

Key to Appeals Reporting

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| 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/21/04688/FUL APP/Y9507/W/23/3320917 |
| Authority: | Chichester |
| Site: | Stane Lodge, Bury Gate, Bury, RH20 1HA |
| Description of Development: | The development proposed is demolition and rebuild of the existing house and garage with tennis court (identical to proposal approved under reference SDNP/15/01953/FUL) |
| Decision and Date of Decision: | A 29 January 2024 |

Inspector's Reasoning:

- The main issues were (i) the effect on the character and appearance of the area; (ii) the effect on natural environment and resources; (iii) effect on trees, and (iv) whether the proposal would achieve energy and water efficiency.
- The Inspector noted that property was a detached, two-storey dwelling (set within a large curtilage), with a detached, single-storey outbuilding situated to the east of the dwelling. The existing dwelling also had a catslide roof at the front elevation and two large gable features at the rear elevation and was

deemed to have a traditional appearance. The proposed dwelling and garage would include sections of pitched roof, projecting gables, chimneys, pitched roof dormers and storm porches. Therefore, the appearance of the proposed dwelling would be consistent with the traditional character of the existing dwelling and its footprint would broadly occupy the footprint of the existing. The Inspector concluded that the design of the scheme sought to achieve a sensitively designed dwelling which sat comfortably within its landscape through use of locally sourced materials including local brick and tiles and together with the choice of materials represents a landscape-led approach.

- The Inspector also noted that the existing property occupied an elevated position with ground levels increasing from Watery Lane to the south and was screened from wider views from Watery Lane and Footpath by farm buildings and mature trees, and therefore there was generally limited visibility from publicly accessible locations. The Inspector stated, that due to its greater scale and mass, the proposal would result in a small increase in the visual prominence of development on the site, particularly in winter months where foliage cover would be less dense. Within such wider views, the proposed dwelling would be visible within the context of the adjacent dwelling at Bury Gate Farm. However, the Inspector agreed with the Authority's landscape officer that the planting of large native trees along the southwestern boundary of the garden, to be secured through condition, would mitigate the modest increase in the cumulative visual impacts of development on wide, distant views. In addition, the effects on Dark Skies could be controlled through suitably worded conditions.
- The Inspector found that the proposal would not be overbearing or detrimental to the living conditions of neighbours and reflected the context in which it was located.
- With regards to its effects on the natural environment and resources, the Inspector found that the proposal would not conflict with any requirements of Policies SD9 and SD10 and that the Authority had not put forward any negative effects in respect of Policy SD2.
- With regards to Trees, the Inspector noted that it was the construction of the Tennis Court adjacent to the line of mature trees on the eastern boundary which had the potential to have an impact (due to excavation works). However, the Inspector found that subject to securing a condition requiring further arboricultural information and method statements there would be no harm to the existing trees.
- With regards to energy and water efficiency, the Inspector found these details could be secured through suitably worded conditions, and subject to these conditions the proposal would be capable of achieving suitable standard for energy and water efficiency.
- The Inspector concluded that there was no harm arising from the proposal. In addition, neither the development plan nor landscape context had materially changed since the determination of the previously granted permission and that consistency in decision-making was an important tenet of the planning system and like cases should be decided in a like manner. Therefore, the appeal was allowed.

Costs Decision - Allowed

- The Inspector concluded that there was a high degree of similarity between the previously approved scheme and the appeal proposal, and there were no other relevant factors which materially altered the context within which the appeal proposal was determined. Therefore, the Authority failed to determine similar cases in a consistent manner and, on this basis, acted unreasonably.
- The Inspector also noted that the applicant asserted that the Authority failed to engage in any meaningful way, including not responding to suggestions about removing the tennis court, and not raising its concerns regarding the proposal until more than six months after the application was submitted and four months after the statutory determination period. The Authority referred to email correspondence between the parties but did not provide evidence to refute the applicants claims. Since it had not been demonstrated that proactive engagement took place, the Inspector concluded that unreasonable behaviour occurred in this regard. Therefore, a full award of costs was allowed.

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| Planning Application and Appeal Reference Number: | SDNP/21/03679/FUL APP/Y9507/W/23/3317149 |
| Authority: | Chichester |
| Site: | Compton Farmhouse, Church Lane, Compton, West Sussex, PO18 9HB |
| Description of Development: | A single run of underground drainage piping. |
| Decision and Date of Decision: | A 08 February 2024 |

Inspector’s Reasoning:

- Preliminary matter, the description of development in the appeal notice was different to both the description on the appeal / application form and the Authority’s decision notice. Whilst the Authority’s description of the proposal on the decision notice (‘retrospective installation of a single run of underground drainage piping’) best describes the proposal as the proposed development has already taken place, ‘retrospective’ is not an act of development and therefore was removed from the description.

- The main issue was the effect of the development on the character and appearance of the area.
- The Inspector noted that the site comprised part of Compton Farm, located on the north-eastern edge of Compton village. Compton Farm contained an attractive farmhouse and traditional farm buildings which had previously been converted into holiday accommodation. The underground drainage piping, the subject of this appeal, was located in a field to the north of the site, near to the building known as The Bull Pen. The field enclosed the farm, separating it from field parcels to the north and an area of woodland to the east.
- Whilst the Authority stated that the installation of the piping involved a significant amount of engineering works, the Inspector observed that the grassed area over which the piping had been laid was virtually indistinguishable in visual terms from the remainder of the field. In addition, it was imperceptible from both Public Footpath 546 to the west and north of the site and Public Bridleway 543 to the east of the site. Accordingly, they found that the piping had a neutral effect on the character and appearance of the area. Therefore, the Inspector found there was no conflict with Local Plan policies and the appeal was allowed.

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| Planning Application and Appeal Reference Number: | SDNP/22/05020/HOUS APP/Y9507/D/23/3327098 |
| Authority: | Chichester |
| Site: | 6 Heather Close, West Ashling, West Sussex PO18 8DR |
| Description of Development: | The development proposed is rear dormer with internal alterations. |
| Decision and Date of Decision: | D 12 February 2024 |

Inspector’s Reasoning:

- The main issue was the effect of the proposed development on the character and appearance of No: 6 Heather Close.
- The Inspector noted that No: 6 was an end-of-terrace dwelling located in a predominantly residential area in West Ashling and as originally constructed was a 2-bedroom house. However, due to a 2014 permission for a 2-storey extension, No: 6 now had a GIA of more than 120 sqm.

- The Inspector also noted that as the proposed rear dormer (with internal alterations) would result in habitable accommodation in the loft, the proposed development would further increase the floorspace of No: 6 beyond the 30% threshold referred to in Policy SD31.
- The Inspector concluded that the desire for enlarged living accommodation did not amount to exceptional circumstances in the terms of Policy SD31. Therefore, the proposed development would have an unacceptable and harmful effect on the character of No: 6 and would conflict with Policy SD31.
- With regards to appearance, the Inspector noted that the proposed rear dormer would project close to the maximum ridge height of No: 6 and would span a considerable proportion of the total width of the roof. It would also have a sizeable depth in comparison with the central part of No: 6, as such, although it would be partly concealed by the hipped roof, at the scale proposed it would unduly dominate the roof, thereby undermining its simple form. The Inspector concluded that the proposed development would have an unacceptable and harmful effect on the appearance of No: 6 and would conflict with Policy SD5. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/02936/HOUS Appeal A Ref: APP/Y9507/W/23/3317446 SDNP/22/03441/LIS Appeal B Ref: 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: | Both Appeals D 12 February 2024 |

Inspector's Reasoning:

- Whilst the proposed development was for a 4m single storey link, as it involved a Grade II Listed Building there was a corresponding Listed Building Consent appeal. The Inspector dealt with the two appeals together.
- The main issues were (i) the effect of the proposed development on the special architectural and historic interest of Scrubb House Farm Cottage, a Grade II listed building and (ii) the effect of the proposed link on the overall size of the dwelling.
- The Inspector noted the property had been extended in 2010 together with the construction of the outbuilding and a 2020 permission had been granted to subsequently extend the outbuilding (works were yet to be completed). The Inspector concluded that the 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, the outbuilding's utilitarian design and function and the use of weatherboarding in its construction ensured that it was seen as separate and distinct from the cottage in terms of its use and appearance.
- In addition, and notwithstanding the extension and construction of the outbuilding, 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 proposal sought to construct a permanent link between the outbuilding and the extension, to enable the two buildings to operate as an integrated dwelling (i.e. users of the ancillary accommodation would be able to enter the rest of the property without going outside). The link would be single storey constructed of heritage brick and oak weatherboarding with openings on both elevations.
- The Inspector noted that 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. They found that although this would only be apparent from the rear of the house, it would create an awkward relationship between the adjacent buildings. It would increase the prominence of the extension vis a vis the original house. In addition, whilst the outbuilding was a substantial size, its design and appearance ensured that it remained subservient in its functional relationship to the host property. The Inspector concluded that this would be significantly changed by the link, giving the outbuilding a disproportionate level of importance. Closing the gap between the buildings would result in a linear, sprawling form of development which would harm the character of the listed building, further diminishing its significance.
- In addition, at present the separation of the buildings created permeability around the house, helping to distinguish it from the ancillary function of the garage. The Inspector concluded that 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. The canopy which currently spans the gap between the two buildings was no more than an incidental garden feature and was not comparable with the proposed permanent and enclosed link.

- The Inspector concluded that the harm identified was less than substantial and the private benefits and personal circumstances of the appellant did not amount to a public benefit that could be weighed against the harm identified. Consequently, the proposal failed to preserve the special architectural and historic interest of the Grade II listed building.
- With regards to Policy SD31, the Inspector noted that the previously permitted extension had increased the size of dwelling (now at 170sqm) and any further increase would conflict with the limits set out in Policy SD31. In addition, the proposal would result in the use of the ancillary accommodation (within the outbuilding) 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 there was no justification for constructing a permanent link between the buildings to facilitate the movement of people between them. Therefore, both appeals were dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/21/06321/LDE APP/Y9507/X/23/3316244 |
| Authority: | East Hants |
| Site: | 30 Winchester Road, Petersfield, GU32 3PA |
| Description of Development: | The use for which a certificate of lawful use or development is sought is continued use as a residential dwelling (use class C3). |
| Decision and Date of Decision: | D 13 February 2024 |

Inspector’s Reasoning:

- The main issue was, on the balance of probabilities, that the development was lawful at the date of the application. In this case, the decision turned on whether the use as a single dwellinghouse had been abandoned, as a matter of fact and degree and on the balance of probabilities.
- With regards to the period of non-use, the Inspector noted that there was no dispute between the parties that the building had an established use as a dwelling, appearing on maps from the 1860s. The appellant stated that the owner, lived in the property for more than 50 years until 2006, when they

moved into a nursing home. The owner passed away in 2018. At the time of the application, the property had therefore been vacant for approximately 15 years. The Inspector noted that they had not seen any evidence that there was any use of the property since the owner moved out.

- With regards to the physical condition of land / building, the Inspector noted that the plot was overgrown with trees and brambles. The building was originally single storey, and most of the external walls remained, but the building was open to the elements with no roof, ceiling or doors. No internal fittings or furniture were in evidence, except for a fireplace. In some places there were still window frames but no glass. Trees had become established within the building and it no longer had the appearance of a dwelling.
- With regards to whether there had been any other use, the Inspector noted there was no dispute between the parties that there had been no other use of the building since the owner moved into a nursing home.
- With regards to the owners intention, the Inspector noted that they had not seen any evidence that there had been any attempt to maintain the site or the building as a dwelling since the owner moved out. However, when considered objectively, there was little evidence as to whether the owner intended to suspend the residential use of the property, or to cease it permanently.
- The Inspector concluded that although there was some evidence from 2008 that the owner had sought to protect their property from trespass and annexation, there was very little evidence of any intention to resume its use as a dwelling. As a result of this, its physical condition and the substantial period of non-use, a reasonable onlooker, applying an objective test, would have the impression that the residential use was not to be resumed. In addition, the appellant's evidence was not sufficiently precise and unambiguous and fell short of discharging the burden of proof. Therefore, they concluded, as a matter of fact and degree and on the balance of probability, that the use of the property as a dwelling had been abandoned. The Authority's refusal to grant a certificate of lawful use or development in respect of continued use as a residential dwelling (use class C3) was well-founded and the appeal was dismissed.

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| <p>Planning Application and Appeal Reference Number:</p> | <p>Appeal A - SDNP/21/01232/CND Appeal B - SDNP/21/01232/CND APP/Y9507/W/23/3323259</p> |
| <p>Authority:</p> | <p>East Hants</p> |
| <p>Site:</p> | <p>Horse Chestnut Farm, The Causeway, Petersfield, GU31 4LR</p> |
| <p>Description of Development and Conditions in dispute:</p> | <p>Appeal A – The application sought planning permission for a change of use of land from agriculture to a mixed agriculture and equestrian use and retention of internal works to form loose boxes without complying with a condition attached to planning permission Ref SDNP/15/03090/FUL, dated 28 August 2015. The condition in dispute was No 3 which states that: <i>“The development hereby permitted shall be used only for private, non-commercial, stabling and equestrian use and shall at no time be used for any trade or business including livery stabling”</i>. The reason given for the condition was: <i>“To prevent the stables and land from being used for commercial purposes since the increased use of the premises and generation of additional traffic would be detrimental to the amenities of the area”</i>.</p> <p>Appeal B - The application sought planning permission for an all-weather menage without complying with a condition attached to planning permission Ref SDNP/16/05326/FUL, dated 1 February 2017. The condition in dispute was No 2 which states that: <i>“The development hereby permitted shall be used only for private, non-commercial, stabling and equestrian use and shall at no time be used for any trade or business including livery stabling”</i>. The reason given for the condition was: <i>“To prevent the stables and land from being used for commercial purposes since the increased use of the premises and generation of additional traffic would be detrimental to the amenities of the area”</i>.</p> |
| <p>Decision and Date of Decision:</p> | <p>Both Appeals</p> <p>D</p> <p>15 February 2024</p> |

Inspector’s Reasoning:

- The Inspector noted that Horse Chestnut Farm was approximately 6 Hectares of land between the A3 to the west, and the B2070 to the east. The only vehicular access to the site was off the head of a small residential cul de sac known as The Causeway. In 2015, planning permission was granted for mixed agricultural and equestrian use of the land, together with the retention of eight loose boxes within an existing building on the site. In 2017, permission was granted for an all-weather menage close to this building. Both permissions were subject to a condition limiting the use of the site to private, non-commercial, stabling and equestrian use. The application sought to remove the condition from each of the permissions, so that the land, stables and menage could be used for commercial purposes.
- The main issues for both appeals (to remove the conditions) were (i) whether it would result in an increase in traffic using the access and the effect of the additional traffic on highway safety and (ii) the living conditions of neighbouring residential properties (with specific regard to noise and disturbance).
- The Inspector found that the evidence submitted with the application indicated that the current owners visited the site twice daily. As the horses would all be under the care of one private owner, it would be expected that supplies of feed, bedding, etc would be efficiently arranged, to cover the needs of all of the horses under each delivery. Similarly, it was likely that other visitors to the site, such as vets, would be co-ordinated so that routine matters would be addressed in one visit. Using the appellant's own assumptions, each livery stable would result in two visits per day by each horse owner. This would result in 16 visits to the stables per day, as opposed to the current two. Furthermore, whilst it was stated that the owners would ensure that deliveries would be made corporately, this would be difficult to control, and individual owners may have particular preferences for feed or suppliers, potentially resulting in more delivery vehicles attending the site. Other visits to the site from vets and tradespeople would not be so easily co-ordinated with eight individual owners, so additional vehicle movements would be likely. Consequently, they concluded that the removal of the condition under Appeal A would result in an increase in traffic visiting the site.
- With regards to menage, the Inspector noted that the removal of the condition would allow its use to anybody. This would include the owners of the horses at livery (if the condition under Appeal A were removed), who may invite family and friends to the site to ride their horse. Removal of the condition would also allow the facility to be hired out to other horse owners who may not have access to such a facility, or for the provision of riding lessons, or specialist training of horses. This would be likely to involve transporting horses to and from the site. The removal of the condition under Appeal B would also, therefore, likely result in an increase in traffic.
- The Inspector also noted that if the site were not used for equestrian purposes it could be used for agriculture. Such a use would inevitably involve some vehicular use of the access. However, the area of land was not extensive, and the nature of the access was likely to deter an intensive use requiring large vehicles or regular movements of livestock. They were not convinced that an alternative agricultural use would be likely to generate the same frequency of traffic movements as a commercial equestrian use of the land, buildings and menage. Therefore, they concluded that the removal of the conditions would, individually and cumulatively, result in an increase in traffic using the access.
- With regards to Highway Safety, the Inspector noted that the existing access to the site was gained via a residential cul de sac that had a junction with the B2070. They saw that the junction had the appropriate entrance radii, and a carriageway of approximately five metres, with pavements on either

side. This allowed drivers of emerging vehicles good visibility in both directions, and was suitable to cater for the likely increase in traffic that would be generated by the removal of the conditions.

