered the proposal an annex, it would not have led to a different decision. The reason for refusal was multi-faceted and related to the effect of the proposal on character and appearance, not simply the use of the building.

Planning Application and Appeal Reference Number:	SDNP/22/05275/HOUS APP/Y9507/D/23/3318821
Authority:	East Hants
Site:	15 Linnet Close, Petersfield, Hampshire, GU31 4RF
Description of Development:	The development proposed is described as the retrospective construction of dormer to rear roof slope and 2No. 'Velux' style roof lights to front roof slope.
Decision and Date of Decision:	D 26 September 2023

Inspector’s Reasoning:

- The proposed development was for the retrospective construction of a dormer to the rear roof slop and 2 x ‘velux’ style roof lights in front roof slope. The Authority did not object to the roof lights, therefore, the main issue was the effect of the rear dormer on the character and appearance on the dwelling and its vicinity.
- The Inspector noted that Linnet Close was part of a larger suburban residential area. The properties were mainly two-storey with simple pitched roofs, which complement the functional vernacular of the area. The linear lines the roofs create are only broken up by occasional hipped gables and low projecting features, such as roof lights, solar panels, and short flues. There are no obvious examples of dormers in rear roof slopes within the immediate area.
- The appeal site was a dwelling at the end of a short terrace, with a two-storey rear facing projection which had a simple gabled roof with a significantly lower ridge to that of the main roof. Due to the curve and layout of Linnet Close, the front and side elevations of the dwelling are clearly visible from the road. The rear elevations of the first floor and roof are visible from Harrier Way, which runs along the rear boundary of the dwelling and forms the outer road of the estate.
- The rear dormer, as it is already constructed, extends up to the ridge of the dwelling and is nearly full width. It has a flat roof and is clearly visible from both Linnet Close and for some way along Harrier Way. The Inspector concluded that due to its highly visible location, the overly complicated roof form created by its large size and box shape intersecting the existing rear projection, means it has a dominating effect on the dwelling. Therefore, it was

an overwhelming feature which makes the dwelling top-heavy and creates an awkward relationship with the simple linear roof form of the rest of the short terrace.

- In addition, when viewed from the side the dormer’s rearward projection visually reduces the gap between the dwelling and adjacent house which constricts views between the two properties. This encloses this part of the road and further emphasises the overly dominant nature of the dormer within the immediate street scene. The lack of other similar development within the residential estate further exacerbates its incongruity.
- Therefore, the proposed rear dormer harms the character and appearance of the dwelling and its vicinity, it fails to comply with Policies SD5 and SD30 and take into account the guidance in the Design Guide. Whilst the proposal provides suitable accommodation for the appellants needs, this did not outweigh the harm identified. Therefore, the appeal was dismissed.

Costs Decision - Refused

- A full award of costs was made by the appellant on the grounds that the Authority acted unreasonably by not giving due weight to an extant planning permission which allowed 2 smaller rear-facing dormers. The Inspector noted that whilst the Officer’s delegated report did not expressly refer to the extant permission in their reasoning, it was evident they were aware of the permission as it was referred to in the planning history section of the report. In addition, the Inspector was satisfied that the Authority undertook a thorough assessment of the scheme. It was therefore a matter of planning judgement as to how much weight the Authority chose to attribute to the extant permission. That did not equate to unreasonable behaviour and the cost application was refused.

Planning Application and Appeal Reference Number:	SDNP/20/04015/FUL APP/Y9507/W/22/3306153
Authority:	Winchester
Site:	Dadkhah Stud, Park Lane, Upper Swanmore, SO32 2QQ
Description of Development:	The development proposed is for the construction of detached 3-bedroom chalet dwelling with office space and laboratory for owner/operator of Dadkhah stud
Decision and Date of Decision:	D 27 September 2023

Inspector’s Reasoning:

- The main issues were whether the appeal site was a suitable location for the proposed development, the effect of the proposal on the National Park and the Solent Catchment Special Protection Area (SPA).

- Main parties agreed that the use of the appeal site for commercial equestrian purposes would be appropriate for its countryside location and that there was a reasonable potential that as the business developed, there could be a need for permanent occupation of the site, to ensure welfare and safety of the horses under the care of the Stud. However, the proposal had not been supported by evidence showing how the business would develop to such an extent to warrant an onsite residential presence, nor whether the business envisaged would be financially viable.
- Taking a precautionary approach, the Inspector was therefore not satisfied that an existing essential need for a rural worker to live permanently on the appeal site had been demonstrated and the proposal would fail to comply with paragraph 80 of the NPPF.
- In terms of the effect on the National Park, whilst the Inspector considered the proposed dwelling would follow the pattern of sporadic development along Park Lane and retain the character of this part of the National Park, there were extremely limited details provided in respect of design, scale, finish and landscaping. Therefore they were unable to satisfactorily conclude that the proposed dwelling would visually conserve and enhance the landscape and scenic beauty of the National Park. Therefore, the appeal was dismissed.
- As the proposal was not granted, there was no requirement for the Inspector to carry out an Appropriate Assessment and so the effect on the SPA was not further pursued.

Planning Application and Appeal Reference Number:	SDNP/22/01863/FUL APP/Y9507/W/22/3306678
Authority:	East Hants
Site:	Oakfield, Love Lane, Petersfield, Hampshire, GU31 4BW
Description of Development:	The development proposed is described as ‘Demolition of existing dwelling and erection of 5no. Dwellings and creation of new access’.
Decision and Date of Decision:	D 27 September 2023

Inspector’s Reasoning:

- The appeal was submitted on the grounds of failure to make a decision within the prescribed period. The Authority confirmed that it would have refused the application. Therefore, the main issues were the effect of the proposal on (i) the character and appearance of the area, including with reference to loss of trees, (ii) highway safety, (iii) biodiversity, (iv) the living conditions of existing neighbouring and future occupiers and (v) whether adequate provision was made for affordable housing.

