

Key to Appeals Reporting

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

Planning Application and Appeal Reference Number:	SDNP/23/02185/HOUS APP/Y9507/D/23/3332094
Authority:	East Hants
Site:	32 Winchester Road, Petersfield, Hampshire, GU32 3PA
Description of Development:	The development proposed is raising of roof height and addition of dormers to convert loft space of double garage into office space.
Decision and Date of Decision:	D 12 June 2024

Inspector's Reasoning:

- The main issue was the effect of the proposed development on the character and appearance of the site and the surrounding landscape.
- The Inspector noted that the site was in a prominent position along the Winchester Road (which connects Petersfield with Stroud) albeit some distance from its nearest neighbours and therefore had a 'rural feel'. In addition, the detached single storey dwelling within the site was set back from Winchester Road by a footway and hedge boundary. Overall, the existing dwelling was modest in scale (with low eaves, ridge height and large front gable) and was unassuming in the context of Winchester Road and the wider surrounding countryside. The single storey detached double garage, subject to the appeal, was located across the site's vehicular access, slightly forward of the main dwelling and on slightly higher ground. The Inspector observed that due to the roof slope and overall ridge height, the garage appeared subordinate in scale and form to the main dwelling and was unobtrusive in the wider context.
- The proposal would result in an upward extension and addition of a flat roof dormer to the existing garage. The Inspector noted that whilst the proposed eaves and ridge would not exceed those of the main dwelling, the altered roof would be notably steeper than that of the existing garage. When combined with the proposed additional height, this would cause the garage to appear far more conspicuous on the site and from Winchester Road. The Inspector concluded that the proposed alterations to the garage would result in a structure that would dominate the site and compete with

the main dwelling. This would lead to a harmful juxtaposition between the buildings and cause the garage to be obtrusive on the site and the wider context. Ultimately, the proposed development would cause harm to the character and appearance of the site and surrounding landscape. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/02873/FUL APP/Y9507/W/23/3331919
Authority:	Lewes – Lewes Planning Committee Decision (overturn – officers had recommended approval)
Site:	Nevill Road Street Works, Lewes, BN7 1PD
Description of Development and Condition in dispute:	The development proposed is an 18m 5G telecoms installation: H3G street pole and additional equipment cabinets.
Decision and Date of Decision:	D 05 July 2024

Inspector’s Reasoning:

- The Inspector noted that the appellant originally applied for prior approval, under Part 16, Schedule 2 of the GPDO, for the installation of telecommunications infrastructure on Nevill Road. In August 2022, the Authority determined that prior approval for that development was not required, and it could proceed under permitted development rights. However, the development that subsequently took place differed to that considered by the Authority, including that its precise siting did not conform to that for which prior approval had been sought. Subsequently, the appellant applied for full planning permission to regularise the works that had been carried out. It was that planning application, which is subject of the appeal, that was refused.
- The main issues were (1) whether appropriate evidence had been provided that the proposal would comply with International Commission on Non-ionizing Radiation Protection (ICNIRP) guidelines, and (2) the effect of the proposal on the character and appearance of the area.
- On issue (1) the Inspector concluded, that when read as a whole, there was insufficient authoritative evidence to indicate that the appeal proposal would comply with ICNIRP guidelines. Consequently, they were not satisfied that it had been appropriately demonstrated that the appeal scheme would not lead to harm to human health (contrary to the NPPF, paragraph 121c). This was because the declaration of ICNIRP conformity submitted was highly inadequate due to the declaration not being in the appellant’s name (but of a company that seemingly no longer existed), the declaration did not refer to any plan or document numbers associated with the proposed development and whilst the address on the declaration broadly aligned with that referred to on the forms and within the appellant’s submitted documents, the address on the declaration could equally relate to other locations along Nevill Road

that share the specified postcode. In addition, the appellant's wider submission documents contained frequent errors and conflicting information, which brought into question the robustness of the declaration and whether it related specifically to the development under consideration in this appeal.

- On issue (2), the Inspector noted that the appeal site was an area of grass verge, adjoining a pavement alongside a busy road (A257), near its junction with Highdown Road (on the outskirts of Lewes and outside of the Lewes Conservation Area). The site was within a suburban location with, predominantly, built-up surroundings that include residential and community buildings. The A257 was also largely lined by dense vegetation, including a mature belt of trees immediately alongside the appeal site. As such, the character of the area was one of a verdant, suburban townscape, which although in the National Park was not highly sensitive in nature.
- The Inspector concluded that the development was largely screened from many of the public vantage points by adjacent trees, and together with topography, curvature of the road (A257), significant vegetation and existing built form restricted many intermediate views of the development. Whilst the mast would be readily visible when approaching along the A257 and the junction with Highdown Road. However, the mast would not appear as an alien or incongruous feature within the street scene due to other vertical structures including lighting columns, telegraph poles, traffic lights and road signs which could be found in the near vicinity along the A257, with several of those features viewed closely alongside the development. Nevertheless, the mast remained a larger, more strident, and starker structure than other vertical elements nearby. However, given the surrounding context the visual harm was highly limited and could be overcome through the development being painted an alternative colour to assimilate with the adjacent vegetation more closely (and the appellant had indicated they would be willing to accept such a condition).
- The Inspector also acknowledged that the proposal involved multiple cabinets in a row near the footpaths edge. However, they concluded that these appear typical of the form of structures often seen on roadsides. Accordingly, they did not appear as incongruous features on the grass verge, nor resulted in undue visual clutter. Consequently, although the appeal proposal resulted in some change to the aspect of the immediate area, subject to a condition to paint the mast, they did not consider it was of a nature or degree that resulted in harmful visual consequences, nor would it have any adverse impacts on the wider landscape setting or the setting of the Conservation Area. Nevertheless, the appeal was dismissed as this did not overcome the issue under (1).