- Whilst noting the objection from the Local Highway Authority on highway safety grounds, the Inspector concluded that there would be no conflict with highway safety. This was because traffic within the cul de sac would be forced to slow down on entering the site by the entrance ramp. The road was short and straight, so drivers and pedestrians would have good visibility of each other. Furthermore, the carriageway was wide enough to allow a slow-moving vehicle and pedestrian to pass safely. In addition, there was no evidence to suggest that the resultant volume of vehicle movements within the cul de sac would be anywhere near 100 vehicles per hour (Manual for Streets guidance suggests routes for traffic of vehicles of above 100 vehicles per hour are not suitable as shared spaces), so they had no reason to conclude that it would not continue to function safely as a shared surface.
- With regards to impact on living conditions, the Inspector noted that the only means of vehicular access to Horse Chestnut Farm required all visiting traffic to pass through the cul de sac. In addition, to reach the site itself, vehicles must also traverse a narrow driveway that extended off the head of the cul de sac between Nos 257 and 259 The Causeway. This driveway then turns a right-angle bend that wraps around the corner of No 259 to arrive at the access gate. Beyond this gate was a parking area that led onto another access gate to the main equestrian yard.
- The Inspector also found that traffic using the driveway must pass so close to the front elevation of No 259 and the side elevation of No 257, that some disturbance of occupants was inevitable. The ground floor side-facing windows of No 257 were within two metres of the drive. Whilst they were set behind a fence and hedge, this would only provide limited protection from the engine noise and fumes from vehicles that would be in close proximity. On the opposite side, the primary elevation of No 259 faced the driveway at very close quarters. Traffic passing this elevation could be within 1.5 metres of the main ground floor living room window, and there was no intervening screening. At such close proximity additional vehicle noise would be harmful to the peaceful enjoyment of the accommodation. Also it would not be possible to mitigate this harm, as the provision of a hedge or fence would be so close to the window that it would block light to the room, and outlook from it.
- Therefore, the Inspector concluded that the increase in traffic along the access drive beyond the cul de sac would result in harm to the living conditions of the occupants of Nos 257 and 259 The Causeway, through additional noise and disturbance. Consequently, the removal of the conditions would, individually and cumulatively, be contrary to Policies SD24 and SD54 of the Local Plan. Therefore, the appeals were dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/01310/FUL APP/Y9507/W/23/3322550 |
| Authority: | East Hants |
| Site: | Holmlands, Main Road, Bucks Horn Oak, Hampshire, GU10 4LT |
| Description of Development: | The development proposed is the construction of a two storey, chalet bungalow style, two bedroom, two bathroom dwelling following the demolition of the existing garage. |
| Decision and Date of Decision: | D 16 February 2024 |

Inspector's Reasoning:

- The main issues were (i) the effect of the proposal upon the character and appearance of the area; (ii) whether the site was in a suitable location for development; (iii) the effect of the proposal upon highways safety and (iv) the impact of the proposal upon the integrity of the Wealden Heaths II Special Protection Area.
- The Inspector noted, the appeal site was part of the rear garden of Holmlands (a semi-detached house). The house fronted the A325 road, with a long, narrow rear garden with a detached garage and associated parking spaces that were accessed from Back Lane. The property was part of the small settlement of Bucks Horn Oak that mainly lies to the western side of the main road and comprised mostly residential properties that form a distinct concentrated group surrounded by woodland. Within this group there were a mix of ages and styles of dwellings, many of which were detached. Houses and bungalows front both the A325 and Back Lane, forming long lines of development to either side of the roads. The narrow breadth of the rear garden of Holmlands, that of its neighbour and that of the other pair of semi-detached houses next to them, formed a distinct cluster within the line of houses and bungalows to the eastern side of Back Lane.
- The Inspector found that given the narrow breadth of the site, the proposed dwelling would appear harmfully constrained. They stated that although it would be detached with rooms in the roof, it would occupy much of the width of the plot. This, along with the size of the house, its form and style would make it overwhelm the plot, and this would be intrusively conspicuous in an area of dwellings mostly within more generous sized gardens. Whilst there were some dwellings nearby that had short rear gardens, and there were other properties with narrow gardens within which there were detached

garages. Nevertheless, within the narrow rear gardens of the group of semi-detached houses there were no dwellings, and whilst there was a diversity of ages and styles of dwellings along Back Lane, a repeated characteristic was that they were positioned within broader plots than the appeal site.

- In addition, the Inspector found that the style and form of the proposed dwelling would harmfully exaggerate its cramped appearance. The presence of a cantilevered first floor would give the dwelling a top-heavy form. When combined with the dwelling being set down below ground level, the dwelling would have a strong vertical emphasis that would exaggerate the constrained appearance of the house. In an area comprising mostly conventionally formed and styled dwellings, these features along with the presence of differing sized and styled dormers and a bulky flat roofed rear addition would all serve to amplify the incongruity of the house.
- The Inspector noted that the appellant proposed to retain the existing trees and hedges and plant additional landscaping, and such measures would complement the nature of many nearby gardens. However, they found that the size of the dwelling along with the close proximity of works to nearby trees and hedges was such that whether they could be retained and survive had not been demonstrated. The Inspector concluded the dwelling would cause unacceptable harm to the character and appearance of the area, and conditions would not overcome this harm.
- With regards to the issue of location, the Inspector noted that Holmlands was within Bucks Horn Oak which was a compact cluster of mostly residential development that forms a distinct concentrated group surrounded by woodland. Although the appeal site was surrounded by residential development, Bucks Horn Oak was not within the list of settlements identified within Policy SD25. Therefore, the appeal site was regarded as open countryside where development can only occur subject to exceptional circumstances. As the proposal would not meet any of the exceptional circumstances identified with the policy, whilst it would be on previously developed land, the policy also required that the development should be of a scale and nature appropriate to the character of the settlement, and for the reasons set out above it failed to accord with Policy SD25.
- With regards to highway safety, the Inspector noted that although the proposed dwelling would include the provision of two parking spaces, off-road parking provision for the existing dwelling would be lost and this would add to the existing parking that occurs on the highway. Whilst there was unrestricted parking along Back Lane, and it might be the case that the occupiers of Holmlands could park on this road. The proposed dwelling would obstruct pedestrian access to Back Lane, and even if the occupiers of Holmlands did park along this road, it would necessitate a lengthy walk that some may find inconvenient. Moreover, although the A325 was speed restricted it was a very busy main road, with prohibited overtaking, and the Inspector noted the Authority had recently refused an application to provide parking to the front of this property for reasons of increased danger and inconvenience to other highway users. Therefore, given the circumstances of this case, the absence of parking for the existing dwelling would require occupiers of this property to find alternative parking elsewhere, and whether this could be achieved whilst maintaining the safety of other highway users had not been demonstrated. Consequently, the scheme failed to accord with the requirements of Policies SD21 and SD22.
- With regards to the impact on the Wealden Heaths II Special Protection Area (SPA), the Inspector found that the proposal would conflict with policy requirements as little detail had been provided with regards to the impact of the proposal upon the integrity of the SPA, nor details of any mitigation measures. Therefore, in the absence of binding and secure measures to mitigate the impact of the scheme on the habitat site, the scheme would adversely affect the integrity of the SPA, contrary to the relevant policies. Therefore, the appeal was dismissed.

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| Enforcement Appeal Reference Number: | APP/Y9507/C/23/3327360 |
| Authority: | Horsham |
| Site: | Land at Bellows, Bramlands Lane, Woodmancote, Henfield, BN5 9TG |
| Description of breach of Planning Control: | <p>The breach of planning control as alleged in the notice is without planning permission, the retention of an all-weather playing surface with fence surround.</p> <p>The requirements of the notice are to:</p> <p>(1) Remove the all-weather playing surface and fence surround.</p> <p>(2) Remove from the land all materials and debris resulting from the compliance of the above steps.</p> <p>(3) Restore the Land to its condition before the breach took place.</p> <p>The period for compliance with the requirements is 6 months.</p> |
| Decision and Date of Decision: | <p>A (subject to corrections)</p> <p>Hearing</p> <p>23 February 2024</p> |

Inspector’s Reasoning:

- On procedural matters, the Inspector considered the appeal on grounds (a), (b) and (f) and during the hearing the Inspector also considered an appeal on ground (c). In addition, the Inspector had a duty to get the notice in order, in that regard (and in agreement with all parties) they amended the notice to refer to ‘construction’ of an all-weather playing surface with fence surround, rather than ‘retention’, to ensure the notice was more precise.

- On the ground (b) appeal (i.e. that the matters stated in the notice have not occurred), during the hearing it was agreed by all parties that this appeal only related to the section of fencing along one-edge of the all-weather playing surface (adjacent to the existing Tennis Court). It was also agreed that there was a fence in place so the issue was whether the section of fence constituted a breach, rather than whether it existed. Consequently, it was agreed that the matter would more appropriately be dealt with under an appeal on ground (c).
- On the ground (c) appeal (i.e. that the matters alleged, if they occurred, do not constitute a breach of planning control), as set out above, this only related to a section of fence shared with the tennis court. The Inspector noted that the tennis court was granted planning permission on appeal in June 2012, including a fence surrounding its perimeter. The pre-existing fence around the tennis court consisted of green wire mesh attached to green metal upright posts and that this formed the fence along the majority of the southern side of the playing surface. However, an additional layer of green wire mesh had been added on the side facing the playing surface. The Inspector concluded that in so far as the section of the fence along the southern edge of the playing surface complies with the existing permission for the tennis court fence, it did not constitute a breach of planning control. Therefore, the appeal on ground (c) succeeded to that extent. The Inspector corrected the notice to remove reference to the section of fence which benefits from planning permission. However, the fence had been extended for a few metres in length beyond the tennis court at one end. This extended section, which like the approved fence exceeded a height of 2 metres, was not covered by the existing tennis court planning permission and so did constitute a breach of planning control. Therefore, the Inspector decided that this element would be considered along with the fence along the other 3 sides of the playing surface under the ground (a) appeal.
- On the ground (a) appeal (i.e. that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted), planning permission was sought for the construction of an all-weather playing surface with fence surround, except for that section of fence benefitting from the planning permission for the tennis court.
- For ground (a) the Inspector considered the main issues were (i) effect of the development on the character and appearance of the site and the surrounding area and (ii) whether the site was a suitable location for the development.
- With regards to the effects on character and appearance, the Inspector noted that Bellows was a large, detached dwelling set-in spacious grounds. In addition, it was outside of any settlement, in a rural location characterised by dispersed dwellings and farms.
- The dwelling itself was set well back from the road, accessed by a long driveway off a rural road. A substantial two storey ancillary building and large two storey garage sit to one side of the dwelling, with an extensive hard surfaced parking area in front. Forward of the parking area was the permitted tennis court. To the west of the driveway was an undeveloped field and to the east of the garage and parking area were stables, and a 'sand school' was to the east of the tennis court. There were mature trees and a mix of other vegetation along the boundary with the road and a section of trees between the tennis court and the driveway. The playing surface and fence subject to this appeal were located adjacent to the tennis court and between it and the road. The playing surface was permeable green Astro-turf and the fence consisted of green wire mesh attached to green metal upright posts. The re-profiled bund was located between the playing surface and the trees along the road boundary. The immediate context of the playing surface and fence was therefore residential, albeit part of the extensive residential use associated with a large dwelling and its private leisure activities.

- The Inspector found that prior to constructing the playing surface and fence, the site was a modest and clearly defined parcel of land, containing an earth bund. However, they found that this area did not have the character or appearance of open countryside and was visually associated with the residential use of Bellows. Within this context, the development respected and responded appropriately to its immediate surroundings. The green colour of the playing surface and fence helped it blend in with the backdrop of trees and hedges and was not unduly urban. Given that the development was located within this residential context, and was complimentary to it, the playing surface and fence did not have a detrimental impact on the intrinsic character of the surrounding landscape.
- In addition, the screening provided by the trees, along with the bund, meant that the development was not visible from the road, other than brief glimpses of the top of the fence, which were likely to be fully screened in spring and summer. Other views from public perspectives would be at some distance and also screened by vegetation and the house itself. Overall, the development did not have a detrimental visual impact from public viewpoints.
- On balance, the Inspector concluded that the development did not cause unacceptable harm to the character and appearance of the site or the surrounding area, and it would conserve the landscape and scenic beauty of the National Park.
- With regards to location, the Inspector noted that the site was located outside of any settlement and that Policy SD25 applied. However, exceptionally, this policy allowed development outside of settlement boundaries. In addition, and based on the evidence available at the time, the development was not within an area which had permission for use as residential garden, or an established lawful use as such (this was agreed by all parties during the hearing). Policy SD25 required consideration of whether a site was 'previously developed', it was this element that the various parties disagreed (i.e. whether the area subject to the appeal is within the curtilage of the dwelling).
- The Inspector noted that the interpretation of the word curtilage was a judgment for the decision-maker, and a matter of fact and degree. Having considered the evidence provided, and the size of the wider Bellows site, the uses and enclosures of the various areas within it, the separation from the dwelling and the planning history presented, the Inspector concluded that they do not consider the development to have an intimate association with the dwelling. Consequently, it was not within the curtilage of the dwelling.
- However, even though the Inspector did not consider the development to be within the curtilage of the dwelling, prior to the development subject to this appeal, the site could also not be described as undeveloped or open countryside. The Inspector found that the site had the character and appearance of developed land associated with a residential use. Consequently, and on balance, they concluded that the site was a suitable location for the development and therefore no significant conflict with Policy SD25.
- With regards the fencing, its height exceeded 2 metres (and was a height exceeding what would be allowable under permitted development rights). However, the Inspector found that the impact of the fence on the character and appearance of the site and the surrounding area was not significantly different to the impact that would result from a similar fence which did not exceed 2 metres. Therefore, the appeal on Ground (a) succeeded and planning permission was granted (subject to conditions).

- The Inspector found that as the appeal on Ground (a) succeeded (and they granted planning permission for the development) there was no need to consider Ground (f).

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| Planning Application and Appeal Reference Number: | SDNP/23/00351/HOUS APP/Y9507/D/23/3329282 |
| Authority: | Chichester |
| Site: | Ivy Bank, Carron Lane, Midhurst, West Sussex, GU29 9LB |
| Description of Development: | The development proposed is demolition works and for the erection of single and two storey house extensions (reflecting a revision to the west elevation extension element, as approved under planning permission SDNP/21/03451/HOUS, dated 8 October 2021) |
| Decision and Date of Decision: | A 23 February 2024 |

Inspector’s Reasoning:

- Preliminary matter, the Inspector noted that site benefitted from extant planning permission for a development of similar form and appearance which would provide additional living accommodation, thus fulfilling the same purpose as the appeal proposal. The design of the proposed two-storey extension differs from the permitted scheme and therefore their decision focused on this element of the proposal.
- The main issue was the effect of the proposal on the character and appearance of the property and the Midhurst Conservation Area (CA).
- The Inspector noted that the property was a two-storey detached house set within a large, sloping plot, elevated above the street by a steep bank and accessed by a flight of steps. The site was also within the CA, albeit it was located outside the medieval town in a character area comprising late nineteenth and twentieth-century suburbs. Whilst the property was contemporary within stretches of late Victorian and Edwardian suburban housing (which dominate the character area), from its large plot size, it reflected the area’s low-density pattern of development.

- The Inspector also noted that from the rear, the dwelling appeared ornate with large bay windows at ground floor level situated either side of a pair of French doors covered by a storm porch. The hipped roof form, arrangement, and proportions of the first-floor windows with surrounding white render also contributed significantly to visual interest of the rear of the building. At the front, windows were arranged asymmetrically, and expansive sections of brick dominated the building's appearance. A lean-to and outbuildings sit forward of this elevation. The roof form was irregular with a two-storey, flat-roofed projection adjacent to the L-shaped hipped roof. The main entrance was via an aged garden room to the side of the building. Consequently, from public vantage points the building appeared less coherent and of lesser visual quality and interest than as experienced from the private rear garden.
- The proposed two-storey extension would adjoin the dwelling's west side elevation. The Inspector found that the removal of the lean-to and the addition of fenestration and flint panels would add visual interest and contribute a symmetrical appearance to building's frontage. The roof ridge and eaves of the proposed two-storey extension would be level with the main dwelling's ridge and eaves, providing a uniform appearance between the extension and existing dwelling. The scale, form and massing of the extension would reflect the existing hipped-roofed two-storey front projection.
- The connecting section of the proposed two storey extension would be set back to create a recessed area and the roof height would be set down from the ridge of the main dwelling. This connecting link would separate the bulk and mass of the two-storey extension from the larger main dwelling, thus achieving a subservient appearance. In addition, visual subservience would be achieved at the rear through the set back of the extension from the rear elevation. The Inspector concluded that the design, scale, bulk and massing of the proposed development would not appear excessive or unsympathetic to the character and appearance of the existing dwelling. In addition, through utilising architectural design which was appropriate and sympathetic to its setting in terms of height, massing, and roof form it would not harm the character and appearance of the CA. The appeal was allowed subject to conditions.

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| Planning Application and Appeal Reference Number: | SDNP/22/05268/FUL APP/Y9507/W/23/3324462 |
| Authority: | East Hants |
| Site: | Hazledene Barn, The Dene, Winchester Road, West Meon, Petersfield, Hampshire, GU32 1JT |
| Description of Development: | The development proposed is described as the conversion of a disused equestrian stabling unit into a single medium sized dwelling. |
| Decision and Date of Decision: | D 27 February 2024 |

Inspector's Reasoning:

- Preliminary matters, the appeal was made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision. The Inspector noted that although the Authority failed to issue a decision, they submitted a comprehensive Statement of Case. Therefore, the main issues were (i) the effect of the proposed development on the National Park (including the associated Dark Sky Reserve); (ii) whether the site was a suitable location for the proposed development, and (iii) the effect of the proposed development on the Solent Maritime Special Area of Conservation and the Solent and Southampton Water Special Protection Area.
- The Inspector noted that the site was located just off the A272, up a narrow lane behind a small collection of houses. It shared an access drive with the adjacent property, Hazledene, and abutted the embankment of a disused railway by a partially dismantled bridge. To the front of the site was an area of hardstanding behind which was a reasonably large, modern, metal clad barn. The rest of the site was laid to grass and had been planted with trees. The proposal sought to convert the existing barn into a 3- bedroom house.
- The Inspector found that the character of the area was rolling and open farmland interspersed with pockets of woodland often surrounding smaller paddocks, farms, or small clusters of buildings. In addition, the site itself formed part of this quintessential landscape with some paddocks to the rear, a cluster of existing dwellings to one side partially surrounded by pockets of woodland. However, the topography of the area meant the paddocks fell away from the site and the cluster of buildings were further down the slope, positioned closer to the A272. Thus, the site had the potential to have a greater impact on its surroundings than the other nearby buildings.