- The appeal site relates to an existing dwelling located within a sizeable, triangular plot to the south side of Love Lane. The site contains several substantial trees (protected via an area TPO) as well as mature hedgerows along its boundaries. The Inspector noted that despite its suburban location, this section of Love Lane had a rather green and rural nature, in large part due to the presence of mature boundary vegetation and trees, including those present on the appeal site.
- The proposal involved the demolition of the existing property and its replacement with five detached dwellings (all two-storey). Plots 1 and 2 would directly front onto Love Lane, whilst a vehicular access would be sited between those dwellings to provide access to the further three plots beyond. The Inspector concluded that there was a severe lack of coherence in the detailed design and layout of the proposed dwellings. Notably, the proposed dwellings would be orientated in several different directions and share rather tight relationships to each other and the boundaries of the site. To provide additional upper floorspace, the proposed dwellings would also have much steeper roof pitches than typically found on surrounding properties. The combination of these factors would result in the scheme appearing as a highly cramped form of development that did not respect the existing rather spacious layout of built form within the immediate vicinity.
- In addition, the fenestration arrangements of the proposed dwellings were also lacking in architectural quality or consistency. Notably, several key elevations contain little or no windows at first floor level in order to avoid issues of overlooking with the neighbouring plots. The resultant appearance of the dwellings was visually poor and showed a lack of coherence. The arrangement of windows, and general lack of them, also emphasised the rather forced and cramped nature of the proposals.
- The Inspector also highlighted that the proposal would result in the removal of a substantial extent of hedgerow and the loss of several protected trees. They noted that the existing vegetation makes a positive contribution to the appearance of the site, adding a verdant rural character to this part of Love Lane. Consequently, the large-scale removal of hedgerows and trees would detract from the existing character of the area. In addition, due to the level and cramped nature of the proposed built form, there would be little opportunity to provide meaningful landscaping. They therefore concluded that the proposal would result in a rather harsh form of development that would be dominated by the proposed highway arrangement and unsympathetic built form. This would be at odds with the rather leafy characteristics of the existing site and this section of Love Lane.
- Overall the proposed dwellings would have an appreciably poor and contrived appearance and would be prominent within the street scene, thereby exacerbating the level of harm. Furthermore, no robust justification had been provided as to why suitable standards of design cannot or should not be met in this instance (as the appellant argued that not all housing can be delivered to high-quality and suggested design needed to be sacrificed to allow for a greater quantity of development). Therefore, the proposal was contrary to Policies SD1, SD2, SD4, SD5, SD8, SD9 and SD50 and Policies BEO1, BEPI and NEPI of the Neighbourhood Plan and would not conform to the aims of the Design Guide SPD.
- With regards to highway safety, the Inspector concluded that the scheme was contrary to Policies SD19 and SD22 and HP8 of the Neighbourhood Plan as the appellant had not demonstrated the proposal would continue to allow for the safe and efficient operation of the local road network. This included that there were deficiencies in the site access design and that it had not been satisfactorily demonstrated that adequate visibility splays could be achieved (especially given the existing parked vehicles along Love Lane).
- In addition, the proposal only included 11 on-site parking spaces, a potential shortfall of 6 spaces when taking into account the Authority's parking SPD and the size / mix of dwelling proposed on site. The Inspector concluded that the shortfall in parking spaces was significant. Regardless of the site's

access to local facilities, it was reasonable to expect that the sizeable three and four-bedroom dwellings proposed would likely attract residents with multiple vehicle ownership. The properties were also likely to attract additional visitors/deliveries, at times resulting in overspill of parking onto the street, where parking pressures already appear to exist. Therefore, based on the number of properties proposed and the layout of development, including the narrowness of the access road, they found it highly likely that the proposed development would increase demand for on-street parking within close proximity to the site. The greater pressure that the proposal would place onto the local highway network would likely to lead to the displacement of vehicles onto surrounding roads, and increase the risk of illegal, inconsiderate or obstructive parking, which in turn would have an adverse effect on the free flow of traffic and highway safety.

- With regards to biodiversity, the Inspector concluded the scheme was contrary to Policies SD2 and SD9 and policy NEP7 of the Neighbourhood Plan as in all likelihood there were protected species on site (namely Bats) and due to the absence of any up-to-date survey work demonstrating otherwise including details of any mitigation measures, they could not conclude that the scheme would safeguard protected species and thus biodiversity.
- With regards to living conditions the Inspector concluded, Plot 3 would be contrary to Policy SD5 due to unacceptable overlooking and loss of privacy to the adjacent residents (due to the proximity and orientation of proposed bedroom / first floor windows) and the removal of a high hedge. With regards to future occupiers, the private amenity space of Plots 2 and 4 would be very gloomy, somewhat impractical, and rather uninviting due to the requirement to retain the TPO'd trees. This would be to the detriment of the living conditions of future occupiers and therefore contrary to Policy SD5. In addition, the rear garden of Plot 1 would be directly overlooked by the windows at first and second floor level of Plots 3 and 4. Given the elevated position and very close proximity of the proposed windows, together they would ensure that the rear garden of Plot 1 was almost entirely overlooked. This would result in an unacceptable level of overlooking and have an overbearing impact upon the garden area Plot 1, again contrary to Policy SD5 and guidance with the Design Guide SPD.
- With regards to the affordable housing provision, the Inspector concluded Policy SD28 required the one site provision of one affordable unit, or in exceptional circumstances, a financial contribution for an off-site provision. The appellant provided no indication of whether the scheme would provide any provision for affordable housing either on-site or via a financial contribution or any mechanism for securing any such provision. Therefore, the proposal was contrary to Policy SD28.
- The Inspector concluded that whilst the proposal offered some modest benefits, through the provision of new homes in a generally sustainable location, this did not outweigh the harm identified. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/21/04702/OUT APP/Y9507/W/22/3308461
Authority:	Horsham
Site:	Land west of Ravenscroft, Storrington, West Sussex, RH20 4EH
Description of Development:	The development proposed is described as ‘Hybrid application consisting of full permission for the relocation and enhancement of the Ravenscroft Allotment site and outline planning permission for up to 78 homes with all matters reserved except access (excluding internal estates roads) from Ravenscroft, and new community parkland’.
Decision and Date of Decision:	A Public Inquiry 06 October 2023