Planning Application and Appeal Reference Number:	SDNP/22/03349/FUL APP/Y9507/W/23/3325818
Authority:	Winchester
Site:	Parcel of land at Avington Park Lane, Easton, Hampshire, SO21 1ED
Description of Development:	The development proposed is described as creation of parking space on land parcel
Decision and Date of Decision:	D 15 July 2024

Inspector's Reasoning:

- The Inspector noted that the scheme included development that had already taken place.
- The main issues were (1) whether the development would conserve and enhance the landscape character and (2) the effect of the proposal on biodiversity.
- The Inspector noted that the site was a small parcel of land adjacent of the River Itchen and Avington Park Lane. It sat within an undulating landscape and had a rural, unspoilt appearance which was characterised by natural features including the adjacent river and trees. These factors contributed to a high landscape sensitivity.
- The proposal included the laying of a permanent hard surface to provide a single parking space, enclosed by low level fencing and planting.
- On issue (1), the Inspector concluded that whilst modest in scale, it would have an urbanising impact in an otherwise unspoilt environment. It would in turn detract from the natural features, including planting, which characterised the area and would appear as a permanent alien feature. Whilst natural materials were proposed, these would nonetheless result in a formal appearance which would be at odds with the unspoilt rural environment. These effects would be highly visible to passing pedestrian, vehicular and other traffic. Given the site's close proximity to a public right of way as well as the highway, the effects would have a significant detrimental effect on landscape character, albeit within a localised area.
- In addition, the Inspector noted that there were a number of trees which were covered by a Tree Preservation Order (TPO), which collectively contributed positively to the rural character of the area. The laying of aggregate, and the associated clearance, had the potential to result in an adverse effect on any tree roots beneath. Given the importance of the trees and the proximity of work to them, an assessment of the effects of the proposal by an appropriately qualified person(s) was necessary and was absent. Therefore, they could not be satisfied that the proposal had not, and would not, result in harm to protected trees.
- The Inspector acknowledged that the appellant intended to use the parking space between April and October and the number of uses would be limited

to 20. They concluded that whilst this had the potential to reduce the adverse impacts resulting from ground compaction, it would not address the harm from the operational development which resulted in permanent landscape harm. Therefore, the proposal failed to conserve or enhance the existing landscape character.

- On issue (2), the Inspector noted that the site was in a sensitive location, adjacent to the River Itchen, designated as a Site of Special Scientific Interest (SSSI) and was also adjacent to a Site of Importance for Nature Conservation (SINC). No ecological assessment had been provided and no assessment of its potential effects on the designated sites. As such, there was no substantive evidence as to the ecological value of the site. In the absence of adequate evidence, they concluded that the proposal would likely to give rise to harm to the biodiversity of the area. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/04624/HOUS APP/Y9507/D/24/3339242
Authority:	Chichester
Site:	Freshfields, Sandy Lane, East Ashling, West Sussex
Description of Development:	The development proposed is conversion of existing tennis court to padel court including associated fencing and path.
Decision and Date of Decision:	A 16 July 2024

Inspector’s Reasoning:

- The main issue was the effect of the proposal on the character and appearance of the area.
- The Inspector noted that Freshfields was a large, detached, two storey dwelling of modern construction and design on the edge of East Ashling village. Its garden extended behind the house and behind Pipers to the west and contained a variety of outbuildings used in connection with the house. The garden was enclosed by hedges of mixed evergreen and deciduous species. There was a hard surfaced tennis court with mesh fencing some 2.75m high on metal supports in the garden behind Pipers. Therefore, the principle of a court for sports in the garden of Freshfields had been established and this was a material consideration.
- The proposed padel court would replace part of the tennis court. The proposed playing surface would be less than half the existing tennis court surface and the extent of enclosure would be about 60m compared to the existing enclosure of some 105m. Galvanised steel columns would support the enclosure of tempered glass and anti-injury steel mesh fencing which would in part be 3m high and in part 4m high.

- The Inspector concluded that the proposal would make good use of part of an existing sports court. There would be a significant reduction in the length of enclosure and the hard surfaced area. This would minimise the developed footprint and reduce the extent of sprawl and would align with supporting text to Policy SD25.
- In addition, the padel court would not be visible from Sandy Lane because of the distance from the highway and intervening buildings, trees and hedges. Views into the garden of both Pipers and Freshfields, and to the Conservation Area, would be limited because of the hedges and trees including beech hedges, which hold their leaves during the winter months, and as the gardens and field are at similar flat land levels. Whilst acknowledging that the proposed enclosure would be angular and highly engineered, it would be mostly glass with a high degree of transparency. Therefore, it would be barely noticeable against the backdrop of vegetation. Nevertheless, they supported the proposed enhancement and protection of the hedge on the western boundary (to be secured by condition). Therefore, the proposal would not be harmful to the character and appearance of the area. Subject to the imposition of conditions, the appeal was allowed.