- The Inspector found that the proposal would represent a sympathetic conversion of the existing barn except for the proposed glazed gable. This element would face the most open boundary of the site, towards the paddocks, and so would be the least screened elevation of the conversion. In combination with the physical positioning of the site in the wider landscape this element would have a disproportionate impact on its surroundings. It would be clearly domestic and of a style incompatible with the rural vernacular of the barn. It would be at odds to the generally discreet nature and rural character. The proposed glazed gable would therefore be an incongruous element which would have a detrimental impact on the experiential qualities of the surrounding landscape.
- In addition, the incongruity of the proposed glazed gable would be further exacerbated when lit from the inside. This would not only highlight the domesticity of its use, but also impact the immediate surroundings and potentially, via light spill, the Dark Sky Reserve. The Inspector acknowledged that some thought had gone into reducing this impact via the proposed green wall, and that this would likely reduce light spill towards the railway embankment and provide an element of shading above the window. However, it would not screen any light spill towards the centre of the site or towards the rear boundary and paddocks beyond. Nor would it prevent the impact of the potentially intrusive glare emitted from the lit glazed gable on the wider landscape.
- The Inspector concluded that the proposed, site layout, material choice and landscaping showed that the scheme had been considered from a landscape perspective. However, this did not negate the harm identified in relation to the proposed glazed gable. Therefore, the proposed glazed gable failed to conserve and enhance and would not comply with Policies SD4 and SD8.
- With regards to location, the Inspector noted that the site was beyond any settlement boundary and that there was a substantial distance between the site and any significant services and facilities that would be required for day-to-day living, and a lack of public transport opportunities. In addition, the A272 (the most direct route to limited services in West Meon) had no footpath and as a main road would not be considered safe for pedestrian use. Other routes which could be utilised for cycle or pedestrian access would be along a mix of narrow country lanes and footpaths. However, these routes would not be appropriate or convenient for everyone to use due to the distances involved, lack of lighting, and lack of refuge opportunity on the lanes should a vehicle need to pass. Therefore, the Inspector was not convinced that the accessibility of the site was suitable for residential purposes.
- The Inspector did acknowledge that the site had permission for non-commercial equestrian purposes, which were it in use would require the regular attendance of the owners for the welfare of the horses kept on site. Therefore, for a singular family dwelling, there was potential the reliance on private vehicle use would not be so different. Thus, the proposal could be seen as acceptable with regards to Policy SD19. Nevertheless, this did not overcome the inaccessible nature of the site when considering a residential use.
- With regards to effect of the proposed development on the Solent Maritime Special Area of Conservation and the Solent and Southampton Water Special Protection Area. Whilst the appellant's case was that the scheme would be nitrate neutral and they could offset phosphate on land adjacent to the site, there was no mechanism to secure these elements. In addition, the Inspector found that such requirements could not be conditioned due to insufficient certainty and clarity over the precise details. Therefore, they concluded it could not be shown that that proposal would not affect the SAC

and SPA, or any impact could be appropriately mitigated against. Accordingly, it would not accord with Policy SD10. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/02384/FUL APP/Y9507/W/23/3315295 |
| Authority: | Lewes |
| Site: | Land West of Glynde Station, Station Road, Glynde, BN8 6RU |
| Description of Development: | The development proposed is the erection of a detached dwelling (Re submission of withdrawn application SDNP/20/05164/FUL). |
| Decision and Date of Decision: | D 29 February 2024 |

Inspector’s Reasoning:

- The main issues were (i) the whether the proposed development was an appropriate reuse of a previously developed site; (ii) whether it conserved and enhanced the National Park; (iii) the effect of the proposed development on the character or appearance of the Glynde Conservation Area (CA) and on the setting of a nearby Listed Building (Glynde Mill) and (iv) whether the proposal would harm the intrinsic qualities of the South Downs National Park Dark Skies Reserve.
- The Inspector noted that the site was a parcel of land (currently covered with vegetation and trees) located next to a railway track and was accessed from the car parking area for Glynde Railway Station. The site was located within the CA and that Glynde was not identified as a settlement for housing growth. The Inspector also noted that the parties did not dispute that most of the site constituted previously developed land (the Authority did consider that not all of the site should be considered previously developed land). The Inspector stated even if the appeal site was considered to be previously developed land, an assessment of whether the proposal conserved and enhanced the special qualities of the National Park was required.
- The Inspector found that the proposed development would include the removal and clearance of the trees and vegetation within the site, and those features formed an important part of the landscape character and softened the buildings nearby and the more built-up areas further afield. They also

stated that the proposed dwelling's design was to appear as a single storey scale, through the eaves being at ground floor level which would overhang the window headers. However, it would be raised to take account of flood risk which increased its bulk. Therefore, the raised design combined with the removal of the vegetation would result in a bulky and dominant feature within the landscape that would not conserve or enhance the special qualities of the National Park. The proposed development would therefore be contrary to Local Plan Policies.

- With regards to the effects on the CA, the Inspector found that appeal site contributed positively to the character, but also the appearance of the CA as a whole (due to its largely open character which allowed views of the town's architectural and historic interest to be appreciated). The proposal would introduce built form which would be experienced within the CA. The loss of the existing vegetation, coupled with the overall height and bulk of the proposed dwelling, despite the design and planting proposed, would result in a bulky feature that would erode the views of the older part of the CA and so detract from its character and appearance by reducing wider views of the historic buildings. Therefore, the proposal failed to enhance or preserve the character or appearance of the CA, albeit the harm causes would be less than substantial.
- With regards to the impact on the setting of the nearby listed building (Glynde Mill), the Inspector concluded that whilst the proposed development would be set some distance away from Glynde Mill, it would be seen in conjunction with it from the train station car park, Lacys Hill and longer distance views from nearby open areas. Therefore, the proposal would form part of and encroach into its setting. Whilst the proposal was only for a single dwelling, by increasing the bulk of built form it would reduce the open and rural setting which would undermine the significance of Glynde Mill. Therefore, the proposal failed to preserve the setting of Glynde Mill, albeit the harm caused would be less than substantial.
- With regards to Dark Skies, the Inspector concluded that the presence of the windows (within the new dwelling) would inevitably lead to an increase in light pollution. They also acknowledged that artificial lighting already existed in the area, including from houses nearby, street lighting and lighting columns on the adjacent railway. However, the proposal would add to this and increase the amount of light pollution in the area. There was also no development on the land subject to the appeal and as such, there would be a materially obvious change which would be visible from the surrounding open areas. The mitigation measures proposed, including overhanging eaves, no external lighting, tinted glass and black out blinds would not sufficiently mitigate the harm.
- The Inspector concluded that the proposal would result in the provision of housing and some economic benefit during construction and occupation albeit these benefits would be tempered by the small scale of the proposal. However, they did not consider that any public benefits provided a clear and convincing justification to outweigh the harms identified. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/03718/CND APP/L3815/W/23/3319322 |
| Authority: | Chichester |
| Site: | Wardley Farm Cottage, Wardley Lane, Milland, West Sussex, GU30 7LX |
| Description of Development: | The application sought planning permission for demolition of the existing residential dwelling and replacement with two storey three bedroom residential building, without complying with a condition attached to planning permission Ref SDNP/21/05788/FUL, dated 4 May 2022 |
| Decision and Date of Decision: | D 01 March 2024 |

Inspector’s Reasoning:

- The main issue was the effect of varying the condition on the character and appearance of the area and both designated (a Conservation Area) and non-designated heritage assets (NDHA).
- Planning permission was granted in May 2022 for a replacement dwelling. The proposal sought to vary Condition 2 of that permission, which required the development was carried out in accordance with the plans listed on the decision notice. The proposal sought to add a dormer window on the east facing roof slope of the replacement dwelling. Since the Authority issued its refusal subject to this appeal, planning permission had been granted to relocate one of the originally consented rooflights to the east facing roof slope.
- The Inspector noted that the site formed part of a historic farmstead, which included a farmhouse and large timber barn, with both Wardley Farmhouse and Wardley Farm Barn being considered NDHAs due to their age, vernacular appearance, use of traditional materials and design. Wardley Farm Cottage, which was the subject of this appeal, was not deemed to be a NDHA. The Inspector also noted that except for the farmhouse, the buildings within the historic farmstead typically had uninterrupted roofscapes, although some rooflights were present.
- The Inspector also noted that the surrounding landscape was predominantly in agricultural use and characterised by irregular shaped fields that were typically bound by hedgerows and trees. There were areas of woodland interspersed within the landscape. The area had a tranquil and remote

character. The appeal site and surrounding landscape were considered picturesque and make a positive contribution to the landscape and scenic beauty of the National Park.

- The Inspector found that the replacement dwelling would be modest in size and that it had been designed to respect the agricultural heritage of the locality. It would have a low ridge height and Sussex hips, which would complement the other buildings within the historic farmstead. The replacement dwelling would utilise traditional materials and have a largely uninterrupted roof form, constructed from handmade clay tiles.
- The Inspector noted that the site was a short distance from the boundary of the Conservation Area (CA), which comprised of a small cluster of buildings, (including the village primary school and sporadic residential development). The Inspector found that the significance of the CA insofar as was relevant to this proposal was derived from the presence of high quality, historic buildings, which featured traditional materials and its verdant and open character. The surrounding agricultural landscape, in which the historic farmstead and appeal site form part, made a positive contribution to the setting and therefore the significance of the CA.
- The Inspector found that the consented rooflight would be in a similar position to the dormer window and that rooflights were not uncommon features on former agricultural buildings or buildings of an agricultural character. The proposed dormer would be larger in size than the consented rooflight. In addition, the dormer's flat roof design and its projecting form would interrupt and harm the simple roof form of the replacement dwelling. The proposed dormer would be more prominent in views from the lane, public bridleway and CA, than the consented rooflight, where it would appear as an incongruous and overly domestic addition on the roof of the replacement dwelling. As a result, they concluded the proposal would be harmful to the character and appearance of the National Park and the historic farmstead, which included NDHAs. The proposal would also harm the setting and therefore the significance of the CA albeit the harm would be less than substantial. Overall, the proposal offered limited public benefits that did not outweigh the harm identified.
- With regards to Dark Skies, the Inspector noted that the site falls within the Dark Sky Core and in such areas, the skies are classified as intrinsically dark and contain some of the darkest areas of the National Park. The Inspector found that the proposed dormer would be larger in size and occupy a greater proportion of the east facing roof slope than the consented rooflight. It would also result in an additional window at roof level, when compared to the consented scheme, which would result in a greater level of light spillage. As a result, the proposal would fail to preserve the dark skies of the National Park. The Inspector also found that whilst a timer controlled electronically operated blackout blind could be installed to help mitigate the impact, any adverse impacts should be avoided in the first place, rather than rely on mitigation. In this case, the Inspector concluded that the adverse impacts could be avoided by implementing the consented scheme.
- The Inspector concluded that for the reasons set out above the proposal conflicted with policies in both the Local Plan and the Milland Neighbourhood Development Plan. Therefore, the appeal was dismissed.

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| <p>Enforcement Appeal Reference Number:</p> | <p>ENF953 Appeal A Ref: APP/Y9507/C/22/3292440</p> |
| <p>Planning Application and Appeal Reference Number:</p> | <p>SDNP/21/01338/FUL Appeal B Ref: APP/Y9507/W/21/3285377</p> |
| <p>Authority:</p> | <p>East Hants</p> |
| <p>Site:</p> | <p>Land known as Paddock View, adjacent to Quin Hay Farm, Petersfield Road, Froxfield, Hampshire, GU32 1BZ</p> |
| <p>Description of breach of Planning Control:</p> | <p>Appeal A</p> <p>The breach of planning control as alleged in the notice is without planning permission and within the last 10 years, a material change of use of the land for the stationing of caravans for residential purposes.</p> <p>The requirements of the notice are: 1) Cease the use of the land for the stationing of caravans for the purposes of human habitation/residential use. 2) Remove the caravans from the land. 3) Remove all items from the land that relate to domestic living. 4) Removal all other items including hard surfaces (outlined in blue on the attached plan) structures and all fencing from the land that facilitate the residential use. 5) Remove the gates and equipment including all fittings, fixtures and electrical connections associated with the gates from the land. 6) Dig up and remove all electrical connections and equipment that provide electricity, from the land. 7) Restore the land to its condition prior to the breach of planning control taking place.</p> <p>The period for compliance with the requirements is: 9 months.</p> <p>Appeal B</p> <p>The development proposed is change of use of Land for the creation of a single pitch Traveller site comprising the siting of 1 Mobile Home and 1 Touring Caravan.</p> |

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| Decision and Date of Decision: | <p>Both Appeals</p> <p>A</p> <p>Hearing</p> <p>04 March 2024</p> |
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Inspector’s Reasoning:

- Preliminary matters, the Inspector noted that the Ground (a) appeal on the Enforcement Notice (Appeal A) and the Section 78 Appeal (Appeal B) were essentially the same so dealt with them together.
- The main issues were (i) whether the Authority had a shortfall in the provision of pitches for Gypsies and Travellers; (ii) whether there was harm to the landscape; (iii) whether the location encouraged the use of alternative means of transport, and (iv) the appellants personal circumstances and the application of the best interests of the children and the appellants human rights.
- With regards to the need for pitches, the Inspector concluded that the 2020 GTAA (which formed the basis for the pitch allocation of 6 within the East Hampshire area) in combination with the recent ‘Lisa Smith’ judgement (which led the Government to revise the definition of Gypsies to include those who had ceased travelling permanently for educational, health and age reasons) does throw into doubt the need figure of 6 within Policy SD33.2(c). In addition, the Inspector concluded that as to the wider question of whether the overall shortfall of pitches in the East Hampshire area was a material consideration, they agreed it was. However, they gave it only limited weight as it would be more likely that the National Park would export its need to areas surrounding it, rather than importing a need from them, precisely because it was a National Park and was afforded the highest level of protection.
- With regards to landscape harm, the Inspector noted that the appellant did not seek to argue the development, as it stood, was in accordance with Local Plan policies. In particular, the close boarded fence along the western boundary with views of the mobile home rising above it, the treatment of the access and the introduction of a residential use, various structures and paraphernalia into what was a grassy field, were all contrary to the requirements of policies, SD4, SD5 and SD6. Instead, according to the appellant, there were two mitigating factors, the degree to which the issues could be ameliorated and the actual degree of harm caused.
- With regards to the close boarded fence, the Inspector concluded that they found it hard to be troubled by the impact of the development on the views from the public footpath. Whilst it was a sensitive receptor, the view south was dominated as much by the existing Quin Hay Farm fence which was much longer and more dominant than the appeal site. The appeal fence continued the line of the older fence to the road and did not look particularly out of place. The Inspector stated that it currently stands out partly because it was new and had no softening planting beside it.

- The Inspector concluded that the new fence could be painted green, and planting, as proposed, would help to break it up. In addition, the proposed planting could help break up the profile of the mobile home or it could be repositioned to present a narrower aspect to the view. Taking these altogether, the fence and mobile home however softened or aged would still stand out and did not conserve the landscape of the National Park, but the actual harm was not great.
- With regards to the access and acknowledging there was a dispute between local people and the appellant about the extent of the works carried out and by whom and when, the Inspector concluded that the access as it stands was dramatically different from the low-key field gate that used to exist. The thick hedges along this side of the road were a feature of the immediate surroundings and the new access was clearly intrusive and harmful. The suggested landscape plan showed hedging returned to the splays and the close boarded fencing either removed or hidden. The Inspector found that this would represent an improvement on the current situation, but still an intrusion compared to what was there before.
- Taken together with the wider context, the Inspector found that the site was just a grassy field which was completely unremarkable, if pleasant, part of the local scenery. The site now houses a large mobile home, and various other sheds and structures a hardstanding, parked vehicles, domestic paraphernalia etc. Even in an improved state, the development has changed the quality of the landscape from natural to a man-made intrusion, which was precisely what the policies of the National Park are designed to prevent.
- However, the Inspector concluded that the site was not particularly 'open' (when referring to the site as open countryside) as it was at the end of a ribbon of development, houses, the farm and the reservoir. In addition, the way the fencing around Quin Hay Farm wrapped around the reservoir it created the truncated triangle that was the appeal site so that it could be described as 'rounding off' the development. Therefore, the Inspector did not consider its impact on local views or the landscape of the National Park as being particularly great. Whilst it did have a harmful impact and so was contrary to policy, the weight to be given to that harm was reduced by its location and by the opportunity to ameliorate some of that impact through planting.
- With regards to encouraging the use of alternative means of transport, the Inspector concluded that the site was not located close to facilities or a settlement and the development had not been located in order to minimise the need to travel or to promote the use of sustainable modes of transport, and so was contrary to Policy SD19. However, and in accordance with other similar appeals, the Inspector considered sustainability in the round and recognised that a settled base reduced the need to travel long distances and the possible damage caused by living on the road and gave these factors some weight. In this case, the site was 4 miles from the centre of Petersfield, which had all the necessary facilities, and 2.5 miles from the local school attended by the children. These were all well within 10 minutes' drive by car. Whilst there was no bus route near the site, Froxfield stores and post office was about 2 miles away which could be easily cycled. Given the distances described they did not think the site was particularly isolated, certainly no more than the neighbouring dwellings. In addition, they took the approach that a more flexible approach to accessibility in rural areas was consistent with both the NPPF and Policy SD33. Given that Policy SD33 was the specific policy directed towards Gypsy sites, they found that this should take precedence over the more general transport policy outlined in Policy SD19.