To note: This was one of two appeals related to a cross-boundary development proposal on a site located within the South Downs National Park (SDNP) and Horsham District. The outline application for 78 Homes is within Horsham District (part of the site is allocated for housing within Horsham’s Local Plan) and the full application to relocate the allotments and the outline element to provide a new community parkland are within the SDNP. Both appeals were allowed.

In coming to their conclusion regarding the impact of the proposed houses to the setting of the National Park, the Inspector agreed with the overall conclusions when part of the site was allocated for housing, that such an allocation would not unduly impact on the views and landscape of the National Park due to the existing landscape screening on the southern boundary of the middle field, particularly on its eastern side, and the potential to supplement it. Whilst this appeal site extended the proposed housing further into the fields than the allocation, they also concluded that this would have no more than a slight adverse effect in terms of the significance of its landscape effects and they were satisfied that it would be sensitively located within this setting and, subject to appropriate conditions, that its detailed layout and the landscaping buffer could be designed to minimise adverse impacts and enable the significance of landscape and visual effects to reduce to a minimal adverse level over time.

The reporting below relates to the relocation of the allotments and creation of the new community parkland within the National Park.

Inspector’s Reasoning:

- The main issue was the effect of the proposed development on the landscape and scenic beauty of the National Park (and its setting).
- The allotments are proposed to be located within the north-western quadrant of the southern fields, adjacent to Greyfriars Lane and the gardens to The Domain and St. Joseph’s Abbey. Its landscape is more open and rural, with an irregular pattern of smaller pasture fields, marked by the remnants of hedgerows and tree lines. The allotments would be laid out within two of the fields, including shed bases, access tracks, a waste compound and a

hardstanding area for a communal building or seating area. A native hedge is also proposed along the south and east boundaries of the site. Which the Inspector reasoned would offer some screening of the allotments in localised views.

- Although the open pasture in the fields would be replaced by a combination of cultivated plots, small built structures and surfaced paths, the existing hedgerows and tree lines would be retained and enhanced with supplementary planting. This would preserve and reinforce the historic field pattern and the presence of mature hedgerows in the landscape, which are key characteristics of the Scarp Footslopes landscape character type. The protection and enhancement of these features, which could be secured by condition and would also help to integrate the allotments into the National Park landscape.
- In addition, in views, the allotments would be seen in the context of the wider landscape, which includes other urban fringe uses, such as the settlement edge of Storrington, and industrial and business complexes on Greyfriars Lane and Chantry Lane.
- Whilst the Inspector acknowledged that the proposed uses should not be regarded as setting a precedent for the introduction of more urban and peri-urban features into the landscape of the National Park, their presence does form part of the landscape baseline against which the proposed allotments should be considered. Allotments may not be part of the landscape within the boundary of the National Park in this location, but they have been considered appropriate elsewhere in the National Park and are common features in urban fringe landscapes. Therefore, the Inspector did not consider that the proposed allotments would be out of character with the surrounding National Park landscape in this location.
- With regards to the special landscape qualities of the National Park, although there would be some loss of pastureland on site, the diverse, inspirational landscapes and breath-taking views from the South Downs would otherwise be conserved and enhanced. As to any effect on the tranquillity, there was little substantiated evidence that allotments create more noise and disturbance than would normally be experienced at the edge of a settlement. Furthermore, the baseline position as agreed by all parties, would see the allotments relocated to the adjacent middle field, where any effect on the tranquillity of the southern fields would be comparable with that in the location now proposed. The allotments would also provide enhanced opportunities for recreation and learning, contributing to another of the special qualities of the National Park. In addition, any proposed lighting scheme could be secured by condition, avoiding any adverse impact on the International Dark Skies Reserve.
- The proposed community park would occupy the remainder of the southern fields and is intended to function as a natural greenspace. In addition, the proposed paths would improve connectivity to the PRoW network. The Inspector concluded that the proposed park would not be out of character with the open and natural character of this landscape, which would be able to accommodate the change in use, with any negative consequences arising from paths (and associated signage, bins etc) likely to be very minor.
- In conclusion, the Inspector considered that the scale and extent of the proposed development within the National Park would be limited, and whilst acknowledging the slight adverse effects arising from the housing and allotments, the proposed development would support the special qualities of the National Park and taken as whole the proposed development would conserve and enhance the landscape and scenic beauty of the South Downs. Therefore, the appeal was allowed.