Planning Application and Appeal Reference Number:	SDNP/23/01156/HOUS Appeal A Ref: APP/Y9507/D/23/3333674
Authority:	Chichester
Site:	The Folly, Graffham Common Road, Graffham, West Sussex, GU28 0PT
Description of Development:	The development proposed is replacement of the existing attached garage and erection of two storey extensions together with veranda and balconies.
Decision and Date of Decision:	D 16 July 2024
Planning Application and Appeal Reference Number:	SDNP/23/01157/HOUS Appeal B Ref: APP/Y9507/D/23/3335865
Authority:	Chichester
Site:	The Folly, Graffham Common Road, Graffham, West Sussex, GU28 0PT
Description of Development:	The development proposed as described on the application form is erection of detached garage.
Decision and Date of Decision:	D 16 July 2024

Inspector's Reasoning:

- The Inspector dealt with the two appeals together Appeal A (the extensions) and Appeal B (the garage) as the main issue was the effect of each proposal on the character and appearance of the area.
- In addition, for Appeal A the Inspector considered two further issues (1) the effect of the proposal on the mix of housing, having particular regard to the supply of small and medium sized homes, and (2) the effect on bat populations. In addition, for Appeal B a further issue was whether the proposal would comply with planning policy in relation to a building in the countryside.
- The Inspector noted that Folly was a large, detached house on a flat area carved out of the hill side. A private drive climbed from the northern most point of the site up to the house, where there was a parking / turning area and a garage. The Inspector also noted that The Folly had a relatively small residential curtilage and this was demarcated on site by changes in land levels and a low post and railing fence. Also there was a material consideration

that in 2020 planning permission was granted for smaller extensions. That development had lawfully commenced such that the 2020 permission was extant although the extensions had not been built.

- For Appeal B, the Inspector also noted that it related to a site near the entrance but some distance from the house. The Inspector concluded that the siting of the garage would be outside the established residential curtilage of The Folly.
- On the issue of the effect on the character and appearance on the area (of both proposals), the Inspector noted that the settlement pattern was dispersed, with isolated farmsteads. Views were limited by dense woodland cover. This was essentially a quiet landscape with a high sense of 'naturalness' derived from the mix of woodland and heathland and dark skies (identified as the 'Dark Sky Core').
- The Inspector also noted that the proposed extensions would significantly increase the floorspace of the existing dwelling so there would be conflict with Policy SD31.1(a) and that the proposed floorspace would also be significantly greater than the extant permission. Whilst the proposed two crown roofs over most of the two storey side extension would help reduce the overall mass and height, there would still be significant increased height and mass of the proposed extensions when compared to both the existing house and the 2020 permission. This would be most noticeable on the north and south elevations which were the most prominent in the partial views from the road and on the approach from the drive.
- The extensions would project towards the hillside requiring engineering work for a retaining wall almost two floors high. The extensions and the retaining wall would overwhelm the existing house and detract from the openness of the site particularly at first floor and roof level. For these reasons, they concluded that the extensions proposal did not take a satisfactory landscape led approach and would not conserve or enhance the landscape. In addition, proposed extensions would have significantly more glazing overall than both the existing house and the permitted extensions. There would be additional fenestration on three of the elevations, which were the most noticeable in the landscape from its elevated position, and no mitigation of the effects of light spill on dark skies had been put forward.
- With regards to the proposed garage, the Inspector noted that character of the site was that of open grassland. The ground floor would accommodate two cars, a workshop and a toilet with the upper floor stated for storage use in the roof space. However, it would be served by two dormer windows, three rooflights and two Juliet balconies which the Inspector found to be excess for a storage use. In addition, light spill from the extensive garage roof lights and windows in a currently undeveloped position would be detrimental to the dark skies.
- The garage would be positioned on grassland close to the entrance into the site and at a slightly higher level than the road. The Inspector concluded that due to its scale, mass and position, even though there was a hedge around part of the garage site, the proposal would be a taller and would be a prominent and intrusive building on undeveloped land. Moreover, no substantive evidence had been provided to demonstrate that a suitably scaled and sited garage, including cycle parking and vehicle charging, could not be provided where there was already flat land in the curtilage to the house with less harmful effects on the character and appearance of the area.
- Therefore, both the extensions and garage would have a harmful effect on the character and appearance of the area and neither would conserve and enhance the National Park.

- On the issue of the effect on the mix of housing, the Inspector concluded there would be no conflict with Policy SD27 as the existing dwelling had 4 bedrooms, increasing to 5 bedrooms with the extant 2020 permission. Therefore, the dwelling was larger than 1-to-3-bedroom sizes that the policy sought to protect.
- On the issue on the effect on bat populations, the Inspector concluded that whilst the applicant had submitted a 2019 Bat Emergence survey (which identified a bat roost within the building) and an ‘Ecology Update’ in 2022 (which confirmed that the ecological conditions of the building were consistent with the 2019 Report and recommended further surveys), this was insufficient due to the passage of time since the original 2019 survey. Therefore, they concluded that they could not be sure that there would be no net loss of roost sites (roost types would need to be replaced on a like-for-like basis), that light spill from windows would not intrude on flight paths or that the affected bat population could continue to function as before.
- For Appeal B, on the issue of building within the countryside. The Inspector concluded that the siting of a residential outbuilding on land not within a residential curtilage would amount to a change of use of that land and there was no exceptional need for a countryside location. Therefore, the proposal would be contrary to both Policy SD31 and SD25. Both appeals were dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/03553/FUL APP/Y9507/W/24/3339986
Authority:	Chichester
Site:	Woodlands, Norwood Lane, East Lavington, West Sussex, GU28 0QQ
Description of Development:	The development proposed is retention of two storage containers for the storage of equipment to use in association with woodland management.
Decision and Date of Decision:	D 16 July 2024