- In conclusion, the Inspector stated that development was contrary to policies SD4, SD5 and SD6 and due to the specific circumstances of the site outlined above the amount of harm was not great, albeit because of the landscape harm the site was not suitable as a Gypsy site. However, given the personal circumstances of the family, these were of sufficient weight to outweigh the harm caused to the landscape, even bearing in mind the great weight given to the need to conserve and enhance the natural beauty of the National Park. Therefore, they quashed the enforcement notice and allowed the appeals, granting planning permission subject to conditions (as a result of this there was no need to consider Appeal A on Ground (g)).

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| Planning Application and Appeal Reference Number: | SDNP/23/02552/LDE APP/Y9507/X/23/3330139 |
| Authority: | Lewes |
| Site: | Polowood Shooting Ground, St Mary's Farm, Ridge Road, Falmer, East Sussex, BN1 9PN |
| Description of Development: | The use for which a certificate of lawful use or development is sought is a Clay Pigeon Shoot and other sporting / leisure activities including archery, air rifles and axe throwing. |
| Decision and Date of Decision: | D 08 March 2024 |

Inspector’s Reasoning:

- Preliminary matters, the Inspector determined the appeal on the basis that the appellant was seeking a certificate similar to that already issued by the Authority, but with the reference to 52 days replaced with 200 days (the certificate already granted by the Authority states ‘clay pigeon shoot and other sporting / leisure activities including archery, air rifles and axe throwing, for a maximum of 52 days per calendar year).
- The main issue was whether the Authority’s decision was well-founded. This turned on whether the evidence showed, on the balance of probability, that the use taking place for 200 days per year, would have been lawful at the time of the application.
- In addition, the Inspector noted that section 191(4) of the Town and Country Planning Act 1990 was relevant as it established that it was open to the Local Planning Authority to modify the description of a use in a lawful development application and issue a certificate to that effect, if the information

provided satisfies it of the lawfulness of the use as modified.

- The Inspector found that the evidence presented did not clarify how many days a year the use had been carried out over the last ten years and in some cases the evidence showed much lower usage, with greater usage and more reliable evidence provided for more recent years. In addition, the appellant did not seek to challenge the Authority's position regarding the lack of clarity over the number of days of use per year. Instead, they sought to argue that 'to specify any number of days was not relevant'.
- The Inspector concluded that there was no dispute as to the existence of the business throughout the relevant period or the fact that it enjoyed a strong customer base, but that did not amount to clear evidence regarding the intensity of use. In addition, the reference by the Authority to 52 days was not comparable to a planning condition (part of the appellant's case). Instead, the Inspector concluded that the reference to 52 days was the Authority's attempt to define the character of the use that had been demonstrated. The Inspector found that this was important as by carefully defining a use, a certificate provides a baseline against which the materiality of future changes of use can be judged.
- The Inspector found that the Authority was legitimate in trying to reflect the low level of use in the certificate (as this was also based on the evidence before them), since the more intensive use of the land for those same purposes could result in a material change in the character of the use of the land, and thus a material change of use. Therefore, the Authority was justified in its approach and the appellant had not shown, on the balance of probability, that the Authority were wrong to refer to the intensity of use in the certificate. The appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/23/02932/FUL APP/Y9507/W/23/3330237 |
| Authority: | Lewes |
| Site: | Novington Manor, Plumpton Lane, Plumpton, East Sussex, BN7 3AH |
| Description of Development: | The development is a holiday let. |
| Decision and Date of Decision: | D 08 March 2024 |

Inspector’s Reasoning:

- Preliminary matters, the Inspector noted that the development had already taken place and the cabin was on site (and being let). They dealt with the appeal on that basis.
- The main issues were (i) the effect on the character and appearance of the surrounding area and (ii) the effects on biodiversity interests on or near the site.
- The Inspector noted that the site was situated outside any settlement boundary surrounded by gently undulating countryside by the foot of the scarp slope and was mainly characterised by irregular shaped fields partly bounded by hedgerows, and occasional trees and blocks of woodland. The site itself was mostly an unsurfaced access strip with the holiday let (cabin) situated in the north-east part of the field roughly north-east of Novington Manor. The field was edged by woodland to roughly the north-east, and by a hedge by the public right of way (PRoW) roughly to the north-west. The site also included part of the PRoW between Plumpton Lane and East Chiltington Church, which included part of the drive to Novington Manor.
- On site the Inspector noted that the submitted plans did not show any parking or other features including the tall solid timber gates and the tall fence by the access from the PRoW. However, the cabin appeared to be broadly in accordance with the submitted plans. The cabin itself included 2 polygonal section pods (one pod included a bathroom, and the other included a sleeping and living area), which were reached from an irregular-plan deck. The mainly glazed fronts of the black corrugated panel clad pods faced roughly south and south-east, and their backs included small windows. The mezzanine in the larger pod was not shown on the plans but would enable a small family to stay in the cabin.

- The Inspector concluded that due to its siting, domestic character and bulky man-made form, the cabin, the activity associated with it, and the spread of residential style paraphernalia on the deck and within the nearby land, including the existing garden furniture on the partly balustrade edged deck and the nearby paved seating area and fire pit (which were not shown on the plans) contrasted starkly with the mainly open field and its woodland backdrop. Therefore, the development was incongruous in its rural surroundings to the detriment of the landscape character. In addition, as the development and its related activity and paraphernalia was only partly screened by the intervening hedge, it eroded the rural character of the countryside in views from the PRow and detracted from the experience of the PRow's users.
- The Inspector did acknowledge that because the site included part of the PRow network, cabin users were able to walk and in some cases cycle to nearby public houses, Plumpton station and other local facilities, but concluded that the gains for the rural economy were likely to be relatively small. In conclusion, the Inspector stated that the development harmed the character and appearance of the surrounding area, and that it failed to conserve and enhance the landscape and scenic beauty of the National Park.
- With regards to biodiversity, the Inspector acknowledged the Authority's position that bat habitat data existed on locations within the trees to the north of the site, and that the development was within the 500m buffer zone of an area of ancient woodland (which is an irreplaceable habitat). However, no ecological assessment had been submitted with the application / appeal and little evidence was provided to show that the development within the buffer zone needed to be there, or that matters such as visitor activity and any light spillage related to the development did not adversely affect protected species or other biodiversity interests. The Inspector concluded that they had insufficient evidence to show that the development did not and would not be likely to adversely affect biodiversity interests including protected species and/or their habitats, contrary to Local Plan policies. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/23/02190/CND APP/Y9507/D/23/3330868 |
| Authority: | Lewes |
| Site: | 20 Nevill Cottages, Ditchling, East Sussex BN6 8UT |
| Description of Development: | The application sought planning permission for single storey rear extension and rendering of flank wall without complying with a condition attached to planning permission Ref SDNP/22/03243/HOUS, dated 29 September 2022. The condition in dispute is No: 2 which states that: The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application". |
| Decision and Date of Decision: | D 08 March 2024 |

Inspector's Reasoning:

- Preliminary matter, the variation of Condition 2 would enable the first floor fourth bedroom in the proposed first floor rear extension (the proposal) to be included in the development that had been permitted. Therefore, the main issue was whether the disputed condition was necessary for the avoidance of doubt and in the interests of proper planning to protect the character and appearance of the surrounding area.
- The Inspector noted that the site was an end of terrace dwelling, situated on the western side of the island in Nevill Cottages, and was attached to No: 20 and No: 21 and 22 Nevill Flats and their grounds were roughly south beyond the appeal site's side garden and the public right of way. The back of site adjoined mainly open fields within the surrounding gently sloping mostly open countryside, beyond the foot of the South Downs.
- The development as permitted (ref: SDNP/22/03243/HOUS) included a L-plan single storey extension at the back of the dwelling, in place of the narrow back outshoot by the common boundary with 19 Nevill Cottages. The proposal would have a deep flat roof nearly half the width of the back of the existing dwelling and would align with the shallower part of the development permitted. However, the Inspector found that due to its first-floor siting and bulky box-like form, the proposal would damage the character and appearance of the existing dwelling and the mostly traditional form of the terrace, to the detriment of the local character. In addition, and whilst the proposal would be sited at the back of the dwelling, it would be incongruous in the nearby views from the PRow and would erode the important openness at the back of the existing dwelling. Therefore, it failed to conserve and

enhance the landscape and scenic beauty of the National Park.

- With regards to Policy SD31, the Inspector found that whilst the proposal did not exceed the 35% of gross internal area, it was contrary to Policy SD31 as the other criteria of the policy were relevant, and particularly the proposal harmed the character of the area. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/03527/FUL APP/Y9507/W/23/3321091 |
| Authority: | Chichester |
| Site: | Foxbury Farm, West Burton Road, West Burton, RH20 1HB |
| Description of Development: | The development proposed is described as, “Conversion of main barn into a four-bedroom dwelling. Conversion of secondary barn to offices and storage purposes and use of smaller barn for storage purposes. Alterations to vehicle access from West Burton Road and new landscaping”. |
| Decision and Date of Decision: | D 11 March 2024 |

Inspector’s Reasoning:

- The main issues were (i) whether the proposed development would comply with relevant policies relating to the conversion of redundant agricultural buildings outside of defined settlement boundaries to an alternative use, and (ii) whether the proposed development would conserve and enhance the landscape.
- The Inspector noted that site was located on an elevated east-facing slope, offering panoramic views towards the chalk escarpment about Amberley Mount over the Arun valley, from the east of Foxbury Farm. A sunken lane was present to the west of the site. Scattered woodland and a residential property lie to the north of the site. Hedgerow was present to the south of the site, beyond which lies a strip of green space which was adjacent to Cross Street Farm.

- Foxbury Farm itself comprised approximately 0.9 hectares of land situated to the north of West Burton. The three agricultural barns (the Main Barn, a Secondary Barn and Storage Barn) on site were clustered together near to West Burton Road.
- With regards to Policy SD41, the Inspector noted that based on the information provided, on the balance of probabilities, it appeared that the buildings on site were presently redundant for agricultural use within the terms of the policy. In addition, given the fairly modest size of the wider holding (stated to be approximately 22 acres), the limited agricultural activity presently taking place on the holding and that the proposed development included the retention of the Storage Barn to be used (in part) for the maintenance of the agricultural land, it was unlikely that the proposed development would result in the need for another agricultural building on the wider holding. Hence, there was no conflict with Part 1 d).
- The Inspector found no conflict with Part 1 e) as there were no traditional buildings at Foxbury Farm or within the wider holding.
- The Inspector also found that proposed works to the Secondary Barn (part of the eastern and southern elevations were open to the elements) would not amount to a substantial reconstruction. However, considerable amount of works would be required to the Main Barn (a concrete frame structure lacking walls above adjacent ground levels and having large gaps) for it to effectively function as a residential dwelling. The Inspector concluded that whilst the Main Barn would not be extended and its overall structure and form would remain the same, the amount of works involved (installation of new timber cladding and replacement roof) would amount to its substantial reconstruction. Therefore, this conflicted with Part 1 c).
- With regards to Part 1 g) of Policy SD41 (the 'cascade'), the Inspector found that the size of the relevant agricultural holding was modest and taking account of the limited agricultural activity presently taking place on the holding, there may be no requirement for agricultural workers, and farm diversification at a greater scale than that proposed on site may not be feasible. However, on the issue of providing affordable housing, the Inspector concluded that they had not been shown that the use of the Main Barn for affordable housing would be either unviable or unachievable. Therefore, the proposal conflicted with Part 1 g).
- With regards to whether the proposal conserved and enhanced the National Park, the Inspector found that the proposed realigned accessway and the implementation of the necessary visibility splay would not cause conflict with Local Plan policies nor relevant policies in the Bury Neighbourhood Plan. However, the insertion of large area of glazing into the Main Barn, together with the conversion of a considerable proportion of the area around the buildings to hardstanding (including permeable reinforced gravel and sandstone slabs) would bear little resemblance, in architectural terms, to the existing properties on West Burton Road. In addition, the proposed works would significantly formalise and domesticise the appearance of the site. This would erode much of the site's informal and agricultural appearance which presently significantly contributes to the rural character of the area and proposed mitigation (through additional planting) would take time to establish meaning the adverse impact would likely to persist for some time.
- In addition, the Inspector found that the use of blackout blinds / curtains for the windows of the Main Barn could not be mandated and could be removed at any time by the occupiers of the Main Barn. Therefore, during the hours of darkness, light spill would occur from the Main Barn, which was situated in a prominent position on an east-facing slope. The occurrence of light spill would likely unduly erode the contribution which the site presently makes to the sense of remoteness and isolation in this rural area, and its contribution to the presence of dark night skies.

- The Inspector noted that Secondary Barn was proposed to be used partly as an office, and partly as a parking / storage area, to be used in association with the appellant's existing established business as a property developer. The Storage Barn would be used for storage of machinery and plant and general storage in association with the use and maintenance of the agricultural land and the appellant's business. The office element was stated to be for ancillary / incidental purposes, as a home office. In addition, the appellant confirmed that no heavy goods vehicles (HGV) would access the site, and that no industrial activities would be undertaken. Nevertheless, the Inspector concluded that with two separate office rooms, a large 'open office area', two separate stores, and a covered parking / storage area, this would go beyond the usual requirements for a home office. In addition, few details had been provided to illustrate the likely numbers of comings and goings to the site (if any) generated via the office and storage use, including from visitors and non-HGV vehicles. As such, it had not been demonstrated that the office element of the proposed development would not serve to compromise the tranquillity of the area.
- Therefore, the proposed development would not conserve and enhance the landscape in conflict with both Local Plan and Bury Neighbourhood Plan policies.
- In the planning balance, the Inspector noted that the site was located a short walk from West Burton (therefore it was not in an isolated location), it was intended to make an efficient use of land, the proposed development would retain and re-use the barns on site, thereby ensuring that their embodied energy was not lost, and the proposed development also included renewable energy technology. In addition, there was an in-principle policy support for the proposed development, including support for rural housing and the rural economy provided by the NPPF and the Local Plan. However, few details had been provided to quantify the benefits of the proposed development in relation to employment maintained / generated or the economic benefits arising via the agricultural activities proposed. Similarly, few details had been provided to accurately quantify the extent of any biodiversity net gain. Therefore, the provision of one new dwelling located near to the existing settlement of West Burton would provide a very limited contribution and limited weight had been given to the identified benefits of the proposed development. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/23/02588/FUL APP/Y9507/W/23/3331334 |
| Authority: | SDNPA |
| Site: | The Dean, Poynings Road, Fulking, West Sussex, BN5 9NB |
| Description of Development: | The development proposed is “To change the use of land from agriculture to private equestrian. To construct a single a stable block for private use only comprising 3 Stables, Hay Store, Feed Store and Tack Room with an adjacent Manure Bay”. |
| Decision and Date of Decision: | D 12 March 2024 |

Inspector’s Reasoning:

- The main issue was the effect that the proposed development would have on the character and appearance of the surrounding area.
- The Inspector noted that the site was situated outside the settlement boundary of any settlement defined in the Local Plan. The site itself was an irregular-plan area of land on the roughly north side of Poynings Road, which was roughly east of the village of Fulking. The site included approximately a 2-acre field that partly adjoined a public right of way (PRoW), and an access strip through a separate piece of land by the roadside. The plot of the dwelling at The Dean, which was under the control of the appellants, adjoined the west side of the roadside land. In addition, there were a few other dwellings in the modest cluster near the road lie roughly west of The Dean, a cricket ground to north of the site, and mostly open countryside to the east and south. With the surrounding countryside mainly characterised by the gently sloping landform by the foot of the partly wooded scarp slope of the South Downs, and irregular shaped fields partly bounded by hedgerows with relatively few trees and woodland blocks. The Inspector concluded that the appearance of many nearby fields, and of the nearby trees and hedgerows for part of each year, contributed positively to the local landscape character.
- The proposal included the change of use of the land, and 3 stables, a barn, a store, and a tack room in an L-plan building on a hard surfaced area, which would also include a mainly open yard and muck bay (the stable group). The stable group would be sited near the field’s south boundary beyond the end of The Dean’s back garden and the land beyond it. The route between Poynings Road and the stable group would be unsurfaced.