Planning Application and Appeal Reference Number:	SDNP/22/04807/HOUS APP/Y9507/D/23/3316705
Authority:	Chichester
Site:	Wingates, Limbourne Lane, Fittleworth, West Sussex, RH20 1HR
Description of Development:	The development proposed is described as ‘Addition of a single storey glass roof/carport located on the side elevation of the property in the private garden’.
Decision and Date of Decision:	D 12 October 2023

Inspector’s Reasoning:

- The main issues were the effect of the proposed development on protected species and on the character and appearance of the area.
- The Inspector noted that the evidence before them indicated that there was a reasonable likelihood of protected species being present at the site. However, no further details regarding which protected species may be present at the site, or how the proposal may affect them, had been submitted. They concluded that they must take the precautionary approach and this matter cannot reasonably be dealt with by conditions, as they did not have sufficient information to know whether the proposal would harm protected species, or to be satisfied that any likely harm could be avoided or mitigated. Therefore, the proposed development has the potential to harm protected species and there would be conflict with Policy SD9.
- With regard to character and appearance, the appeal site is a detached house with outbuildings situated within a large plot on Limbourne Lane, a quiet road with a verdant character. The surrounding properties, many of which have extensions and outbuildings, are also large and there is generous spacing between them.
- The Inspector noted that the single-storey height, open sides and use of glazing would ensure the carport would not have an overly prominent scale or appearance. While the proposed materials would have a modern appearance, the overall structure would appear lightweight, so while it would contrast with the existing traditional property, the visual impact would not be significant or jarring. In addition, the carport would be viewed against the main dwelling and an outbuilding and extend onto an existing hard surface. Consequently, it would be well contained within the existing residential site and would not detract from any sense of openness or ruralness.
- The Inspector concluded that the proposal would not harm the character and appearance of the area and would conserve and enhance the National Park, therefore there would be no conflict with Policies SD31, SD4, SD5, SD6, SD8 and SD11. Nevertheless, the lack of harm identified against the character and appearance of the area would not outweigh the harm identified to protected species, therefore the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/02956/FUL APP/Y9507/W/23/3316992
Authority:	Chichester
Site:	Carriage House, Burton Park Road, Barlavington, West Sussex, GU28 0JS
Description of Development:	The development proposed is “Demolition of stables and pole barn. Construction of replacement building comprising a one-bedroom holiday let and vehicle store”.
Decision and Date of Decision:	D 30 October 2023

Inspector’s Reasoning:

- The main issue was the effect of the development on the character and appearance of the landscape and the intrinsic qualities of the National Park.
- The Inspector noted that the stables and pole barn lie in a roughly L-shaped field that borders the domestic garden of Carriage House to the south. There was a large care home to the west and a loose line of dwellings, beyond an area of woodland, to the east. However, all of these buildings lie within a wide expanse of otherwise open countryside. The stables and pole barn were sited in the lowest part of the field, backed by the tall trees in the woodland. There was also substantial tree cover along the northern boundary so, together with the built development on the other two sides, the field was visually separated from the surrounding landscape. The buildings were set well back from Burton Park Road, and were accessed via a winding hedge-lined drive, so were not visible from the highway.
- The Inspector also noted that the buildings were in a poor state of repair, but their low profile, rustic materials, and secluded location mean that, although they cannot be described as a positive feature, they had become assimilated into the landscape and did not detract from its rural character. The replacement building would be in a similar location, but it would be considerably wider and higher, with a metalclad exterior. The Inspector concluded that it would, therefore, be a much more strident feature, with domestic scale windows and doors, giving it a residential appearance that would be uncharacteristic of its rural surroundings. Furthermore, a considerable area of land in front of the building would be levelled and surfaced, with stone gabions installed to retain the sloping field beyond. The overall proposal would, therefore, have a much greater visual impact than the existing, rather unassuming buildings.
- Overall the proposal would result in a development being incongruous and harmful to the character of its rural surroundings. Notwithstanding this, the proposed building would be in the same location as the existing stables and pole barn, so would not intrude into the open gap between the site and the dwellings beyond the woodland. It would also be well-screened from most viewpoints by the adjacent woodland and boundary vegetation, and the existing buildings on two sides. Consequently, it would not be widely visible, so the harm to the landscape would be limited. Nevertheless, the development would not conserve and enhance landscape character, as required by Policies SD4 and SD5 and overall it would be contrary to Policy SD1.

- They found no conflict with Policies SD7 (relative tranquillity) and SD8 (Dark Night Skies) due to the small-scale nature of the proposal meaning any impacts would be limited and / or could be controlled with suitably worded conditions.
- The Inspector acknowledged that the new visitor accommodation was a benefit and there was a tension between Policy SD23 which encourages new visitor accommodation, and those policies that seek to conserve and enhance the National Park, and that some balancing of these competing interests was necessary. The Inspector concluded that some limited landscape harm may be outweighed by the benefits of increased visitor accommodation. In this case, however, much of the landscape harm came from the increased size of the building, and the enlarged hardstanding and manoeuvring area. These result mainly from the inclusion of the vehicle store, which would provide secure storage for the appellants’ motorhome and other vehicles, rather than providing any tourism benefits. The landscape harm resulting from this element of the proposal could not, therefore, be outweighed by any support derived from Policy SD23. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/04495/FUL APP/Y9507/W/23/3321224
Authority:	Lewes
Site:	Field to The East of Westmeston Place, Lewes Road, Westmeston, East Sussex, BN6 8RH
Description of Development:	The development proposed is described as an “enclosed, free standing shed measuring 5 metres by 4 metres to hold equipment needed to maintain a 20 tree orchard (already planted) as well as ad-hoc equipment to tend an adjacent allotment. Standing on 6 paving stands the wooden structure is made of pine and chipboard in the interior and Larch panels on the exterior. The shed has 3 windows, enclosed with larch shutters that shut flush with the exterior. Development includes free standing 2 solar panels in the adjacent allotment that provides charge to a 12 volt battery and circuit that can be used to re-charge batteries for an electric strimmer and other gardening equipment”.
Decision and Date of Decision:	D 01 November 2023

Inspector’s Reasoning:

- The Inspector noted that the shed had been constructed and the solar panels had been installed, therefore they were dealing with the appeal retrospectively. The main issues were the effect of the development on the landscape character of the area, and whether there was an agricultural need that outweighed any harm.