Inspector’s Reasoning:

- The Inspector noted that the appellant had submitted modifications to the proposals as part of the appeal submission. These included the offer to clad the containers and / or re-position them further from the entrance where there used to be a brick building. The Inspector concluded that the proposed modifications would be substantially different to the original application, for example, beyond what could reasonably be required by condition, and procedurally could prejudice interested parties by depriving those who should have been consulted on the changes the opportunity of such consultation. For this reason, they determined the appeal using the plans that were considered by the Authority.
- The main issues were (1) whether the need for the storage containers had been justified and (2) the effect on the character and appearance of the area having regard to the design and size of the storage containers.

- The Inspector noted that the site was immediately inside the entrance to a field. Together the field, and a smaller part of the adjacent ancient and semi-natural woodland, Parson's Copse (owned by the appellants), extended to approximately two hectares. They concluded the immediate area was characterised by large fields of arable, interspersed with pasture, hedgerows, woodland and parkland. This was a rural landscape with a strong sense of tranquillity resulting from the absence of overt human impact and a low density of settlement.
- On issue (1) the Inspector noted the containers were being used to store a variety of items of the type which can be used for the management and maintenance of grass, trees and hedges but were of a domestic rather than forestry scale. The Inspector acknowledged that when the current owners took over the site it was in poor condition and it had been cleared of rubbish and scrub, the ditch had been cleaned and new planting had taken place. However, this was not sufficient to justify the permanent retention of two storage containers for the maintenance and management of one small field and such a relatively small area of woodland. In addition, no evidence had been provided to demonstrate there was a woodland management business that required the extent of storage on a permanent basis. Nor had they been provided with a woodland management plan for long term woodland regeneration that demonstrated the need for the equipment on a long-term basis. The Inspector found that whilst Policy SD39 allows for buildings for agriculture and forestry purposes and of a scale commensurate with that need, the combined area of the field and the owned part of the woodland was too small to amount to agriculture or forestry. Nor had any exceptional need for a location in the countryside been demonstrated. The Inspector concluded that the need for the containers had not been satisfactorily justified and therefore there was conflict with Policy SD39.
- On issue (2) the Inspector noted that the storage containers were of sturdy metal construction and of the standardised industrial type usually used for the carriage and storage of goods by sea and land. As such they were not of a design and appearance which would be expected in such a rural location. At some 4m long and 1.2m wide they were of substantial size. The Inspector also noted that the field they are in was surrounded by trees and hedges and as such was a valuable part of the local landscape. They also noted that the local topography was relatively flat. As the containers were positioned close to the tall hedge alongside Norwood Lane and were painted dark green they were visible primarily from the entrance onto Norwood Lane. Albeit not excessively intrusive in the wider landscape, particularly at times when trees and hedges were in leaf, they were a visual intrusion. They concluded that the lack of any wider landscape prominence did not absolve the need for the structures to meet with the policy requirements to achieve high standards of design and appearance.
- The Inspector found no harm to dark skies and noise from equipment being used for management and maintenance of fields and woodland was to be expected and would be likely to occur whether or not the containers were retained. Therefore, did not consider the effect on the tranquillity of the area to be unacceptable. However, the design and size of the storage containers was harmful to the character and appearance of the area and their retention would not conserve or enhance the National Park. Therefore, the appeal was dismissed.

Enforcement Appeal Reference Number:	APP/Y9507/C/23/3333876
Authority:	Winchester
Site:	Land adjoining Whiteflood Farmhouse, Owslebury, Winchester also known as Stables, Whiteflood Meadows, Belmore Lane, Owslebury, Hampshire, SO21 1JW
Description of breach of Planning Control:	<p>The breach of planning control as alleged in the notice is:</p> <p>Without planning permission:</p> <p>(i) The material change of use of the land to equestrian;</p> <p>(ii) The erection on the land of buildings to facilitate the unauthorised use in (i).</p> <p>The requirements of the notice are:</p> <p>(i) Cease the use of the land for equestrian purposes;</p> <p>(ii) Remove from the land all operational development facilitating the change of use outlined in (i) including the two stables and one field shelter (approximate location shown hatched blue on the attached plan);</p> <p>(iii) Reseed the land to grass;</p> <p>(iv) Remove from the Land all materials, rubble, rubbish and debris arising from steps (i) to (ii).</p> <p>The period for compliance with the requirements is: 3 months.</p>
Decision and Date of Decision:	<p>D</p> <p>(Hearing)</p> <p>16 July 2024</p>

Inspector’s Reasoning:

- On a procedural matter, two reasons for refusal arose from objections by the Local Highway Authority (Hampshire County Council) in relation to impacts on a public right of way. The Local Highway Authority subsequently acknowledged that the access track leading to the land was in fact an unclassified adopted road over which motorised vehicles and horses were permitted. They therefore withdrew their objections and these reasons for refusal were no longer pursued by the Authority.