- The Inspector noted that the overgrazing, poaching of the land, and areas of bare ground that occur when horses are kept on insufficient land are damaging to the National Park's landscape and scenic beauty. So, in line with British Horse Society guidance, the National Park's Equestrian Development Technical Advice Note (TAN) sought to establish a minimum density of 1 to 1.5 acres per horse, and, if the horse was to receive all or most of its nutrition from grazing, then more land may be needed. The appellant acknowledged that the field would be insufficient for 3 mainly grass-fed horses, so they would aim for the horses to be stabled at times, typically, overnight during the winter, and during the day in the summer. However, the Inspector concluded that as future occupiers might need to manage 3 different horses in a different way, their management could not reasonably be controlled by condition. So, the proposal would be likely to harm the character and the appearance of the rural field.
- In addition, the Inspector had little evidence to show that the storage in the building would be sufficient to avoid deliveries of feed and bedding at times when the land was unsuitable for vehicles, and whilst manure from the muck bay would be used in the appellants' garden, there was insufficient evidence to show that despatches of soiled bedding and/or manure would not be needed from time to time. There would also be vehicular comings and goings related to land maintenance, farriers, vets and so on. As the vehicular movements between the road and the stable group could not reasonably be restricted to times when the land would not be damaged, they would also be likely to diminish the pastoral character and verdant appearance of the site. So, the change of use of the land would be likely to harm the local landscape character.
- The Inspector also found that due to the scale of its bulky built form and hard surfaces, and its siting away from the development near the road, the stable group would be harmfully discordant in its mainly open surroundings. As the sparse vegetation in the land to roughly south was not within the appellants' control, it could be removed at any time without the need for consent, and as any on-site planting could not reasonably be controlled by condition for more than a few years, the existing and/or suggested planting could not be relied upon to partly screen the development. So, in north westward views from Poynings Road, from the nearby scarp slope of the Downs, and from the adjoining PProV, the proposal would be incongruous.
- In addition, as the vehicular comings and goings would be more frequent than those at many agricultural field accesses, the skid risks associated with mud and debris arising from the use of the unsurfaced route between the stable group and the road would be likely to endanger highway safety in Poynings Road. So, a hard surfaced access would be necessary in the existing broad grassy highway verge, which was important to the rural character of the historic road. As the hard surfaced access would diminish the verge, it would erode the rural character, verdant appearance, and integrity of the historic rural road, and its present contribution to biodiversity. The pedestrian gate by the far end of the appellants' back garden would not overcome that harm. So, the proposal would be contrary to the National Park's first purpose.
- The Inspector concluded that the proposed benefits (such as to the local economy and the appellant reducing their current tips to livery) attracted little weight and did not outweigh the harm identified. The proposed development would harm the character and appearance of the surrounding area, and it failed to conserve and enhance the landscape and scenic beauty of the National Park. Therefore, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/03964/HOUS APP/Y9507/D/23/3329634 |
| Authority: | Chichester |
| Site: | 41 Elmleigh, Midhurst, West Sussex, GU29 9EZ |
| Description of Development: | The development was originally described as “a proposed rear first floor roof dormer extension. 3 x roof lights to front elevation |
| Decision and Date of Decision: | A 28 March 2024 |

Inspector’s Reasoning:

- The main issues were (i) the effect of the proposed development on the character and appearance of the area and (ii) the effect on the mix of housing within the National Park, having regard to the supply of small and medium sized homes.
- The Inspector noted that Elmleigh was a residential cul-de-sac with a spacious and well-ordered suburban character and appearance that was derived from the rows of broadly similar style residential dwellings that were set back from the road behind relatively large and open frontages. Relatively expansive long-distance views from out of the cul-de-sac and across the surrounding landscape were possible through the gaps between buildings and over the roofs of the low height bungalows. These views gave the sense that the cul-de-sac was set within the wider rural landscape.
- The Inspector found that the proposed dormer would not increase the floor space of the existing dwelling by more than 30%. It would be set on the rear roof slope of the appeal property and below the existing roof ridge level. As such, the proposed dormer would largely be screened in public views from the road, and it would not harm the appearance of the dwelling or the spacious suburban character and appearance of the residential cul-de-sac. Moreover, it would not harmfully intrude into views of the rural landscape over the roof of the property that positively contribute to the qualities of the landscape.
- Whilst the elevated mass and box-like shape of the proposed dormer would markedly change the appearance of the property’s roof, it would be well contained within the extent of the existing roof slope, and it would be broadly comparable in scale and form to the existing rear roof dormers at Numbers 38a and 40. Seen in the context of those existing dormers, the proposed dormer would not be a visually incongruous addition to the property

or the wider roofscape, and it would not be visually overbearing in views from nearby properties. The small front rooflight would not be visually harmful and would be in-keeping with others in the cul-de-sac. The Inspector concluded that therefore it would not harm the character and appearance of the area.

- With regards to policy SD31, the Inspector noted that the evidence before them indicated that the area of floor space within the dwelling was less than 120 square metres. Therefore, it fell within the policy definition of a 'small' dwelling. However, the wording in the SDNPA's Technical Advice Note (the TAN) states that a 'small' or 'medium' sized dwelling is to have a gross internal area of less than 120 square metres and / or 1, 2 or 3 bedrooms. The Inspector found that the use of the word 'or' in the TAN's definition meant that bedrooms and floor space operate as alternative metrics to each other in defining whether a dwelling is 'small' or 'medium' sized. In this case, the proposed dormer would not increase the area of floor space within the existing dwelling by more than 30%, or beyond 120 square metres in total. Therefore, the Inspector concluded that the dwelling in its proposed extended form would remain within the definition of a 'small' or 'medium' sized, irrespective of the proposed fourth bedroom shown on the submitted drawings. Consequently, the proposal would not result in the loss of a 'small' sized home, and it would have a neutral effect on the supply of 'small' and 'medium' sized homes in the National Park. The Inspector concluded that the proposal would not harm the mix of housing within the National Park. Therefore, the appeal was allowed subject to conditions including those to secure the mitigation measures in accordance with the submitted Bat Survey Report.

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| Planning Application and Appeal Reference Number: | SDNP/22/03021/FUL APP/L3815/W/23/3329831 |
| Authority: | Land at Lavant Pumping station, Down Road, Chichester |
| Site: | Chichester |
| Description of Development: | The development proposed is installation of solar panels. |
| Decision and Date of Decision: | D 08 April 2024 |

Inspector’s Reasoning:

- Preliminary matter, the Inspector noted that the application was for full permission to install solar panels. However, the appellant indicated in their evidence that they would decommission the panels and return the site to its current state after 25 years. The temporary installation of solar panels and reinstatement of the site could be secured by condition. As such, the Inspector assessed the proposal as a temporary development that would be removed after 25 years.
- The main issues were (i) the effect on the character and appearance of the area and (ii) the effect on the significance of the Trundle (a Scheduled Ancient Monument).
- The Inspector noted that the proposed solar panels would be sited in a field between Lavant Pumping Station and residential development in Mid Lavant. The field was largely free from development and provided an important break between the pumping station and houses. Whilst influenced by the nearby development, the site formed part of the wider tranquil setting of the river Lavant. It accommodated hedgerows around the site’s boundary, which partially screened views to and from the centre of the field. The site was also in proximity to two public rights of way (PRoWs), West Sussex Literary Trail and New Lipchis Way. Both of which were sited uphill of the site. Also, the site was in Lavant Valley with rolling chalk downland surrounding it. Therefore, there were views over and through the hedgerows, across the site. These factors combined to create an open and verdant character.
- The Inspector also noted that the proposed solar panels would be sited in a small section of the field, close to the buildings that they would serve, and that they would be on the other side of an established boundary. The Inspector found that the siting of additional built development, on the other side

of the hedgerow would visually reduce the gap between the pumping station and Mid Lavant. The increase in built development and activity within the field alongside the visual reduction in this gap would harm the openness of the area and the tranquil setting of the river. Whilst the improved management of the hedgerows and proposed additional complimentary planting would further screen the proposed development; particularly once the new planting had matured. The Inspector found, that given the height and scale of the proposed solar panels, they would be prominent in views from both PRoWs. Moreover, due to their industrial and utilitarian appearance they would appear incongruous. In addition, the proposed woodland planting would further harm the openness of the site and would appear at odds with the prevailing character.

- The Inspector also noted that as you travel further away from the site, the proposed development would be less prominent. When viewed from the Trundle the proposal would represent a minor change to the existing landscape. However, they concluded the proposal would have a harmful effect on the character and appearance of the area.
- With regards to the ‘temporary’ nature of the proposal. The Inspector concluded that whilst it would be temporary, the panels would be in situ for 25 years. Once the proposed development was removed, vegetation would need to mature before the site was restored to its existing state. Therefore, the effect of the proposal on the site would be experienced for more than 25 years. Given the significant period before the site was restored to its existing state, the temporary nature of the proposal did not overcome the identified harm.
- With regards to the effects on the Trundle, the Trundle hillfort, causewayed enclosure and associated remains at St Roche’s Hill – a Scheduled Ancient Monument (SAM), the Inspector noted that the proposal would not directly affect the SAM. They found that in some views from atop the Trundle the proposal would lead to an increase in visible built development. Nonetheless, the site was a significant distance away and the proposal would represent a very modest change to the panoramic views that include a significant amount of built development.
- However, the Inspector found that in some views from the New Lipchis Way, toward the SAM, the proposal would be prominent. These views were largely free from development and the proposal, through the introduction of tall built development, would compete with the visual prominence of the SAM and, therefore, harm its setting and, consequently, its significance. Given the scale of the development and the limited extent of the views affected by the proposal, the Inspector found that the harm caused was less than substantial and that harm should be weighed against the public benefits of the proposal.
- In that regard, the Inspector concluded that the proposed solar panels would power Lavant Pumping Station, thereby reducing carbon emissions in line with NPPF, Local Plan aspirations and the Climate Change Strategy and Action Plan adopted by the National Park Authority in March 2020. It would also, to a very limited extent, assist the Secretary of State with ensuring that the net UK carbon account for the year 2050. There would also be economic associated benefits with the installation and ongoing operation of the solar panels. However, the Inspector only gave this moderate weight to the public benefits, as the solar panels would only serve Lavant Pumping Station and not the wider area. So therefore, concluded that the public benefits did not outweigh the harm. Therefore, the appeal was dismissed.

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| Enforcement Appeal Reference Number: | APP/Y9507/C/22/3313813 |
| Authority: | SDNPA |
| Site: | Land on the southeast side of Clappers Lane, Fulking, Henfield and Land, lying to the south of Clappers Lane, Fulking, Henfield, BN5 9NH |
| Description of breach of Planning Control: | <p>The breach of planning control as alleged in the notice is:</p> <p>Unauthorised operational development by the importation and laying of approximately 0.3 hectares of chalk and hardcore material to create hardstanding; and The material change of use of the Land from agriculture to use of the Land as a site for settled gypsy accommodation by the placement and residential occupation of two (2) caravans (mobile homes) on the Land and three (3) further touring caravans stationed on the Land, and siting of a portable toilet, and the erection of external lighting and all associated paraphernalia and/or additional caravans.</p> <p>The requirements of the notice are:</p> <ul style="list-style-type: none"> i. Cease the use of the Land for settled gypsy accommodation; ii. Cease the use of the Land for the stationing of the caravans for the purpose of residential occupation; iii. Remove all caravans and associated paraphernalia including, portable toilet and lighting from the Land; iv. Remove from the Land all the deposited material through the correct waste disposal methods. Copies of the completed Environment Agency Duty of Care Waste Transfer Note is to be sent to the SDNPA. All waste shall be removed by machines which can be operated with a good degree of accuracy and sensitivity with regards to ecology; v. Remove any other items and debris from the Land that do not relate to the use of the Land for agriculture; and vi. Return the Land to the pasture that was existing prior to the importation of the inert waste material, by a programme of grass seeding in the next available planting season. <p>The period for compliance with the requirements is 6 months.</p> |

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| Decision and Date of Decision: | <p>D (subject to corrections and variations)</p> <p>Hearing</p> <p>09 April 2024</p> |
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Inspector’s Reasoning:

- Preliminary matters, the Inspector noted that since the notice was issued, a day room had been constructed on site. The appellant provided plans of this during the hearing. However, as this building did not form part of the allegation in the notice, it could not be considered as part of the appeal.
- With regards to the appeal on Ground (d) (under this ground the appellant was responsible for providing sufficient information to support an application for a Lawful Development Certificate, which was the equivalent of Ground (d) in an enforcement appeal), the Inspector noted that the appellant’s claim was that part of the hardstanding and one of the touring caravans had become lawful through the passage of time. The relevant time for the hardstanding was 4 years, and 10 years for the siting of the touring caravan, prior to the enforcement notice being issued.
- The Authority accepted that part of the hardstanding had been in situ for more than 4 years and that a small touring caravan, now disused, had been sited in the southern paddock for more than 10 years. Accordingly, the Authority confirmed that it longer wished to dispute the lawfulness of those elements. Therefore, the Inspector concluded that the notice should be corrected and varied so to that extent the appeal on Ground (d) succeeded.
- On Ground (a) and the deemed application, the Inspector noted that the main issues were (i) the effect of the development on the character and appearance of the area; (ii) the effect of the development on the settled local community, and (iii) whether any harm arising from the above matters was outweighed by any other material considerations.
- The Inspector noted that the site was located on the southern side of Clappers Lane, adjacent to two permitted gypsy and traveller sites with a total of 6 permitted pitches. The development itself had been largely located into the northern paddock which had been divided by post and rail fencing from the paddock to the south (which remains laid to grass with a small, dilapidated touring caravan). The nearest residential dwelling was The Cabbage Patch sited along the northern boundary, with the Cricket Club beyond. The remaining dwellings to the west in Clappers Lane, appear as a linear form of development with the dwellings in moderate front gardens that generally face the road. To the south and providing a striking backdrop to the site, was the steep chalk scarp foot slope of the South Downs with the viewpoint of Devils Dyke clearly visible. The remainder of the small springline village of Fulking, lies to the south and east.
- The Inspector also noted that there were limited public views of the site from Clappers Lane due to the existing vegetation and the location of the land, which was set back from the road on a sharp bend. Vehicular access to the site was from Clappers Lane, so views of the development were at an

oblique angle through the main entrance. The Inspector found, following their site visit, that from Devils Dyke Car Park, there were clear views of the site, together with the two existing sites. In addition, the development now filled a previously undeveloped gap that helped to add a sense of transition, between the village and the more open countryside beyond. It therefore had the effect of extending the built development towards the cricket ground. The Inspector concluded that this was particularly apparent from the various public paths and viewpoints including Devils Dyke, cumulatively making the sites more prominent in this highly sensitive landscape.

- The Inspector concluded that whilst the development was a form of residential use, the development and the existing sites had a very different and more dispersed domestic character to the tight knit, generally linear, character of Fulking. Therefore, the development together with the extensive hardstanding, vehicles and the paraphernalia associated with a residential use, had an unacceptable and overly urbanising effect, that jarred with the general character of the linear dwellings on Clappers Lane, the nucleated village of Fulking and the rural character of the wider area. The proximity of the adjacent sites exacerbated its presence in the landscape, such that it failed to conserve and enhance the landscape character and appearance of the National Park.
- On the effect of the development on the settled local community, the Inspector noted that there were no highway objections in terms of either highway safety, or pressure on the local road network. However, the Authority's concerns were two-fold: Firstly, the number of gypsy and traveller pitches compared with the number of dwellings in Fulking and secondly, the harmful cumulative effect the development had on the landscape. The Inspector found that there was some cross over of considerations with that of landscape, character and appearance dealt with above, which they had already found that the cumulative effect of the development to be harmful.
- On the issue of number of pitches compared with number of dwellings in Fulking, the Inspector noted that there were 55 dwellings in the village (47 in Clappers Lane), compared with 8 gypsy and traveller pitches, if the appeal was to be allowed. The Inspector also noted that a previous Appeal Inspector considered that the development subject to that appeal, would have caused limited harm to the spatial cohesion of the hamlet, but fell short of dominating the local settled population. That Appeal Inspector also noted that it would be a notable proportion of any community. The Inspector concluded that the cumulative effect of the three sites, all located in one area of the village, tipped the balance and resulted in an over concentration of sites, although due to the scale of the increase they gave this limited weight.
- The Inspector also concluded that they did not consider that the development adversely affected either the living conditions of local residents, or local infrastructure and services. However, the additional pitches in such close proximity to those already permitted, resulted in a cluster of caravan sites, that failed to respect the scale and pattern of development of this small rural village, such that to a limited degree, it dominated the nearest settled community. Therefore, the development conflicted with Policy SD33.
- On the issue of other considerations, such as personal circumstances, the Inspector concluded that they gave the personal circumstances of the occupiers limited weight as based on the evidence provided (including that the occupancy of the site had changed) there was little to suggest that their needs had to be met at this particular site.

- On the issue of need and alternative sites, the Inspector noted that during the hearing the Authority accepted that they did not have a 5-year supply of deliverable sites, albeit not on the magnitude suggested by the appellant. In addition, the Authority was not able to suggest any suitable, affordable, alternative sites available, either now or in the foreseeable future. Therefore, as there was a recognised outstanding need for additional gypsy and traveller pitches, the Inspector gave this matter significant weight.
- Overall, the Inspector stated that the two pitches would make a positive contribution to the provision of pitches, and there were personal benefits of providing a settled base with better access to essential medical and other services and associated social benefits. However, this had to be balanced against the harm and conflicts identified. The Inspector concluded that factors in favour of the development were not sufficient to clearly outweigh the significant harm identified to the character and appearance of the National Park and the settled community.
- The Inspector also noted that it was necessary to consider whether a temporary grant of planning permission would be appropriate, such as a temporary permission may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of the permitted period. When compared to permanent permission, the conflict with the Local Plan and in particular the landscape harm would then only be temporary. The Inspector found that the lack of five-year supply of deliverable sites was not a significant material consideration for a temporary permission, as the proposal was within a National Park. The appellant suggested that 5 years would be an appropriate temporary period. However, the Inspector concluded that they had no evidence to suggest that the circumstances were likely to change during this, or any other temporary period to concluded, given the harm identified, a temporary permission would not be appropriate in the particular circumstances. For all these reasons the appeal on Ground (a) and the deemed application failed.
- On Ground (f) (i.e. the requirements of the notice exceed what was necessary), the Inspector noted that the purpose of the notice was to remedy the breach of planning control, by requiring the unauthorised use to cease, removal of the caravans, (save for the one indicated on the notice plan) and a significant part of the hardstanding to be removed. The appellant argued that one of the pitches met an identified need and as such one pitch, rather than two could be granted permission under the deemed application. The Inspector found that whilst a single pitch would reduce the amount of development on the site, they had no plans or details to give the necessary degree of detail to demonstrate how the harm identified, relating to the landscape, character and appearance of the National Park, together with the cumulative effect of the development on the settled community, could be overcome. The Inspector concluded that there was no 'worked out alternative', whereby the notice could be varied with the necessary degree of precision. The steps required by the notice did no more than was required, to remedy the respective breach, and lesser steps would not achieve that purpose. Therefore, the appeal on Ground (f) failed.
- On Ground (g) it was necessary to consider whether the compliance period of 6 months was too short. The Inspector noted that the appellant had suggested that an alternative timescale of at least 12 to 36 months would be more reasonable to allow for an alternative site to be secured and planning permission granted. The Inspector concluded that the development must be considered in the context of the identified harm and the time required to undertake the works. They were mindful that the residents of both pitches would need to secure alternative homes in a more appropriate location and accepted that would take time to submit and secure planning permission. Therefore, whilst they did not consider that an extension of up to 3 years

would be justified and would amount to a temporary grant of planning permission, they were satisfied, that a period of 12 months represented a reasonable and proportionate timescale to allow the families to secure alternative sites. The appeal on Ground (g) therefore succeeded to that extent.