- The appeal site was a roughly rectangular field with a long boundary to Lewes Road to the west. It lies to the north of the village of Westmeston, with the larger village of Ditchling a little further away to the northwest. There was a small cluster of houses on the opposite side of the road, but in the main, the site was surrounded by undeveloped agricultural land.
- The Inspector noted that the site comprised of open grassland, bisected by a broken hedge line that runs diagonally through it. The north-eastern corner had been divided from the remainder by a rustic post and rail fence. The land formed an integral part of an open rural landscape, composed of a mosaic of agricultural fields, with low hedges and lines of trees, and views to the higher land of the scarp slope to the south. The Inspector concluded that the site was characteristic of the surrounding area, and made a positive contribution to the distinctive landscape of this part of the National Park.
- As the shed was already in position, the Inspector was readily able to judge its impact on the landscape. They noted that was generally well-screened from Lewes Road by the high and dense roadside hedge, although it may be more visible in winter. However, there was a permissive footpath through the field, which runs parallel with the road, and appears to be well-used. Viewed from the stile in the southwest corner, the building was a prominent feature, intruding into a landscape that was largely devoid of other structures. It remains fully visible from this path for about 100 metres until it is screened by the diagonal hedge. Although the larch cladding had weathered to a natural shade, the somewhat domestic form and proportions of the building give it a rather jarring appearance in its rural surroundings. As a result, they concluded it did not conserve or enhance the landscape character of the area.
- The Inspector concluded that the solar panels were a low level and unobtrusive feature in the north-eastern corner of the land, where they were largely hidden by the surrounding hedgerows and planting within the site. This element of the proposal did not result in any harm to the appearance of the area. However, the shed did fail to conserve and enhance the National Park and the development as a whole would conflict with Policy SD4 and contrary to the general restraint on development set out in Policy SD25 and DSI of the Neighbourhood Plan.
- With regard to agricultural need, it was the appellant's position that the shed was required in connection with the use of the land as an orchard, for growing food, and for grazing sheep. The Inspector noted that some agricultural/horticultural activity did take place on the land. However, there was no evidence that significant storage facilities would be necessary for crops, or that large items of machinery would be necessary for this limited level of production. Furthermore, the evidence indicated that the wider field was used for grazing, so a mower was not needed to keep the grass in check, or to take a hay crop.
- The Inspector did acknowledge that some on-site storage would be beneficial, to enable small tools and machinery to be left at the site. However, they were not persuaded that a building of the scale proposed would be required for this purpose, and no business plan had been presented to demonstrate that such a large building would be necessary as a precursor to future agricultural or forestry activities on the land. Rather, the evidence indicated that the low-level use of the land was more for personal recreation and well-being than for an agricultural or forestry business. Indeed, the appellant advised that the building was also used for the storage of camping equipment, which indicated that the building was larger than can be justified on purely agricultural grounds. Therefore, they concluded that the agricultural need for a building of this scale had not been demonstrated, so the proposal was not supported by Policy SD39.
- The Inspector also noted that the reason for refusal cited Policies SD6 and SD7, which seek to safeguard views and protect relative tranquillity. Whilst they concluded that the proposal does not conserve or enhance the landscape character of the area, they had insufficient evidence that it would harm

any key views, or views of key landmarks within the National Park. Similarly, there was no evidence to suggest that the use of the building for storage of tools and equipment would lead to any noticeable impacts on the tranquillity of the locality. Consequently, they found no conflict with Policies SD6 and SD7.

- The Inspector concluded that the development was harmful to the landscape character of the area, and there was insufficient agricultural need to outweigh the harm. The proposal was therefore contrary to Policies SD4, SD5, SD25 and SD39 and Policy DSI of the Neighbourhood Plan. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/03525/FUL APP/Y9507/W/23/3322382
Authority:	SDNPA
Site:	Land at Gravel Pit, Loves Corner, Longfurlong, Clapham, West Sussex
Description of Development:	The development proposed is described as ‘The relocation of Lansdowne Nursery from Ferring including the erection of glasshouses and agricultural workers dwelling’.
Decision and Date of Decision:	D Hearing 01 November 2023

Inspector’s Reasoning:

- During the course of the hearing all parties agreed that the following issues could be dealt with via suitably worded conditions, the details of the surface water drainage, sustainable construction and securing biodiversity net gain. Therefore, the main issues were (i) the effect of the proposed development on the landscape, (ii) whether the site is a suitable location for the proposed dwelling, (iii) whether the site is a suitable location with regards to flood risk and (iv) the effect of the proposed development on biodiversity.
- The Inspector noted that the appeal site exhibited some of the key characteristics of the Upper Coastal Plan Landscape Character Area whilst acknowledging the presence of the A27. In addition, they noted that historic mapping demonstrated the area had been subject to significant change albeit there was still common land to the east of appeal site and presence of Patching Pond to the west. Therefore, whilst the historic fabric and intactness of the landscape was recognisable it had been degraded and not least the A27 was an incongruous feature.
- The appeal site was also well screened from the A280 and had a spatial function in providing a buffer between the A27 and the small settlement of Clapham Common. Overall, the Inspector concluded the landscape was of medium value and therefore of medium susceptibility to adverse changes.