- On another procedural matter, the Inspector concluded that, in this case, the stables and field shelter were considered to be buildings for the purposes of Section 336 of the Town and Country Planning Act, therefore the notice should be amended accordingly.
- The Inspector noted that no evidence had been provided demonstrating that the proposal was 'permitted' (either by a planning permission, Lawful Development Certificate or permitted development rights), therefore the 'development' was development without planning permission, as alleged in the Notice, and constituted a breach of planning control.
- An appeal was made on ground (a), that planning permission should be granted. Therefore, the main issues were (1) whether the development conserves and enhances, (2) the effect of the development on highway safety and (3) whether the development conserves and enhances wildlife.
- On issue (1), the Inspector noted that the site was part of a larger field which was laid to grass, adjacent to a residential garden and to a byway, within a sparsely occupied area of woodland and arable farmland and equestrian grazing. It was located south of Belmore Lane, a tree-lined rural lane, separated from it by a residential garden, and accessible only via the byway.
- The Inspector concluded that the site was not part of a landmark view, or subject to views from within, to or from settlements. There was some visibility in distant views from a small number of gaps in hedgerows along Baybridge Lane to the south, but there were no significant views of the development, except those at very close range along the byway. Users of the byway who approach the field gate would see all three buildings together, which increased their overall scale in the view on account of their close proximity to each other and the courtyard style layout. It would not be unusual to see small field shelters or stables in the rural landscape and in the principal views in which the buildings were visible, they were relatively small elements within a wider landscape. In addition, native landscaping, which could be secured by condition, could further reduce the visibility.
- The Inspector found that the development was of a scale and intensity of use compatible with the landscape, and the buildings were located on the lowest part of the surrounding land, adjacent to residential development. The development would therefore largely conserve the amenity value and tranquillity associated with views from the byway and the surrounding area. However, there was no evidence that the development enhanced the natural beauty National Park or made a positive contribution to the character and appearance of the area (or it could do so with appropriate planning conditions). At best, it was a neutral feature in the landscape. Therefore, they concluded the development did not conserve and enhance the natural beauty and therefore conflicted with the relevant policies.
- On issue (2), the Inspector noted that Belmore Lane was a tree-lined rural road without kerbs, and with soft verges where vegetation was set back sufficiently to allow them. There were no footways, and vegetation was close enough to have been shaped by passing traffic along much of its route. The Lane was part of a series of 60mph rural roads which link the M3 with the A32. Access onto the Land was from Belmore Lane, then around 35m along the byway, to the entrance to the Land. The byway was unsurfaced and uneven and, at its junction with Belmore Lane, traffic accessing the lane had eroded the land adjacent to the metaled ramp, exposing and degrading the carriageway edge on its eastern side. There was an informal layby opposite on Belmore Lane which can accommodate one or two cars. The Inspector concluded there was no safe way for vehicles to exit from the byway to the right (east) onto Belmore Lane. Visibility from the right was poor without entering the carriageway, and slow-moving vehicles exiting to the left (west), and towing vehicles in particular, would also be a hazard to vehicles travelling west.

- In addition, the Inspector considered whether access could be gained to the Land from the other end of the byway. Although the byway is legally open to all traffic, it was largely impassible for most vehicles on account of its soft and uneven surfacing and heavy overhanging vegetation. They also noted that in upholding the appeal this could result in agricultural use of the land, and use of the access by large agricultural vehicles could occur. They concluded that whilst it would likely result in less frequent use, it would not be sufficient justification for the proposed. Therefore, the development would be harmful to highway safety.
- On issue (3), the Inspector concluded that the appellant had provided sufficient ecological information and that grazing of the Land could take place in any event on agricultural land without the need for planning permission. Although stables on the land were likely to result in more intensive use of the land by horses, it could be grazed. The Inspector also noted that birds were nesting in the buildings on site. However, they concluded that with appropriate conditions (such as restricting lighting, ensuring ecological management and time for compliance to avoid bird nesting season) the development would conserve and enhance wildlife. However, due to the conclusions on matters (1) and (2) the development did not conserve and enhance the natural beauty of the area and was harmful to highway safety. Therefore, the appeal was dismissed, and the enforcement notice upheld subject to some variations (including extending the period of compliance to 4 months to avoid bird nesting season).

Planning Application and Appeal Reference Number:	SDNP/22/04782/FUL APP/Y9507/W/23/3328273
Authority:	SDNPA
Site:	Land west of The Flying Bull, London Road, Rake, West Sussex, GU33 7JB
Description of Development:	The development proposed is erection of 2 no. dwellings
Decision and Date of Decision:	D 19 July 2024

Inspector’s Reasoning:

- The main issues were (1) effect of the proposal on the character and appearance of the area and (2) whether the proposal would result in a balanced mix of housing or the houses would meet local needs.
- The Inspector noted that the site was on the edge of Rake on the north side of London Road and formed part of a wide undeveloped gap on a long incline between linear development in either direction along this side of the road. They also noted that there were some large houses in large plots to the west whereas the appeal site faced a frontage of mainly small houses, closer spaced in smaller plots in the opposing more continuously built-up linear frontage along the south side of the road.