- Therefore, the appeal succeeded in part on Grounds (d) and (g) and the Inspector directed that the enforcement notice be corrected by adding the words 'as shown hatched black and crossed on the attached plan' after the word 'hardstanding', and the deletion of the words 'and/or additional caravans' in Paragraph 3 of the notice. In addition, they varied the plan attached to the notice and deleted all the steps at Paragraph 5 of the notice and replaced them with the following:
 - i. Cease the use of the Land for the stationing of caravans for the purpose of residential occupation;
 - ii. With the exception of the stored touring caravan, circled in black on the attached plan, remove all caravans and associated paraphernalia including, the portable toilet and lighting from the Land; and
 - iii. Remove from the Land all the deposited material and restore the land to its previous condition before the breach took place.
- The notice was also varied to allow a 12-month period for compliance. Subject to those corrections and variations, the appeal was dismissed, the enforcement notice was upheld, and planning permission was refused on the application deemed to have been made.

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| Planning Application and Appeal Reference Number: | SDNP/23/00115/FUL APP/Y9507/W/23/3328321 |
| Authority: | Chichester |
| Site: | Land North of North Court, Gills Lane, Lodsworth, Petworth, GU28 9BY |
| Description of Development: | The development proposed is a boundary fence with double gate |
| Decision and Date of Decision: | D 15 April 2024 |

Inspector's Reasoning:

- The main issues were (i) whether the proposal would preserve a Grade II listed building, Lodsworth House, and any of the features of special architectural or historic interest that it possesses, and (ii) the effect on biodiversity and geodiversity.
- The Inspector noted that Lodsworth House was constructed between 1837 and 1839 as a country house within extensive gardens and parkland, a designed landscape laid out in the mid-19th century. It was a good example of the work of the architect Edward Blore and the house and gardens were an important component of the village, indicative of its evolution over time, as well as presenting significant architectural interest. The appeal site was located to the north of the house, close to the former stables and coach house, with its northern boundary delineated by a historic stone wall. It was accessed via one of the main driveways serving the house through a gated entrance with substantial stone piers. The site's association with the house, associated outbuildings, curtilage structures and driveway indicate that it was within the historic curtilage.
- The Inspector stated that that the site unquestionably contributed to the setting of the Listed Building, being part of its original grounds and parkland, from within which the splendour of the house could be appreciated. Whilst the style of post and rail fence proposed was not uncharacteristic of the area, the arbitrary subdivision of the original gardens and parkland would detract from its former open nature and association with the house. The Inspector noted that the Authority had imposed an Article 4 direction specifically to avoid such harm.
- The Inspector also noted that although the house had been subdivided into three separate dwellings and small parcels of land were in different ownership, the form of the original house remained clearly legible and its grounds were largely intact, making a significant contribution to its significance.

The Inspector concluded that the harm arising would be less than substantial but great weight should be attached to conservation of the heritage asset. Having considered the purported public benefits of the scheme, it was unclear what wildlife or ecological benefits would arise from the scheme that could not be achieved without the proposed fence. The Inspector also concluded the benefit of demarcating the site, to avoid fly tipping and deter trespass, particularly given the presence of beehives, but in so far as this amounted to a public benefit it did not outweigh the heritage harm identified. Therefore, on balance, the proposal failed to preserve the special historic interest derived from the setting of the Grade II listed building.

- With regards to the effects on biodiversity and geodiversity, the Inspector concluded that as the proposal was for a post and rail fence (which did not include any change of use of the land or any intensification of use) it was unclear how the proposal would result in any harm to biodiversity or geodiversity. As such, there was no conflict with the relevant Local Plan policies. However, given the harm to the historic interest of the listed building and that harm would not be outweighed by public benefits, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/21/05280/FUL APP/Y9507/W/23/3323048 |
| Authority: | East Hants |
| Site: | Units C and D, 39 Chapel Street, Petersfield, GU32 3DY |
| Description of Development: | The development proposed is demolition of the existing structure which is no longer fit for purpose and its replacement with a two-storey building. The proposed will feature a commercial space at the ground floor, paired with a two-bedroom apartment at first floor. |
| Decision and Date of Decision: | D 16 April 2024 |

Inspector’s Reasoning:

- Preliminary matters, the Inspector noted that it was unclear whether the Surface Water Drainage Strategy was submitted to the Authority at the time of the application. However, as it had been provided during the appeal the Inspector decided the Authority would not be prejudiced by them taking it into account. In addition, the appeal documents referred to details relating to bats and extracts from plans associated with a current planning application

(still to be determined at the time of the appeal). As this information was not before the Inspector, they decided they could only consider the scheme on the plans before the Authority at the time of their decision.

- The Inspector, in acknowledging that these elements did not form part of the reasons for refusal, agreed with the Authority's assessment that the proposal would preserve the character and appearance of the Petersfield Conservation Area and the potential loss of a non-designated heritage asset would cause limited harm. Therefore, the main issues for consideration were:
 - whether the proposed development would provide appropriate living conditions for future occupiers with particular regard to privacy, daylight, sunlight, noise, disturbance and odour as well as bin storage;
 - the effect of the proposed development on the living conditions of the occupiers of 37 Chapel Street and Alpine Court, with particular regard to outlook privacy, daylight and sunlight;
 - whether the proposed development would encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities;
 - the effect of the proposed development on biodiversity, with particular regard to protected species and biodiversity net gain (BNG);
 - the effect of the proposed development on flood risk, and
 - the effect of the proposed development on the operation of existing occupiers and the operation of future ones (including reference to bin storage).
- The site comprised two adjoining single storey, timber clad, buildings currently under commercial use (part retail use and part restaurant use). To the north, the site building adjoined a modern 3-storey flatted development with commercial uses at ground floor and residential above (Alpine Court). Opposite the site, to the south, was a traditional two-storey building, with commercial (retail) use at ground floor and residential flats above (37 Chapel Street). The site building also formed part of an alleyway ('Bakery Lane') which cuts through from Chapel Street to the west, to a public car park to the east.
- With regards to the effect on living conditions for future occupiers, the Inspector found that due to the setbacks and angles of openings and balconies of Alpine Court there would be very limited overlooking / loss of privacy. In addition, the Inspector found that the proposed larger openings on the rear elevation of the proposed unit could be fitted with obscure glass. However, the proposed clear glazed rooflights facing the lane would be located a very short distance from the first-floor windows in 37 Chapel Street. Therefore, there would be short range, uninterrupted direct views into the bedroom and main living space of the proposed residential unit. The Inspector concluded that this would fail to provide a sufficient level of privacy for future occupiers.

- The Inspector found that the large opening on the end of the proposed unit would allow for a good degree of daylight and sunlight into the room it served and the lack of openings within the proposed the circulation area would not result in an unacceptable living condition. However, while there would be a large window as well as a rooflight for the bedroom and rooflight for the bathroom, there would be limited separation between the proposed building and 37 Chapel Street. Given the height of the proposed and existing buildings as well as the direction of travel of the sun, there would be some shadowing taking place at certain times of the day and this would limit the natural light reaching these rooms. In the absence of any daylight or sunlight surveys to the contrary, the Inspector concluded that they could not be certain that sufficient light would be provided to these rooms and therefore appropriate living conditions.
- The Inspector noted that no bin storage area had been indicated on the plans forming part of this proposal and during their site visit they saw there were already several bins within the enclosure at the adjacent premises. The Inspector found it was unclear whether the existing bin storage area would have sufficient capacity for the proposal and similarly, it had not been shown that outdoor space could accommodate all the bins required (for both the commercial and residential units). Therefore, a lack of space would result in waste being stored internally and this would not provide appropriate living conditions for future occupiers.
- With regards to the potential impacts from neighbouring commercial units and Bakery Lane, the Inspector found that there was no compelling evidence that there was a current issue with noise, disturbance and odour leading to unacceptable living conditions for nearby occupiers. In addition, and given the town centre location, some noise associated with comings and goings and commercial premises would be expected.
- On this issue the Inspector concluded, that if the appeal were to be allowed, conditions could be imposed regarding matters such as glazing, construction and to control extraction and ventilation equipment at the proposed commercial units. As such, appropriate living conditions could be provided regarding noise, disturbance and odour. Therefore, the scheme would accord with Policy SD54 as it relates to pollution and air quality. However, they found that the proposal would not provide appropriate living conditions for future occupiers regarding privacy, daylight, sunlight, and bin storage. This would be contrary to Policy HO3 of the Petersfield Neighbourhood Plan and Policy SD5 of the Local Plan and the Adopted Design Guide Supplementary Planning Document (SPD).
- With regards to the effect on the living conditions of neighbouring residential units (37 Chapel Street and Alpine Court), the Inspector noted that there would be little space between the existing first floor windows at 37 Chapel and Alpine Court and the proposal. The proposal would introduce a taller building in very close proximity to these windows, some of which appear to serve habitable rooms. This would greatly reduce the outlook. Therefore, the scheme would result in an oppressive, uninviting, and unacceptable outlook. In addition, there would be direct closer-range views from the rooflights of the proposed scheme into the first-floor windows of 37 Chapel Street. The Inspector concluded that this would considerably reduce the levels of privacy for occupiers of these properties and unacceptably harm their living conditions.
- In addition, whilst the existing windows (to 37 Chapel Street and Alpine Court) facing the site would already be shaded at certain times, the proposal would result in an increase in height, would introduce a built form closer and likely effect both the daylight and sunlight that could reach the rooms they serve. As there was no detailed assessment, the Inspector could not be satisfied that sufficient light would still be able to reach these rooms and prevent

them becoming gloomy and unwelcoming. Therefore, the proposed development would unacceptably harm the living conditions of the occupiers of 37 Chapel Street and Alpine Court regarding outlook, privacy, daylight and sunlight.

- With regards to encouraging future occupiers to use a range of transport modes, the Inspector found that the site was near a range of services and facilities as well as public transport. Therefore, there would be alternatives to the use of private vehicles. However, the plans did not indicate any cycle provision. Whilst there was outdoor space that could be utilised, being external and not near the entrance of the residential unit would mean it would be unlikely that the facilities would be used by occupiers. The lack of cycle parking would push the use of private car for which there were no parking spaces provided. Consequently, the proposal would not suitably encourage alternative modes of transport regarding cycle storage provision and would be contrary to Policies SD19 and SD22 of the Local Plan and Policy HP8 of the Petersfield Neighbourhood Plan.
- With regards to biodiversity, the Inspector found that was insufficient information in relation to whether bats were present and if so, what implications the scheme would have for them and their habitat. It was also not clear what, if any, mitigation would be required and whether it could be achieved. In addition, no potential measures for BNG had been identified and it was not clear how or where such measures could be achieved. The Inspector concluded that given the degree of uncertainty on these issues, the use of conditions would not be reasonable or appropriate. Therefore, they could not rule out potentially significant harm to biodiversity regarding protected species and BNG. As such, the proposal was contrary to Policies SD2 and SD9 of the Local Plan and Policy NEP7 of the Petersfield Neighbourhood Plan.
- With regards to Flood Risk, the Inspector found that were the appeal to be allowed, conditions could be imposed to ensure final details of any flood risk / drainage scheme, implementation, and future maintenance. Therefore, the proposed development would not lead to an increased risk of flooding.
- With regards to the operation of existing occupiers and the operation of future ones, the Inspector concluded that no detailed financial information had been provided to demonstrate that the smaller size of the unit adjacent to the restaurant would unacceptably harm the viability of the business. Similarly, while the proposal was likely to require the uses to cease during the building works, it had not been shown that the existing occupiers of the units would be unable to re-occupy them once completed subject to adaptations. Furthermore, it had not been clearly demonstrated that there would be a lack of suitable alternative premises that they could re-locate to. Therefore, the existing variety of provision could be retained.
- Whilst the future users of the commercial units were not defined and the size of the individual units would be different, the proposal would retain the commercial use of the ground floor, in the form of two units with a comparable overall commercial floorspace. In addition, the proposal would not adversely affect the mix of uses in the area.
- The Inspector concluded that whilst they had no reason to doubt the reputations or viability of the existing businesses. Even without the scheme there was no guarantee the existing businesses would remain in perpetuity or that any different occupiers would not be of an equal community value. In addition, there was no specific requirement in the planning policies for the building layout, size or occupier to be a like for like replacement or that justification be provided in relation to the condition of the existing building. Therefore, the proposed development would not unacceptably harm

existing occupiers and if the appeal were allowed a condition could be imposed requiring the details of the bin storage. However, for the other reasons set out above the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/21/04270/FUL APP/Y9507/W/23/3326520 |
| Authority: | Chichester |
| Site: | Amen Wood Yard, Fitzleroi Lane, Fittleworth, West Sussex RH20 1JN |
| Description of Development: | The development proposed is workshop, office and associated parking |
| Decision and Date of Decision: | D 19 April 2024 |

Inspector’s Reasoning:

- The main issues were (i) the effect of the development on the character, appearance and tranquillity of the area, and (ii) whether there was a need for the development.
- The Inspector noted that the site was a vacant wood yard with a gated access off Fitzleroi Lane. A sawmill building was towards the centre of the site with dilapidated former workshop buildings nearer to the access. The northern part of the site appeared open as there was little evidence of a demolished building that once stood there. Trees along the road boundary partially screened the wood yard and its buildings from the highway. Also, Fitzleroi Lane was narrow and lined by vegetated banks, hedgerows and trees. As such, the area had an attractive rural feel and appearance, despite the buildings on the site and the large agricultural barns on higher land to the north. The Inspector found that the site contributed to the natural and visual qualities of the locality, particularly in terms of the tall trees on the front and rear boundaries.
- The Inspector also noted that the proposed workshop would occupy part of the site currently vacant of structures and so it would increase the ground coverage of buildings. Boundary trees would be retained and these would ensure the development would not be widely visible. However, they concluded that by virtue of its position close to the access, the proposed workshop would be seen from the road through the gateway. Therefore, the

loss of openness because of the proposal would be appreciated when standing near to the site entrance. In addition, the building would spoil views from the road of trees towards the rear of the site. Whilst such views were not deemed to be key landmark views, and the workshop would not be as obvious as the existing agricultural buildings at Fitzleroi Farm. Nevertheless, the development would noticeably detract from the natural qualities of the northern part site when seen from the road. The Inspector also found that there was no substantive reason why the proposed building could not be accommodated on a less obvious part of the wood yard, closer to existing buildings. Therefore, there was conflict with Part 1(b) of Policy SD39.

- With regards to the appearance and scale of the proposed building and surfacing of the hardstanding. The Inspector found that these were appropriate for the context, would not affect the tranquillity of the area and with conditions the external lighting could be restricted to ensure no adverse effect on dark night skies. Therefore, the proposal would accord with policies SD5 part 1(f), SD7, SD8 and SD39 part 1(c). However, the Inspector concluded the development would be harmful to the character and appearance of the area, contrary to policies SD1, SD4 and SD39 when read as a whole.
- With regards to the need for the development, the Inspector noted that the existing sawmill and derelict buildings were open sided and contained no sinks or toilets. The proposed building would address the lack of washing and toilet facilities and would provide a secure workshop and storage space, and such facilities would be reasonable. The Inspector concluded that there was a need for the development, provided it was used for purposes associated with the established wood yard use and a restriction on the use could be secured through the imposition of a planning condition. Therefore, there was no conflict with Policies SD2 and SD39 in this regard.
- The Inspector noted that the reasons for refusal also raised concerns over the impact of the intended use on neighbouring amenity. However, they found that the site was set away from the nearest dwellings, so they did not envisage any unacceptable effects on living conditions. Also, the development was unlikely to lead to significant additional activities over and above those that could be carried out on the site. As such, it would not have unacceptable impact on infrastructure. However, for other reasons (set out above) the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/23/01451/FUL APP/Y9507/W/23/3329110 |
| Authority: | SDNPA |
| Site: | Selden Court, France Lane, Patching, West Sussex BN13 3UP |
| Description of Development: | The development proposed is use of existing annex as self-contained dwelling |
| Decision and Date of Decision: | D 23 April 2024 |

Inspector’s Reasoning:

- The main issue was whether the development was in a suitable location for a self-contained dwelling.
- The Inspector noted that Patching was a small rural village set within the open countryside. It was not within the list of settlements identified within Policy SD25 and did not have a defined settlement boundary. The appeal site itself was located off the western side of France Lane within the dispersed and low-density ribbon development on the country lanes to the south of the main village. The proposal related to a large detached single-storey outbuilding (granted planning permission in 2012) located within the extensive garden associated with Selden Court.
- The Inspector found that Policy SD25 2(d) (the limited exceptions for allowing development outside settlement boundaries) did not apply as the site, whilst previously developed land, was part of a residential garden so therefore specifically excluded. In addition, Policy HBT1 of the Patching Neighbourhood Development Plan states in exceptional circumstances, single new dwellings may be permitted where the proposed dwelling arises from the appropriate conversion and adaptation of an existing redundant building and it leads to an enhancement to the immediate setting. The Inspector found, that during their site visit, there was some evidence of the building’s continued use to some degree, both as home office space and for storage. The Inspector concluded that in the absence of substantive evidence to the contrary, they were not persuaded that the building was redundant. In addition, it was not clear how the proposal would enhance the immediate setting or the special qualities of the National Park against the existing baseline.