- They noted that the proposed scheme would radically change the character and appearance of the appeal site to facilitate access by the public. In particular, the open pastoral field would be heavily urbanised by the access works and the construction of an internal road, car park and other built features, including a café, lighting and signage. The greenhouses would be light weight rural structures but would also be a built incursion into an otherwise scenic field. Therefore the proposal would erode the contribution the site current makes to the landscape.
- Whilst mitigation measures were proposed in the form of additional planting. The new planting would include a dense area of woodland to the east of the proposed dwelling. However, once mature this would effectively block what is currently an open and attractive view. It was also noted that whilst landscaping can be used to soften or anchor a proposal in the landscape, it would nevertheless be unwise to seek to hide an otherwise unacceptable development in this way because the landscaping could fail or be removed in the future. Furthermore, the benefits from new planting cannot be considered independently from the harm caused by the new development, which would ultimately dominate the site and fundamentally alter its rural character and appearance. Ultimately the intrinsic character and beauty of the area would be harmed by the proposal and therefore it failed to adhere to the first purpose of the National Park.
- With regards to the new proposed dwelling, the Inspector concluded that it had not been demonstrated that it was essential for a worker to live on site. Even if it were, then there was already an employee living in Clapham Common in a property that overlooks the site. If it were really necessary to live nearby, then the appellant had an existing home in Ferring or could have purchased one. Moreover, the proposed dwelling would exceed the 120 square metre floor space thresholds for a rural worker's dwelling as set out in Policy SD32. Nor had the appellant demonstrated that the existing business was viable (at 2.5 hectares, with perhaps only around 0.6 hectares of growing space, they were sceptical whether the business could be considered extensive). For all these reasons the appeal scheme failed to adhere to Policies SD25 and SD32.
- With regards to Flood Risk, the submitted flood risk assessment confirmed that the site was at a medium to high risk of ground water flooding. The Inspector concluded that the risk had not been adequately justified through an absence of sequentially preferable sites considered in a logical and robustly identified 'sequential test area'. The proposal would therefore be contrary to the NPPF and would not accord with Policy SD49.
- With regards to biodiversity, the Inspector concluded that proposal failed to demonstrate the proposal would protect bats, dormice and slow worms in the short term and therefore would be odds with the first purpose of the National Park and contrary to Policies SD2 and SD9.
- Whilst the scheme related to an existing business and supported the Duty of the National Park, overall the proposal and its ability for the business to moderately grow would help the rural economy in a relatively modest way, including the provision of a small number of extra jobs. This would not outweigh the adverse impacts identified above.
- The appellant did also suggest a possible split decision, whereby the proposed dwelling was dismissed, and the garden nursery permitted. The Inspector concluded that if the dwelling were removed from the proposal, then the extent of harm would reduce, as there would be no conflict with the strategy for new housing and the setting of the public right of way would not be affected to the same extent. However, the garden nursery would still be at odds with the development plan with respect to the landscape, flood risk and biodiversity impacts. As a result, a split decision was not appropriate. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/00399/LDP APP/Y9507/X/23/3321162
Authority:	Lewes
Site:	New Elms Barn, Firle Bostal, Firle, East Sussex, BN8 6NA
Description of Development:	The use for which a certificate of lawful use or development is sought is change of use from agricultural building to Class E micro-brewery.
Decision and Date of Decision:	D 20 November 2023

Inspector’s Reasoning:

- The main issue was what use class a micro-brewery should come within.
- The Authority held that the appeal proposal was development not permitted by the Town and Country Planning (General Permitted Development) (England) or Order 2015 (as amended), because it was in Use Class B2. Use Class B2 is for general industrial, a use for industrial process other than one falling within class E(g) (previously class B1)(excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- The appellant’s view was that the proposed development should come within Use Class E(g)(iii). Class E(g)(iii) identifies an industrial process that can be carried out in any residential area without detriment to amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, and is for industrial processes. In addition, the appellant’s case was that the scale of the brewing operation that might be physically capable of being established within the building, was a key determinant of the proposal’s likely Use Class.
- The Inspector concluded that a micro-brewery, even a small one, was a use that could have serious emissions of fumes from the processes involved that could have a considerable impact on the amenity of neighbours in a residential area, and its classification in Use Class B2 and not E(g)(iii) was correct.
- They went on to note, that was not to say that this particular use would not be acceptable in this location, just that it required a planning application so it can be assessed and may need planning conditions to limit any adverse effects.
- The Inspector concluded that the Authority’s refusal to grant a certificate of lawful use or development in respect of change of use from agricultural building to Class E micro-brewery was well-founded and that the appeal should fail.

Planning Application and Appeal Reference Number:	SDNP/22/05458/FUL APP/Y9507/W/23/3317709
Authority:	East Hants
Site:	Foxes Yard, Lythe Lane, Steep, Petersfield GU32 IAT
Description of Development:	The development proposed is the erection of a building for the storage of materials.
Decision and Date of Decision:	D 03 January 2024

Inspector’s Reasoning:

- The main issues were whether the appeal site would be suitable for the development in respect of location, need to travel and promotion of sustainable modes of transport; and the effect of the proposal on the character and appearance of the area.
- Limited substantive evidence was presented to verify the need for the appellant to store building materials in a countryside location. Security concerns given the type and costs of the building, nor the fact that the site was purchased specifically for this use by the appellant did not provide the justification required.
- A Certificate of Lawful Existing Use or Development exists for outside storage of building materials on the site. However, this does not mean the existing use identified would or should be granted planning permission; only that due to the amount of time the site had been used for the storage of building materials when the Certificate application was made, such a use of the site is deemed to be lawful and therefore immune from enforcement action. As a result, this does not justify that there is an essential need for the proposed building in a countryside location, even if it is not unreasonable for the appellant to make the best use of the site’s lawful use.
- The site was found to contain no permanent structures, nor was substantive evidence presented to demonstrate there had been previously. Therefore the Inspector concluded the site was not previously developed land. The proposed development therefore did not fulfil the requirements of policy SD25 of the Local Plan.
- No additional transport measures were provided as part of the appeal scheme. Therefore, it has not been demonstrated that the proposed development has been designed to minimise the need to travel or promote the use of sustainable modes of transport.
- Despite its lawful use, the proposed development would introduce a permanent building onto a currently undeveloped site. This would increase the human presence and built form within an area of low-density development, to the detriment of the SDNP. The fact that the existing landscape features adjacent to the site, in combination with additional planting, would provide some screening to the proposed building would not alter the presence of a