- The Inspector also noted that about half of the depth of the site itself was overgrown with ferns or brambles and that it sloped steeply up behind a grass verge next to a pavement. Part of the site was one end of the garden of The Flying Bull pub at a flatter, lower level. The front part of the site was backed at the top by a visually distinctive row of trees, with some other trees lower down towards the road. Beyond the row of trees, at the rear, the site was part of a field that separated development along this road corridor from Rake Village Hall, an equipped playground and a tennis court.
- Except for the grass verge the site included a smaller parcel of land that had been allocated for development for two dwellings by Policy H6(B) of the Rogate and Rake Neighbourhood Development Plan August 2021. The Inspector also noted that the site was deeper than the allocated site and wider along London Road, especially to the east. A previous appeal decision established that using some additional land to deliver the allocated site (which might also allow more dwellings) was not necessarily a problem subject to, amongst other things, a well-designed scheme and incorporating any important trees.
- The Inspector found that the two tall, large, detached houses proposed would broadly face the road, within the bounds of some variation in orientation of other dwellings along it and incorporated some appropriate high quality external materials. Although set back from the roadside and front boundary of the allocation site, they would be close to the front of the site. They also noted that there was variety in dwelling types and sizes along sections of both sides of London Road but in overall design and layout the proposed houses would have more in common with the looser knit pattern of larger houses further to the west, on the north side of the road. However, as there was no visual or spatial interrelationship with those houses, they did not set a relevant context for development on this site.
- The Inspector concluded that the low density and layout of the large, essentially square floorplans for each house sited in large, widely spaced plots would not complement the prevailing tighter grain and more uniform layout and pattern of the generally modest terraced or semi-detached houses in mostly narrow plots along the facing south side of London Road. Although, the proposed houses would in part be inserted into the slope of the site, both houses would still be on elevated land. As a result, their significant scale and massing would have an unduly prominent and overly conspicuous visual and spatial presence in public views along this part of the street scene. Moreover, in form and bulk they would appear unduly dominant in relation to the houses opposite which nestle into the lower, south side of the road.
- In addition, whilst a shared means of vehicular access would not be unusual along either side of this part of London Road, there was no apparent precedent for the extensive, irregular shaped layout of the proposed drive and parking spaces which would require some significant excavation and ground remodelling. As such, although gravel surfaced, this somewhat arbitrary, overengineered central cul-de-sac and car centric space between the two houses would be a highly visible discordant feature more akin to a suburban estate style development. It would also sub-divide the site in an incongruous way, leaving a significant area of 'green open space' no-man's land between the two gardens with no obvious function, purpose or responsibility for upkeep.
- With regards to the loss of all the trees on site (including the Oak Tree protected by a Tree Preservation Order), the Inspector noted that a landscaping condition could include new trees. However, they concluded that given the inherent siting and design of the dwellings and site layout, such planting would largely endorse or screen a fundamentally inappropriate proposal to begin with, rather than be led by and respect these important features of the site. Consequently, the siting, layout and size of the dwellings and proposal overall would not be well-designed or incorporate important trees. Overall, the proposal would have negative effect on the character and appearance of the area and would undermine the integrity of the overall character and

appearance of the area contrary to policies in both the Local Plan and Neighbourhood Plan.

- On issue (2), the Inspector noted that the Neighbourhood Plan sets out that residential development should provide a balanced mix of market housing, with a clear focus on 2- and 3-bedroom sized dwellings. That is unless there is evidence of a local housing need for a different mix or site-specific considerations suggest otherwise. The proposal was for 4- and 5-bedroom dwellings and the Inspector also noted that there was no objective evidence of an acute local deficiency in large dwellings or of a local housing need for this mix. The Inspector acknowledged the appellant's position that there was a local 'standout' demand for family homes. However, they concluded that whilst a 4- or 5-bedroom dwelling is a family home, there was no objective evidence of a compelling need for such large family homes.
- The Inspector also acknowledged that the appellant stated that the mix was also driven by financial viability. However, they concluded that none of the matters, about market information obtained from local agents on values and alleged punitive build costs, had been substantiated with an appraisal by a suitably qualified competent person or tested independently. Accordingly, the claims made in this regard were little more than conjecture and no other exceptional reason had been given. The Inspector concluded that there was no apparent reason why the site could not be developed with some smaller dwellings. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/03480/HOUS Appeal A Ref: APP/M1710/W/24/3338402
Authority:	East Hants
Site:	Burgates Lodge, Farnham Road, Liss, Hampshire, GU33 6JZ
Description of Development:	The development proposed is the proposed introduction of a hand-built oak front porch and the replacement of dilapidated and mismatched boundary treatment fencing while retaining the existing height.
Decision and Date of Decision:	D 19 July 2024
Planning Application and Appeal Reference Number:	SDNP/23/03481/LIS Appeal B Ref: APP/M1710/Y/24/3338403
Authority:	East Hants
Site:	Burgates Lodge, Farnham Road, Liss, Hampshire, GU33 6JZ
Description of Development:	The works proposed are the proposed introduction of a hand-built oak front porch and the replacement of dilapidated and mismatched boundary treatment fencing while retaining the existing height.
Decision and Date of Decision:	D 19 July 2024

Inspector's Reasoning:

- The Inspector noted that the Grade II listed building known as 'Barn 40 metres South of Burgates Farmhouse' (the LB) was described as a late 17th century timber barn. The appeal site formed the final portion of an 'L' shaped, single storey iron stone and brick building (the LB range) which was attached to this barn. Therefore, the LB range formed part of the LB.
- The Listed Building was listed in part due to its group value with the Grade II 'Small Barn 30 metres West of Burgates Farmhouse' (the LB2) and due to their proximity to each other, the Inspector concluded that they were interchangeable within each other's setting. Therefore, the main issues were whether the proposal would (1) preserve the Grade II LB and any of the features of special architectural or historic interest that it possesses, (2) preserve the setting of the Grade II LB2, (3) preserve or enhance the character or appearance of the West Liss Conservation Area (the CA), and (4) comply with the purposes of the National Park.