- The Inspector also found given the site’s distance to local services and facilities (walking distance to Angmering was more than 1km away and the route was largely unlit) and limited information on the frequency of local bus services, the location of the proposal would not enable or promote a range of sustainable transport modes. The development would likely to result in high car dependency for future occupants of the dwelling. Therefore, the proposal was contrary to both Policy SD25 of the Local Plan and Policy HBT1 of the Patching Neighbourhood Development Plan and the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/03837/FUL APP/Y9507/W/23/33280 |
| Authority: | SDNPA |
| Site: | Land North of Waltham Park Road, Coldwaltham, West Sussex RH20 1LY |
| Description of Development: | The development proposed is change of use of agricultural land to form a campsite for 30 pitches, the erection of a reception/office and facilities structures, and the siting of a shepherds hut for wardens' accommodation. |
| Decision and Date of Decision: | D 23 April 2024 |

Inspector’s Reasoning:

- The main issues were (i) the effect of the development on the character, appearance, tranquillity and dark skies of the area, and (ii) whether the development was in a suitable location.
- The Inspector noted that the site consisted of a large, relatively flat open field served by a long access track leading off Waltham Park Road. The field and the track were surrounded by woodland. Whilst there were shooting stands and fencing on the edges of the field these were low-key features and otherwise there were no buildings on or near to the site. As such, the land had a strong rural appearance and character. In addition, they noted that Waltham Park Road was a narrow lane running from the village of Coldwaltham through countryside consisting predominantly of fields and woodland. The lane appeared to be lightly trafficked and through its nature and attractive surroundings reinforced the rural location of the area. Overall, the site and the adjoining woodland contributed positively to the distinctive local landscape and to the rural qualities of the National Park. The track, fencing and

structures on the site did not meaningfully diminish the site's aesthetic and natural value. In addition, and despite the agricultural and forestry activities as well as shooting events on or near the site from time to time, the locality possessed a significant degree of tranquillity.

- The Inspector found that the introduction of the tents, buildings and parking would markedly change the appearance of the site and current expanse of openness and attractive views would be interrupted and spoilt by unnatural structures and vehicles. Whilst camping would only take place from March to October, during that period the sight of tents and cars would undermine the rural and open qualities of the field and would detract from views of the woodland. Moreover, the clusters of buildings would remain all year around and so they would permanently affect the visual qualities of the site. The buildings and shepherd's hut would cover only a small part of the field and they would be low-level and constructed of sensitive timber materials. Nevertheless, they would appear unusual within the remote countryside context of the site. In addition, the proposed landscaping works would not address or entirely offset the detriment caused to the visual qualities of the site. Whilst the campsite itself would be fairly contained and it would not be seen from any public vantage points and would be screened by the surrounding woodland, it did not follow that the development would conserve natural beauty.
- The Inspector found that the parking and movement of vehicles (including increased trips on Waltham Park Road) as well as the presence and noise from guests would adversely affect the tranquillity of the site, particularly during the peak holiday season.
- The Inspector also found that the likely increase in vehicular use of the track (and its limited passing places) would lead to minor but noticeable damage to the grassed and vegetated edges of the woodland.
- With regards to dark skies, the Inspector noted that the site was in the intrinsic zone of darkness. They concluded that evidence before them failed to indicate how the potential adverse effects of additional lighting had been considered and how any harm would be mitigated. For example, it had not been shown how any effects from vehicular headlights and lights from within tents and the wardens' shelter would be controlled and minimised. Consequently, they found the proposal conflicted with the aim to conserve dark night skies.
- The Inspector concluded that overall the proposal would have a harmful effect on the character, appearance, tranquillity and dark night skies of the area and the natural beauty of the National Park contrary to Local Plan policies.
- With regards to whether the proposal was in a suitable location, the Inspector noted that the site was set away from the nearest villages and links to public transport. Consequently, they found that it would be highly likely that visitors would need to travel to and from the development by private car. Therefore, the proposal would not accord with part 1(b) Policy SD23 nor part 1 of Policy SD19. The Inspector also concluded that whilst Part 1(g) Policy SD23 allows for visitor accommodation outside settlements this is subject to sub-paragraphs (i), (ii) and (iii). They found that the campsite would accord with parts (ii) and (iii) as it would be close to public rights of way and is part of the endorsed Barlavington Whole Estate Plan. However, as the development would not conserve the natural beauty of the National Park and would be contrary to Part 1(g)(i). Therefore, the proposal would not be in a suitable location having regard to accessibility and Policies SD19 and SD23. The appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/22/04387/CND APP/Y9507/D/23/3325775 |
| Authority: | Chichester |
| Site: | Copyhold, Copyhold Lane, Fernhurst, West Sussex GU27 3DZ |
| Description of Development and Conditions in dispute: | <p>The application sought planning permission for the construction of extensions, following the partial demolition of detached dwelling. Construction of replacement annex, without complying with a condition attached to planning permission Ref SDNP/21/04805/HOUS, dated 21 July 2022.</p> <p>The condition in dispute is Number 2 which states that: “The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".”</p> <p>The reason for the condition is: “For the avoidance of doubt and in the interests of proper planning”.</p> |
| Decision and Date of Decision: | A 24 April 2024 |

Inspector’s Reasoning:

- The appeal related to a detached dwelling with annex that at the time of the appeal had been mostly demolished in accordance with the development approved under planning permission Ref SDNP/21/04805/HOUS. The appeal proposal was to substitute the originally approved elevations with a different set to allow for the provision of a solid roof lantern light to the dwelling. The main issue was, therefore, the effect of the proposed roof lantern on the experiential qualities of the landscape, with particular regard to dark night skies, relative tranquillity, landscape character and protected species.
- The Inspector noted that the site was situated on a hillside with panoramic views across the surrounding landscape and was mostly experienced from the public footpaths that extend away from Copyhold Lane and close to the site. The remoteness of its location and the relative absence of buildings contributed to a sense of naturalness and tranquillity.

- The Inspector found that the proposed lantern would amount to a relatively small addition to the roof of the substantially sized dwelling in its approved extended form, with a narrow row of glazed panels to its sides and a solid roof. In addition, no evidence had been presented that demonstrated that the proposed roof lantern had reached a 'tipping point' beyond which unacceptable light spill would occur. The Inspector found that when compared to the extent of glazing in the approved scheme, the proposed lantern would increase the overall surface area of glazing by a relatively small amount. Furthermore, the evidence suggested that the extent of glazing in the proposed lantern, together with that in the approved scheme, would be less than in the existing dwelling.
- In addition, although the proposed lantern would occupy an elevated position, it would be raised only modestly above the level of the approved dormers in the south-east and south-west elevations of the dwelling. Views from the nearby footpaths would be likely to be partly screened by the main roof of the dwelling, given its roughly central position on the elevated roof, set back from the roof slopes. Whilst the proposed lantern would be glazed on all sides, the Inspector found that any increase in light spillage and glow from the proposed lantern during the hours of darkness would be very modest, and likely to be reduced when compared to the baseline situation of the existing dwelling. Therefore, they concluded it would not be necessary to require the glazing to adhere to any specification or be fitted with blinds. Overall, the Inspector found that the proposal would not have an adverse effect on the intrinsic qualities of the dark night skies in terms of light spill and sky glow and when compared to the baseline situation.
- With regards to protected species, although the property would be located close to woodland where bat movement was likely, there was limited evidence to indicate that the roof of the dwelling, which would be new, was designed to be a habitat for protected Bat species or that light spill from the proposed lantern would, in the context of the glazing in the approved scheme, otherwise harm bats. The Inspector noted that the installation of bat boxes on the dwelling at a height of some 3-5m above ground and positioned on a south/south westerly facing aspect, would be required by a planning condition, and would appear to correspond to the level of the first floor and roof eaves, where there were several windows through which light could spill out. In this context, and subject to conditions securing suitable mitigation measures, the light spillage from the proposed roof lantern would not lead to any harm to protected species. The appeal was allowed.

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| Planning Application and Appeal Reference Number: | SDNP/22/02746/FUL APP/Y9507/W/23/3320809 |
| Authority: | SDNPA |
| Site: | Land South of Cote Nurseries, Cote Street, Salvington, Worthing, West Sussex, BN13 3EX |
| Description of Development: | The development proposed is a new dwelling |
| Decision and Date of Decision: | D 26 April 2024 |

Inspector’s Reasoning:

- The main issues were (i) the effect of the proposal on the character and appearance of the area; (ii) whether the site was a suitable location for the proposed dwelling; (iii) the effect of the proposal on biodiversity, and (iv) whether the proposal would accord with the Authority’s policies in respect of mitigating the impacts of climate change.
- With regards to character and appearance, the Inspector noted that the site was roughly a square shaped parcel of land, located on Cote Street and that it had previously been in use as a horticultural nursery as evidenced by the areas of hardstanding, building debris, as well as an outbuilding / workshop near the site entrance from Cote Street. The Inspector also noted that Cote Street (accessed off the A27) was a rather narrow country lane containing ribbon development of predominantly residential properties, with the street is more densely populated by buildings nearer its entrance from the A27. In addition, as you travelled further along the street towards the site, the density of built form reduced with dwellings positioned mainly within large plots and frequently interspersed by paddocks or agricultural fields. The Inspector concluded that although located off the busy A27, on the outskirts of Worthing, Cote Street retained a rather verdant, rural character.
- The Inspector also concluded that the site, despite the presence of an existing outbuilding / workshop and areas of hardstanding, remained largely open and predominantly vegetated. Therefore, as a largely undeveloped gap between existing properties, it contributed positively towards the dispersed pattern of development along Cote Street and its rural character.

- The Inspector found that the introduction of a dwelling would have a domesticating impact on the site and would intensify development along this section of the street, thereby eroding the historic dispersed layout of dwellings that help define the landscape character of this area.
- With regards to the design of the proposed dwelling, the Inspector found that whilst dwellings along Cotes Street varied in their precise design and appearance, they retained a traditional character in terms of their form, detailing and use of materials. In contrast the proposed dwelling, due to its design (particularly its mono-pitched roof arrangement) and rather diminutive size would be entirely at odds with the scale and character of the surrounding more traditional properties. The Inspector concluded that whilst the proposal may unashamedly seek to be more modern and contrast with its surroundings (whilst still incorporating local materials), its highly simplistic design and form (with a notable lack of detailing) would not result in a high-quality contemporary designed dwelling.
- With regards to the position of the dwelling within the site, and the context of existing built form along Cote Street, the Inspector did not find the position of the proposed dwelling within the site itself to be harmful. In addition, public views of the proposed dwelling were also likely to be extremely limited due to the presence of existing mature vegetation, and the distances to nearest public vantage points. Consequently, the proposed dwelling would be unlikely to result in any significant visual harm. Nevertheless, the proposed development, would still adversely affect the landscape character of the area and would cause harm to the character and appearance of the area, contrary to Local Plan Policies.
- With regards to location, the site was outside any settlement boundary. The Inspector noted that the appellant argued that the proposal involved an appropriate reuse of a previously developed site (complying with criterion 2d) Policy SD25). However, the Inspector concluded that there was no robust evidence to verify the appellant's claims of the previous activities on the site or whether they would result in the land being in a use other than agricultural / horticultural use. Instead, from the available evidence, the last demonstrable use of the site was as a horticultural nursery. In addition, the definition of 'previously developed land' from the NPPF, specifically excludes land that is, or was last, occupied by agricultural or forestry buildings and the definition of 'agriculture' includes horticulture. Therefore, the site was not considered to be a previously developed site. In addition, even if the site was deemed to be a previously developed site, criterion 2d) of Policy SD25 still required that the proposal conserved and enhanced the special qualities of the National Park. For reasons set out above, the proposal did not do this.
- Through the appeal, the appellant also sought to argue that the dwelling was required to advance a small holding enterprise that would involve organic market gardening. Thereby demonstrating there was an essential need for the proposed development in a countryside location meeting criterion 2b) of Policy SD25. The Inspector concluded that notwithstanding, that the appeal process should not be used to evolve a scheme, the proposal was for a self-build dwelling rather than a rural worker dwelling tied to an agricultural enterprise. In addition, given the scale of the site and nature of activities specified, they were not convinced that the enterprise would result in an essential need for a rural worker to live permanently at the site. Therefore, criterion 2b) of Policy SD25 did not apply and overall, the site would not be a suitable location for the proposed dwelling.
- With regards to biodiversity, the Inspector noted that no detailed ecological survey of the site (i.e. a preliminary ecological appraisal) had been undertaken. Consequently, they could not be satisfied as to the site's baseline position in terms of its ecology value, including its suitability or importance to any protected species. Without that detailed understanding of the existing ecological value of the site, they could not be sure that the proposed

mitigation measures would suitably address any harm to protected species and conserve or enhance biodiversity. Therefore, in the absence of the appropriate ecology survey work, the Inspector could not conclude that the proposal would conserve or enhance biodiversity. Therefore, the proposal conflicted with the first purpose of the National Park and Policies SD2 and SD9.

- With regards to mitigating for climate change, the Inspector noted that no robust details had been provided to demonstrate that the proposal would meet the overall standards set out in Policy SD48. The Inspector found that without any detailed information as to whether the development, as proposed, would be capable of meeting the energy and water efficiency targets, it would not be appropriate to seek to secure these matters via condition. Therefore, the proposal was contrary to Policy SD48 and the aims of the Sustainable Construction Supplementary Planning Document. The Inspector also noted that whilst the Authority had also indicated a conflict with Policy SD22 (due to the lack of electrical vehicle charging facilities), they were satisfied that this matter could have been reasonably dealt with by a relevant condition if planning permission had been granted. However, for the reasons set out above, the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/21/03962/FUL APP/Y9507/W/23/3331537 |
| Authority: | Horsham |
| Site: | The Old Mechanics, Church Lane, Coldwaltham, RH20 1LW |
| Description of Development: | The development proposed is conversion of light industrial building to holiday let |
| Decision and Date of Decision: | D 07 May 2024 |

Inspector’s Reasoning:

- The main issues were (i) the effect of the development on the integrity of the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar site, (ii) whether the proposal would represent a sustainable form of tourism development and sustainable location, (iii) its effect on the character, appearance and tranquillity of the area, and (iv) its effect on ecosystem services and the biodiversity value of the site.

- With regards to the effect on the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar site. The Inspector noted that the appellant accepted that the proposed water efficiency measures as part of the holiday let would not be sufficient in themselves to achieve water neutrality. To address the issue, details were provided of water efficient fixtures and fittings that would be installed at another property near Rusper that is owned by the appellant. The appellant suggested that these measures would more than offset the extra water usage from the holiday let and that they could be secured through the imposition of a planning condition.
- The Inspector concluded that there could be no certainty that the proposed holiday let and the property near Rusper would remain in the same ownership. If the Rusper dwelling was sold to another party it was unclear how any future occupants would be aware of the requirements of the suggested condition. In these regards, the Inspector found this would be unreasonable and would not meet the relevancy and reasonableness tests of planning conditions. The Inspector also noted that the Authority suggested that any measures would need to be secured through a Section 106 legal agreement but that no such agreement was before them for consideration. The Inspector concluded that without sufficient certainty on the implementation of the offsetting measures, they were not convinced the development would avoid an increase in water usage and groundwater abstraction. Therefore, the development would adversely affect the integrity of the habitat sites.
- With regards to whether the proposal was a sustainable form of tourism and location. The Inspector noted that the site was within a cluster of residential properties at the end of Church Lane, close to but outside the Coldwaltham settlement boundary. However, Policy SD23 provides an exception to development outside the settlement boundary provided it complies with the criteria in that policy. The Inspector found that there was only very limited potential for visitors to travel by bus to and from the development (Coldwaltham is only served by 2 bus services that offer limited connections 3 days a week) and is not served by a railway and so it would be highly probable that guests would travel to and from the holiday accommodation by private car.
- The Inspector also found that the site was close to public rights of way (so accords with part 1(g)(ii) of the policy SD23) and the proposed features (hedgerows, trees, wildflower planting and nature pond etc) would represent minor enhancements to the area as such, the development would accord with part 1(g) of policy SD23. However, they concluded that the location of the proposal would not minimise the need for travel by private car and therefore would not represent sustainable tourism development and it would be contrary to part 1(b) of policy SD23.
- With regards to character and appearance, the Inspector found that the holiday let use would generate activities similar to the residential nature of the neighbouring properties and so would respect local character. Moreover, the development proposed only minor alterations to the building. The holiday let would appear in keeping with the nearby residences and associated outbuildings. Also, the proposed planting would enhance the natural and visual qualities of the site and given the context it would avoid unacceptable harm to dark night skies. Whilst the proposal would introduce visitor activity on the site, they concluded they could find no reason why this would harm the tranquillity of the area any more than the adjacent residences. It was acknowledged that the proposal would lead to more cars coming to and from the site compared to the current situation but the Inspector concluded that any increase would be minor given the small scale of the proposal. Moreover, Church Lane already experiences a level of vehicular movements given the dwellings and school that it serves. Within that context, the development would avoid an unacceptable effect on the tranquillity of the area. Therefore, the Inspector concluded that the proposal would have an acceptable effect on the character, appearance and tranquillity of the locality.

- With regards to ecosystem services and biodiversity value of the site. The Inspector concluded that given its close proximity to local footpaths, the proposed holiday let would provide opportunities for visitors to access the natural aspects of the National Park that contribute to its special qualities. Also, in doing so, it would improve peoples' health and well-being. In these regards, the development would have a positive impact on the ability of the natural environment to contribute services. Whilst no detailed ecological information or appraisal had been provided, they were satisfied that the proposed planting, pond and bat and bird boxes would preserve and potentially enhance the biodiversity of the site. In these regards, I conclude the development would accord with Policies SD2 and SD9.
- In conclusion, the Inspector found that development would help fulfil the second purpose as it would promote opportunities for visitors to understand and enjoy the National Park's special qualities. Moreover, the development would accord with the first purpose as it would conserve and to a minor degree enhance the natural beauty and wildlife of the area. In addition, the development of tourism facilities including quality accommodation is supported under Policy SD43 and this proposal would help address a need for tourist accommodation. They found the benefits of the development would the minor harm identified in terms of the conflict with Policy SD23 part 1(b). However, the overriding factor was the detriment effect on the integrity of the habitat sites. Considering this harm and the provisions of the Habitat Regulations, they were unable to permit the development, so the appeal was dismissed.