permanent, incongruous structure in this location. Further, any enhancement to the landscape and scenic beauty of the SDNP derived from the additional planting would be limited given the scale of the site. This would not outweigh the harm to the SDNP from the proposed development as a whole. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/00846/HOUS APP/Y9507/D/23/3322390
Authority:	Lewes
Site:	24 Fitzjohns Road, Lewes, East Sussex BN7 1PS
Description of Development:	The development proposed is the erection of raised decking to rear
Decision and Date of Decision:	D 10 January 2024

Inspector’s Reasoning:

- The main issues were the effect of the proposal on the character and appearance of the host property and the area, and the effect on the living conditions of occupiers of neighbouring properties with particular regard to privacy and outlook.
- The rear garden of the appeal site was steeply sloping, resulting in the appeal site being visible from the wider area. The proposed decking area would extend over the existing read slope, taking up the majority of the width of the rear garden and include screening that would enclose the decking. The Inspector found that this would stand out as a bulky feature and appear jarring in the context of the predominantly uniform rear elevations of neighbouring dwellings. This was considered to be harmful to the character and appearance of the area and host dwelling.
- The garden already provided a degree of overlooking for occupiers of neighbouring properties, however the proposal was found to allow for an increase in opportunities for overlooking, including as a result of the stairs to access the garden from the decking, which would provide a platform for future occupiers into gardens and neighbouring property windows. Due to the overall size of the proposal, the Inspector also considered the decking would be an overbearing feature, harmful to the outlook for occupiers of neighbouring properties and therefore to the living conditions.
- Whilst letters of support were received from neighbouring occupiers, the Inspector reasoned that they must consider potential future occupiers who may not have the same views. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/04205/FUL APP/Y9507/W/23/3317523
Authority:	East Hants
Site:	Land to the west of Farnham Road, Liss, Hampshire
Description of Development:	The development proposed is the change of use of agricultural land to use for exercising of dogs including perimeter fence, pathway, shelter and associated parking.
Decision and Date of Decision:	A 15 January 2024

Inspector’s Reasoning:

- The main issues were the effect of the proposed development of the character and appearance of the area, whether the appeal site would be suitable for the proposed development and whether the proposed development would be likely to have a significant effect on the integrity of the SPA.
- The Inspector considered the appeal site contained no significant landscape features, although the existing boundaries created a sense of enclosure and intimacy to the field, which was a key characteristic of the site’s wider landscape setting. The additional development required to facilitate the change of use were considered to ensure the openness of the site was retained whilst maintaining the enclosure and intimacy of its setting. The Inspector therefore concluded there would not be harm caused to the character and appearance of the area and that the development proposal adopted a landscape-led approach.
- Dog walking was also found to be a common occurrence within comparable settings and therefore would not be intrusive in this countryside location. Whilst located in a protected gap (as defined by the Liss Village Neighbourhood Development Plan) the proposed development would not undermine the site’s role in preventing the coalescence of settlements or compromise the integrity of the gap. It was also considered that the proposal complied with the policies from the Liss Village Neighbourhood Development Plan.
- The special interest of the SPA results from areas of wet and dry heathland, woodland, grassland and open water habitats that support the bird breeding population. The overarching policy requirements for the SPA was related to the net increase in residential units that put pressure on the ability of the conservation objective for the SPA to be met. As the development would not lead to a net increase in residential units, it was concluded that there would not be a significant effect on the integrity of the SPA.
- Consequently, the appeal was allowed. Conditions requiring hours of use, approval of materials and for details of any jumps or equipment to be installed have been imposed.

Planning Application and Appeal Reference Number:	SDNP/20/02935/CND APP/Y9507/W/21/3272030
Authority:	Chichester
Site:	Three Cornered Piece, Bohemia Hollow, Nyewood, GU31 5JJ
Description of Development:	The application sought planning permission for change of use to a mixed use of land comprising the keeping and grazing of horses and a gypsy and traveller site for one family without complying with conditions 1, 2, 3, and 4 attached to planning permission Ref SDNP/16/06318/FUL, dated 20 December 2016.
Decision and Date of Decision:	A 16 January 2024

Inspector’s Reasoning:

- The main issues considered by the Inspector were the validity of planning permission SDNP/16/06318/FUL, the effect of the proposal on the character and appearance of the SDNP and the impact on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.
- Condition 1 of the above-referenced permission sets out the site is only to be occupied by the appellant, his partner and their resident dependents for a 3-year period ending February 2021. Condition 2 states in the event that the named occupiers no longer reside at the site, it shall be restored to its condition prior to the development taking place. It had been contended that someone other than the named occupiers lived at the site, however the Inspector concluded that the appellant’s account of circumstances that led to this contention was plausible and that supporting documents have provided credible evidence of occupation in accordance with the condition.
- The development as existing has introduced a mobile home, touring caravan and associated paraphernalia onto the site, in addition to the existing stables. The siting of these appear as stark and discordant features within the natural landscape, harming the scenic beauty of the area. The proposed siting of a further static caravan on the site, in place of the stables, would add to the further domestication of the site and intensification of activities. Whilst the appellant has indicated they would be willing to clad the caravan in a more suitable colour and provide further planting, the scheme would be contrary to policies and would adversely affect the character and appearance of the National Park.
- The consequence of removing conditions 1-4 of the original planning permission would essentially result in an unfettered permission and would likely lead to greater water consumption adversely affecting the integrity of the habitat sites through increased water abstraction (SPA, SAC and Ramsar Site). To overcome this, the Inspector limited the occupation of the site to the existing residents, thereby maintaining the status quo that would have neutral effect on the integrity of the Arun Valley Habitat Sites.