- The Inspector noted that the significance of the LB, including the LB range, and the LB2 was informed by them being a good example of a traditional farmyard without substantial intrusion of modern buildings. Even though all the buildings had been converted into residential uses and the farmyard had been subdivided, their original agricultural design and use, and the farmyard's form could still be clearly identified. The CA was formed by two defined clusters of buildings. One was centred around the 17th century Spread Eagle Pub and a small green. Whilst the other was around the Church Street / Farnham Road junction with St Peters Church as the backdrop. The appeal site was within this second cluster and due to the orientation of the farmyard it was visually obvious within the Farnham Road street-scene. The farmyard's position at the edge of West Liss clearly showed the link between the agricultural nature of the area and the historic settlement, thereby informing the character of the CA.
- The proposal was to install an oak framed gabled porch on the elevation facing Farnham Road either in replacement of an existing buttress, or a high-level window. It also sought to replace the existing boundary fence between the site's private space and access into the farmyard.
- The Inspector found that the road facing elevations of the LB range had several high-level windows punched through to facilitate the conversion to residential. Nevertheless, the original functional and simplistic design was still clearly legible, as well as the range's purposeful inward facing orientation toward the farmyard. The proposed porch would be located on the rear elevation. Therefore, this visually obvious location along with the domestic nature and design of the porch would aggrandise the building within the LB range. It would harm the overall legibility of the LB whilst raising the site's status within the farmyard beyond its original functional use and subservient nature. This loss of clarity in relation to the farmyard's layout would also harm the setting of the LB2. In addition, the proposed porch would also require the loss of historic fabric. Which in the case of the buttress replacement option would result in the loss of a significant feature showing the construction of the LB. The proposed porch would therefore fail to preserve the significance of the LB.
- The Inspector also found that due to the proposed location of the porch on the Farnham Road facing elevation of the site, it would be obvious within the CA. Its domesticating impact on the LB and the raising of the site's status would blur the clearly subservient and historically agricultural nature of the building. It would therefore erode the sequential link the farmyard plays between the village and its agricultural setting. Consequently, it would fail to preserve or enhance the character or appearance of the CA.
- The Inspector concluded the proposed porch would fail to preserve the LB, the setting of the LB2, and fail to preserve or enhance the character or appearance of the CA. However, they found the harm to be less than substantial of a moderate order, and therefore should be weighed against the public benefits. As the site had been in use as a residential dwelling for several years in its current form, they were satisfied the optimal viable use had already been secured and was not dependent on the proposed porch. The Inspector acknowledged that the porch could improve accessibility to the building. However, it had not been shown how these would constitute public benefits, they considered them to be private benefits only and were they considered to be public benefits, they would not be sufficient to outweigh the harm caused and that harm attracted considerable weight.
- On the proposed fencing, the Inspector concluded that whilst there was nothing on the plans to specify the location of the proposed replacement fence, had they found the porch acceptable, the proposed replacement fencing would be unlikely to cause harm the significance of the LB, the setting of LB2 and would likely preserve the CA.

- On issue (4), the Inspector concluded that as they had already concluded that the proposed porch would fail to conserve or enhance the LB, the setting of the LB2, or the CA, it would fail to conserve and enhance the cultural heritage of the National Park and therefore would not accord with purposes of the National Park. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/05061/FUL APP/Y9507/W/23/3331257
Authority:	East Hants
Site:	54 Winchester Road, Stroud, Hampshire, GU32 3PG
Description of Development:	The development proposed was described as 'erection of a new 4 bedroom detached dwelling with detached garage following demolition of the existing dwelling'.
Decision and Date of Decision:	D 22 July 2024

Inspector's Reasoning:

- The main issues were (1) the effect of the proposal on the character and appearance of the area and (2) its effect on the living conditions of the existing occupants of No.52 Winchester Road with regard to privacy, outlook and natural light.
- The Inspector noted that No.54 Winchester Road was a detached house in the defined settlement boundary for Stroud. This part of the village was a separate enclave of dwellings surrounded by countryside. There was some variation in the design of these dwellings and the set back from front garden boundaries, but in siting and layout there was a clear structure to this in so far as they were in regimented linear frontages; along the south side of Winchester Road, including No.54, and perpendicular behind, along both sides of Finchmead Lane.
- The Inspector also noted that there was no objection in principle to replacing the existing house and this would not alter the density of development on the site or in this part of Stroud. They also noted that the house would be constructed using suitable high quality, local materials and be oriented towards the road. However, as it would be sited much further back on the site (not overlapping any part of the floorplan of No.54) due to intervening buildings or trees this siting and layout would have no visual or spatial association with the dwellings in Finchmead Lane. The siting and layout would have more in common with the inset part of Winchester Road where a row of mostly bungalows were further back with some detached garages close to the road.
- The Inspector concluded that as No.54 was at the other end of an intervening row of terraced houses and was a similar in design and look to those terraced houses, this reinforced its clear association with them, rather than the bungalows or other houses further to the east. Therefore, the proposal

would result in an incongruous reverse arrangement of house in-depth on the site and erode the cohesiveness and continuity of this part of the frontage, at odds with the most relevant pattern and sequence of dwellings next to No.54.