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| Planning Application and Appeal Reference Number: | SDNP/23/03167/HOUS APP/Y9507/D/23/3332958 |
| Authority: | Lewes |
| Site: | Theakstone, The Avenue, Kingston, East Sussex, BN7 3LJ |
| Description of Development: | The development proposed is described as “Loft conversion involving a complete new roof forming first floor accommodation” |
| Decision and Date of Decision: | D 07 May 2024 |

Inspector’s Reasoning:

- The main issues were the effect of the proposed development on (i) the character and appearance of the host dwelling and the surrounding area, and (ii) the living conditions of the occupiers of St Ronans.
- The Inspector noted that Theakstone was an extended bungalow which occupied a large proportion of the corner plot it sat within and it closely adjoined its neighbour to the east and St Ronans directly behind it (also bungalows).
- The Inspector found that the proposal would result in a considerable increase to the height and overall size and bulk of the property. It would introduce 2 dormers and a clipped-gable element to the front elevation, 3 dormers to the rear, and a dormer and large clipped-gable element on each of the side elevations. The eastern end of the roof would also extend beyond the ground-floor and create a noticeable overhang. As a result, the dwelling would appear top-heavy and overdeveloped at roof level to the detriment of the character and appearance of the dwelling. The Inspector concluded that the proposal failed to align with the guidance in the Design Guide SPD as the 7 proposed dormers would dominate the roof.
- The Inspector also concluded that whilst the existing house was not a ‘small / medium’ sized house (as it had 4 bedrooms), there was still conflict with Policy SD31. The proposal would be an over-extension of the existing dwelling in visual terms, have a very significant increase in GIA, and would result in adverse impacts on the character and appearance of the area. In addition, it would result in overdevelopment of the site causing harm to the dwelling and the area contrary to policies SD4, SD5 and SD31.

- With regards to the impact to St Ronans. The Inspector found, given the proximity of the two dwellings, the width and positioning of Theakstone, and the substantial increase in height and massing which would result from the proposal, the property would have a considerable presence and an overbearing effect on a large majority of the rear garden at St Ronans. In addition, due to the position of the middle dormer (and its clear glazing) and the proximity to St Ronans, there would be overlooking of the rear garden. The Inspector concluded that the effect of the overbearing impact and overlooking would both be significant and harmful to the living conditions of the occupiers of St Ronans (albeit no harm would arise with respect to overshadowing or noise). Therefore, the appeal was dismissed.

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| Enforcement Appeal Reference Number: | Appeal A: APP/Y9507/C/23/3323818 |
| Authority: | Lewes |
| Site: | Land West of The Drove, Ditchling, East Sussex |
| Description of breach of Planning Control: | <p>The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land from agriculture to camping and leisure taking place in excess of that permitted under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015. The Order currently permits the temporary use of Land for no more than 28 days in total in any calendar year.</p> <p>The requirements of the notice are: (i) Cease the use of the Land or any part of the Land for camping and leisure in excess of that permitted under Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended or by any other express permission. (ii) Remove from the Land all tents and supporting infrastructure and paraphernalia associated with camping and leisure use in their entirety. (iii) Return the Land to agricultural use.</p> <p>The period for compliance with the requirements is 28 days.</p> |
| Decision and Date of Decision: | <p>D</p> <p>09 May 2024</p> |

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| <p>Planning Application and Appeal Reference Number:</p> | <p>SDNP/22/05658/FUL Appeal B: APP/Y9507/W/23/3322763</p> |
| <p>Authority:</p> | <p>Lewes</p> |
| <p>Site:</p> | <p>Land West of The Drove, Ditchling, East Sussex</p> |
| <p>Description of Development:</p> | <p>The development proposed is: Use of land as a camp site between April and September inclusive each year; tents and supporting infrastructure to be in situ Fridays, Saturdays, Sundays and Mondays only and removed at all other times. Includes an area retained for horse keeping.</p> |
| <p>Decision and Date of Decision:</p> | <p>D 09 May 2024</p> |

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| Planning Application and Appeal Reference Number: | SDNP/22/04046/FUL Appeal C: APP/Y9507/W/22/3312458 |
| Authority: | Lewes |
| Site: | Land West of The Drove, Ditchling, East Sussex |
| Description of Development: | The development proposed is: Use of land as a campsite for 28 days a year (under Class B Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015) with occasional extended use to allow for tent and supportive infrastructure erection and removal |
| Decision and Date of Decision: | D 09 May 2024 |

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| Planning Application and Appeal Reference Number: | SDNP/23/01792/FUL Appeal D: APP/Y9507/W/22/3328911 |
| Authority: | Lewes |
| Site: | Land West of The Drove, Ditchling, East Sussex |
| Description of Development: | The development proposed is: Use of land as a camp site at weekends between May and August inclusive to include bank holidays, with set-up Friday and take-down Monday with an area retained for horse keeping. |
| Decision and Date of Decision: | D 09 May 2024 |

Inspector’s Reasoning:

- As the four appeals were related, the Inspector dealt with them all together. In summary, Appeal A was dismissed and the enforcement notice upheld with corrections and Appeals B, C and D were dismissed.
- For Appeal A (the enforcement notice), the Inspector noted that a notice can only require the cessation and / or removal necessary to remedy the alleged breach of planning control. In this case, there were permitted development rights for a temporary camping use. The use of the words ‘in their entirety’ in Requirement (ii) of the notice therefore went beyond remedying the breach, given the existence of permitted development rights. In addition, the Inspector found that Requirements (i) and (ii) of the notice should be amalgamated into a single concise requirement that went no further than remedying the alleged breach and the notice may then not require the return to or resumption of a previous or other use. In this case, Requirement (iii), to return the land to agricultural use, therefore would be omitted.
- For Appeal A – on grounds (b) and (c). The Inspector noted that for a ground (b) appeal to succeed the onus is on the appellant to demonstrate, on the balance of probabilities, that the alleged breach of planning control, namely the use of the land for camping and leisure, had not occurred as a matter of fact. For the appeal to succeed on ground (c) the onus is on the appellant to demonstrate, on the balance of probabilities, that there had not been a breach of planning control. As the grounds were closely linked, the Inspector dealt with them together.
- The Inspector noted that the enforcement notice was issued on 28 April 2023 and based on evidence provided the site had been used for camping in the 2 years prior to this but was not due to officially open again until the weekend of 26 May 2023. The appellant’s case was that the site had operated as a

camp site under permitted development rights for the temporary use of land (i.e. the 28-day use within any calendar year, although more recently these have been amended to allow for no more than 60-days). The Authority's position was that there had been a material change of use of land that exceeded those permitted development rights. The Inspector found that whilst there was limited evidence to demonstrate on the balance of probabilities how many days the site has been used by campers, the notice was predicated on the supportive infrastructure and paraphernalia (such as the structure providing sinks and showers) on the land having been present for in excess of 28 days. The Inspector found that whilst the structure might be a form of operational development, the Authority had taken enforcement action against a material change of use which then sought to the removal of the supporting infrastructure, which it was entitled to do. The Inspector concluded that the presence of the structure had changed the character of the land from a mere agricultural field to that for camping and given it had remained in situ, it facilitated the use of the site for camping on a permanent basis. Therefore, given its permanence, the use of the site was a mixed one of agriculture and camping.

- The Inspector found that the fact that the camp site was not officially open when the notice was issued had little bearing on the case. It had been used as a camp site previously, contained at least one structure that facilitated that use, and was due to take campers again shortly thereafter. The Inspector concluded that the appellant had therefore not demonstrated on the balance of probabilities that there had not been a breach of planning control and subject to amendments to the notice, the appeals on grounds (b) and (c) failed.
- For Appeals A, B, C and D – The deemed planning application, refusals of planning permission and non-determination appeals, the main issues were the effect of the development on (i) highway safety; (ii) the living conditions of nearby residential occupiers, and (iii) the character and appearance of the area.
- The Inspector noted that the 1.7ha site, located on the outskirts of Ditchling, was a triangular parcel of land predominantly set to pasture. The Inspector also noted that the development related to the use of the land as a camp site, but more specifically:
 - Appeal A related to the unfettered use as a camp site, albeit planning conditions could be used to restrict the extent of the use;
 - Appeal B related to use as a camp site between April and September inclusive each year, with tents and supporting infrastructure to be in situ Fridays, Saturdays, Sundays and Mondays. It also included an area retained for horse keeping;
 - Appeal C related to use as a camp site in accordance with permitted development rights for the temporary use of land along with occasional extended use to allow for tent and supportive infrastructure erection and removal, and
 - Appeal D related to use as a camp site during weekends between May and August inclusive each year, with Fridays and Mondays used as set-up and take-down days respectively. It also included an area retained for horse keeping.
- On the issue of highway safety, the Inspector noted that access to the site was gained along an un-made track, which also provided access to three dwellings. They also noted that the track was a public footpath. The Inspector also noted it was possible to park on the highway in very close proximity

of the access and which itself was also at a relatively steep gradient where it meets the highway. The presence of parked vehicles obstructed visibility when turning towards the village of Ditchling. It also resulted in other vehicles being on the opposing side of the road, to navigate those parked vehicles. The Inspector concluded that this resulted in conflict between road users, that it would likely only be exacerbated by a more intensive use of the access point (as the use as a campsite is likely to generate a greater number of trips particularly on specific days and times), despite it being within the village 30mph zone.

- The Inspector noted that there had been no record of any accidents albeit the campsite had only operated in very recent years. However, they could not conclude that the various proposals would not significantly increase visitor numbers or alter the concentration of the use, and with-it the pattern of and frequency of vehicle movements. In addition, there had been very little professional highway evidence to demonstrate the proposals would not have an unacceptable impact on highway safety, even if the proposed usage did not trigger the need for a transport assessment or travel plan, the proposals or indeed the permitted development level of usage could cause harm. In the absence of adequate professional evidence, the Inspector took a precautionary approach and therefore concluded the developments would be harmful to highway safety contrary to Policy SD19.
- With regards to living conditions, the Inspector noted that there were several nearby residential properties and some evidence had been provided to demonstrate the impact associated with the use of the campsite (such as amplified music and shouting). The Inspector also found that these impacts were not undermined by the absence of formal complaint to the District Council or a lack of response from an Environmental Health Officer. The Inspector also did not accept that feedback from users of the campsite as objective evidence as to the level of noise pollution. The Inspector found due to the submitted 'noise impact assessment' (which only referred to limit noise impacts associated with the putting and taking down of tents) and the very limited evidence of a professional assessment having been undertaken, that again they must take a precautionary approach (even though permitted development rights may, or may not, afford a more expansive level of use).
- In addition, the Inspector found that there was little evidence to demonstrate that the impact of the proposals was proportionate and conserved the relative tranquillity in relation to the surrounding context. Whilst the appellant was happy to accept some restrictions between 11pm and 7am and the provision of a noise management plan (to be secured and enforced by planning condition), this was objected to by the Authority. This added to the Inspector's concerns that there would be inadequate mitigation measures in place. Therefore, they concluded that the developments would be harmful to living conditions and relative tranquillity contrary to Policies SD5 and SD7.
- With regards to character and appearance, the Inspector noted that the immediate character of the area was that of rural countryside largely comprising agricultural land and hedgerows, albeit there was a car park and rural sports pitch nearby. In addition, the Conservation Area was nearby (bordered by the roadside). The Inspector found that whilst an unfettered use of the site for camping would result in an intensive and obtrusive use, the use of the site being promoted (and which could be controlled by conditions) was a more seasonal use at weekends. The Inspector therefore concluded that the intensity of use would not adversely affect the rural character of the site or give rise to an untidy appearance. Similarly, the presence of structures and paraphernalia during these times would not harm longer distance views albeit the tents and paraphernalia would be visible. In addition, whilst there would be increased activity associated with the camping use, such a use would be comparatively transient and would not irrevocably alter the character of the area or compromise the long-term maintenance of the strategic settlement gap between the villages of Ditchling and Keymer. For the same

reasons there would also be a neutral effect on the setting of the Conservation Area. Subject to suitably worded conditions, the Inspector concluded that the developments would not be harmful to the character and appearance of the area. However, for the other reasons set out above the appeals are dismissed.

Costs Decision – Refused

- The Inspector dealt with the costs application as being in relation to all the appeals, seeking full costs on various substantive and procedural matters. The Inspector found it was not unreasonable for the Authority to have issued an enforcement notice nor that it was issued incorrectly.
- The Inspector also found that there was very little evidence that the Authority had prevented development that should have clearly been permitted, had been inconsistent or acted contrary to case law. The reasons for issuing the notice and refusals of planning permission were matters of planning judgement, which, despite the existence of a permitted development right, the Authority exercised reasonably based upon the evidence. It therefore did not delay development.
- Whilst there was an appeal against non-determination, given the enforcement notice and refusals of planning permission, the Inspector found that it was inevitable there were always going to be appeals. Given the non-determination was linked with these, and raised the same issues, they were not persuaded there had been unnecessary or wasted expense incurred. Therefore, they concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated and the application for full award of costs was refused.

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| Planning Application and Appeal Reference Number: | SDNP/23/01213/FUL APP/Y9507/W/23/3325805 |
| Authority: | Lewes |
| Site: | 68-69 High Street, Lewes, East Sussex, BN7 1XG |
| Description of Development: | The development proposed is the erection of roof extension to provide 2 residential units in association with related external works. |
| Decision and Date of Decision: | D 16 May 2024 |

Inspector’s Reasoning:

- The main issues were (i) whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area (CA) and whether its effect on the settings of nearby Grade II listed buildings would harm their significance, and (ii) the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.
- The Inspector found that the significance of the CA, insofar as it related to the site, to be primarily associated with the continuation of the functional streetscape and relief from continuous development that the rear of the site provided. With regards to the setting of nearby listed buildings, the Inspector found that the setting of each of the listed buildings, insofar as it related to the site, to be primarily associated with its functional relationship with adjacent buildings, through the continuation of the shop frontages and with the busy streetscape in which they are seen. The rear elevations had been much altered over the years and contributed little to the significance of the listed buildings.
- The Inspector noted that 68-69 High Street was two storeys and located on the High Street within the centre of Lewes. The ground floor was in use for retail and the proposal sought to utilise space above a flat roofed outrigger that extended to the rear of the building. The wider area was generally densely built up and enclosed by buildings which formed the High Street, its shops and services. Many of the buildings on the High Street had been extended to the rear albeit these extensions were of a low scale, including the appeal site where the rear outrigger was a full storey lower than the building. This, combined with residential gardens to the rear, resulted in a generally open character and appearance that provided relief from the continuous built form of the High Street.

- The Inspector noted that the proposal would extend the rear of the building, above the existing rear outrigger, increasing the height by a full storey. It would also extend across the full depth of the existing outrigger. The Inspector found that overall effect of the increase in height and depth resulted in a bulky feature that would be dominant and discordant when viewed from the narrow streets and twittens to the rear of the site as well as glimpsed views from the High Street, due to the low height of No.67. This would unacceptably erode the open character and appearance of the area.
- The Inspector also noted that the development did not propose any changes to the frontage of the building, therefore, in light of the significance of the nearby listed buildings being primarily their historic frontages, they found that the proposal would have a neutral effect on their setting (and therefore find no conflict with Policy SD13). Notwithstanding the neutral effect to the setting of nearby listed buildings, the Inspector concluded the proposal would cause harm to the character and appearance of the CA and would fail to preserve its significance.
- With regards to living conditions. The Inspector found that the development would increase the overall height of the rear of the building and extend to a significant depth to the rear. They concluded that the height and depth would result in an extension of significant bulk and mass, which would be a dominant feature highly visible from the rear windows of No's 66, 67 and 70 High Street. The bulk and mass of the proposal would result in an overbearing feature that would be harmful to the outlook of the occupiers of these properties.
- The Inspector also noted that the proposed flat would have several windows that would allow views to the rear of the building. To the rear are several residential gardens, which due to the overall height and depth of the proposal, would be directly overlooked and result in a loss of privacy for the occupiers of those properties. Whilst acknowledging the area was generally densely built up and many buildings were sited close together. The Inspector found that the residential gardens behind the site provided some open space and visual relief from the densely built-up High Street which were not currently overlooked to the same extent as they would be by the proposed development. In addition, the depth and height of the proposal would also be overbearing to 67 High Street and the ground floor windows to the side of 66 High Street.
- The Inspector also found that whilst the proposal included an area of outdoor space on the eastern side of the proposed extension, which would be screened. This outdoor space would still be mostly surrounded by built form because of the extension, which would further enclose the spaces resulting in an overbearing feature that would also reduce the amount of sunlight and daylight received for the occupiers of those properties. Therefore, concluded that the proposed development would unacceptably harm the living conditions of the occupiers of neighbouring properties.
- On other matters, the Inspector noted that the appellant put forward a fallback position in the form of an extant planning permission for the erection of a roof extension to provide an additional one-bedroom flat. However, the Inspector noted that for significant weight to be afforded to a fallback position there needed not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. Based on the limited information before them, the Inspector found that the fallback position had a reduced depth that was in line with the rear building line. However, the appeal proposal extended along the full depth of the outrigger, increasing the bulk and massing (which failed to preserve or enhance the character or appearance of the CA and would harm the living conditions of neighbouring occupiers). For those reasons, the appeal scheme was found to be more harmful than the fallback position and consequently, the fallback position carried limited weight in favour of the proposal. Therefore, the appeal was dismissed.