- The original permission was granted on a temporary basis, to allow the Authority to resolve its need and supply position for Gypsy and Travellers, so that the appellant could gain access to a permanent base from which to travel. The Inspector found that these need and supply issues have not yet been addressed. This was considered to attract great weight in the overall balance.
- The health needs and age of members of the appellant’s family were also a significant consideration in the Inspector’s assessment, which weighed in favour of the appellant. It was also considered that there were no alternative sites either public or private currently available to the appellant.
- On balance, the Inspector found that the harm which would be caused by the development would outweigh the other considerations to the extent that a permanent planning permission should not be granted. There was a pressing need, however, in respect of the personal circumstances of the appellant, to consider whether a further time-limited permission could be granted. This would enable the Authority a period in which to increase its supply of land for sites.
- Given the circumstances overall, it was found that a grant of a temporary and personal permission would be proportionate and necessary, and the appeal was allowed, subject to conditions restricting ownership to named residents for a further period of 3 years. Conditions were also imposed restricting the number of caravans to be sited and the size of vehicle to be stored on the land.

Planning Application and Appeal Reference Number:	SDNP/22/02936/HOUS / SDNP/22/03441/LIS APP/Y9507/W/23/3317446 / APP/Y9507/Y/23/3317448
Authority:	Chichester
Site:	Scrubb House Farm Cottage, Crimbourne Lane, Kirdford, West Sussex, RH14 0HX
Description of Development:	The works proposed are a 4m single storey link between existing annex and Grade II listed house.
Decision and Date of Decision:	D (both Appeal A and B) 25 January 2024

Inspector’s Reasoning:

- The proposed development was a 4 metre single storey link (linking a house with an existing annex). The house was a Grade II listed building, so there were two appeals dealt with together as it related to both a refusal of planning permission (Appeal A) and refusal of a listed building consent (Appeal B).
- The main issues were effect of the proposed development and works on the special architectural and historic interest of Scrubb House Farm Cottage (the Grade II listed building) and the effect of the proposed link on the overall size of the dwelling.

- The Inspector acknowledged that previous permissions to extend the property and construct an outbuilding (granted in 2020 and 2010) had resulted in a scale, mass and bulk of the extension, together with the introduction of the additional large, outbuilding close to the extension had already diminished the significance of the original, small cottage within its generously proportioned plot. However, notwithstanding these, the cottage derived its significance from its modest proportions and its historic role as a worker's cottage associated with Scrubb House Farm. It also had significant architectural features which included an unusual brick bond, the retention of its original plan form and the survival of internal joinery. The latter probably indicated its origin as a timber framed building later encased by brickwork.
- The Inspector noted, the existing extension and the outbuilding are offset from one another. Consequently, to provide a route between the existing door of the outbuilding and the proposed door in the extension, the link would project beyond the rear elevation of the extension. Although this would only be apparent from the rear of the house, it would create an awkward relationship between the adjacent buildings and increase the prominence of the extension. Although the outbuilding was a substantial size, its design and appearance ensured that it remained subservient in its functional relationship to the host property. This would be significantly changed by the link, giving the outbuilding a disproportionate level of importance. Closing the gap between them would result in a linear, sprawling form of development which would harm the character of the listed building, further diminishing its significance.
- The Inspector also noted that at present the separation of the buildings created permeability around the house, helping to distinguish it from the ancillary function of the garage. This legibility would be lost causing the cottage to be overwhelmed by additions, harmfully eroding the significance of the historic core of the cottage and its setting. In addition, the canopy which currently spans the gap between the two buildings is no more than an incidental garden feature and was not comparable with the proposed permanent and enclosed link.
- The Inspector concluded that the harm caused would be less than substantial, but it still amounted to a significant objection and that the private benefits and personal circumstances (the reasons for the proposed development) did not amount to a public benefit that could outweigh the harm. Therefore, the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building and would be contrary to paragraph 205 of the NPPF and Policies SD12 and SD13 of the Local Plan.
- With regards to effect of the proposed link on the overall size of the dwelling. The Inspector noted that the permitted extension more than doubled the size of the dwelling (which was now 170sqm), but this was assessed as acceptable against the different planning policies which pertained at the time. Any further increase in the floor area would breach the limits set out in Policy SD31, as the existing extension has already exceeded the policy allowance. Furthermore, although the link itself would only occupy 8sqm, it would have the effect of incorporating the ancillary accommodation into the overall living space of the dwelling, taking the total far beyond that which was now permitted in the absence of exceptional circumstances.
- In addition, Policy SD31 also deals with the issue of ancillary accommodation that may be found within an annexe or outbuilding. An outbuilding must demonstrate that it is required for purposes incidental to the use of the host dwelling. The use of the ground floor of the outbuilding for garaging and storage was therefore compliant with this requirement. However, the proposal sought to use the ancillary accommodation as an annexe and where occupation would be of a more permanent nature. This would be contrary to Condition 4 of the planning permission for the outbuilding, which specifically restricts its use to 'occasional overnight accommodation'. In these circumstances, the Inspector found there was no justification for

constructing a permanent link between the buildings to facilitate the movement of people between them. Therefore, the proposal was in conflict with Policy SD3I and the appeals were dismissed.