- In addition, the proximity of No.54 to the road gave a tangible 'sense of arrival' into and departure out of this section of Winchester Road and this part of Stroud. In contrast, the recessive position of the proposed house on the site behind the garage would result in a notably less well defined transition with the surrounding countryside. The Inspector concluded that this would undermine how this built-up part of Stroud and its interface with the landscape setting along the road corridor was experienced. The setback of the proposed house would also further reveal the taller side elevation of No.52 over the garage. In addition, within the garden this would unduly consolidate a deeper built-up edge to this part of Stroud and encroachment of a significant scale, massing and overall extent of built form into an undeveloped part of the site. The incompatible siting of the house and the garage in that position would be a conspicuous negative feature in the street scene in public views from a pavement along Winchester Road and passing the site at the front as well as in short and longer distance panoramic views from a nearby public footpath (that crosses the fields and Stroud Common).
- Therefore, the siting and layout of the proposal would not reflect important features of the existing development on the site and this would have an unacceptable negative effect on the character and appearance of the area. Whilst the Inspector acknowledged that new landscaping (secured by condition) could deliver visual enhancements. Such landscaping should aim to complement new development rather than screen from public view fundamentally inappropriate development in other regards to begin with. It would not, therefore, mitigate or overcome the innate, underlying permanent harm already identified above.
- On issue (2), the Inspector concluded that whilst there would be a noticeable change in circumstances on the site and a perception of change to living conditions, the proposal would not actually materially adversely affect the living conditions of the existing occupants of No.52 Winchester Road with regard to privacy, outlook and natural light due to existing landscaping / vegetation and orientation of both No: 52 and proposed house. In addition, other matters, such as ensuring obscure glazing was fitted to certain windows, could be secured via condition. However, the appeal was dismissed due to the harm identified under matter (1).

Planning Application and Appeal Reference Number:	SDNP/23/04113/HOUS APP/L3815/D/24/3337277
Authority:	Chichester
Site:	Fridays Hill Cottage, Copyhold Lane, Fernhurst, West Sussex, GU27 3DZ
Description of Development:	The development proposed is for the erection of a two storey side extension.
Decision and Date of Decision:	D 22 July 2024

Inspector's Reasoning:

- The main issue was the effect of the development on the character and appearance of the host property and the surrounding area.
- The Inspector noted that the appeal site was the only property to the south of Copyhold Lane and had a rural and relatively remote setting. The site was situated on a hillside with views across the landscape to the southeast but was screened by trees from Haslemere Road. The main dwelling itself was a detached Victorian property situated on lower ground than Copyhold Lane. The main elevation (south) had a central, pitched roof projection containing the entrance, and two-storey projecting bays to each side. An extension had been added to the eastern elevation with a catslide roof and dormer windows. The proposed extension would be to the other side, extending the full depth of that flank elevation.
- The Inspector found that the two-storey extension whilst designed with materials to match, including the first-floor fenestration, its flat roof would contrast with the existing architectural style. Whilst also accepting that that modern forms and features can be integrated with older properties and their use was not precluded. Nonetheless, the Authority's adopted Design Guide - Supplementary Planning Document (SPD) advised that the appropriate design of the roof was vital to any extension and would normally be expected to match the main property (section C.4.2.6), and that flat-roofed extensions at a first-floor level would normally be resisted (section C.4.2.7). Therefore, the proposal failed to reflect this guidance.
- The Inspector concluded that aligning with the eaves line the proposed extension would have a subservience, but visually it would create an abrupt horizontal plane and would appear incongruous. Together with the existing alterations, which are of a differing style, the scale and form of the proposed extension would fail to create cohesion and balance to the detriment of the property as a whole. Therefore, the proposal would cause harm to the character and appearance of the host property and would be contrary to policies of the Local Plan which require schemes to respect the established character of the local area, through sensitive and high-quality design that uses appropriate and sympathetic architecture and makes a positive contribution to the overall character and appearance of the area. There would also be conflict with policies in the Fernhurst Neighbourhood Plan and Design Guide SPD which support the local vernacular and extensions which complement the scale, height, massing, appearance and character of the existing dwelling, and respect the local character and landscape. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/01828/CND APP/Y9507/W/23/3329189
Authority:	SDNPA
Site:	Woodlands Cottage, Titnore Lane, Pot Lane, Ferring, West Sussex, BN13 3UG
Description of Development and Conditions in dispute:	<p>The application sought planning permission for the change of use of former stables to provide ancillary residential accommodation without complying with a condition attached to planning permission Ref SDNP/22/05624/FUL, dated 27 January 2023.</p> <p>The condition in dispute is No 5 which states that: Upon the commencement of the development hereby approved, planning permission SDNP/21/06049/HOUS shall not, either in full or part thereof, be implemented. This present planning permission (SDNP/22/05624/FUL) may not be implemented if, at the time when such implementation would take place, any part of planning permission SDNP/21/06049/HOUS has already commenced.</p> <p>The reason given for the condition is: To ensure proper planning of the site and avoid a disjointed form of development.</p>
Decision and Date of Decision:	A 30 July 2024

Inspector's Reasoning:

- The Inspector noted that the site comprised a semi-detached two-storey dwelling with a detached single-storey outbuilding to one side. Planning permission had been granted for a single-storey side extension to the dwelling attaching to the end of the outbuilding under reference SDNP/21/06049/HOUS. Planning permission had subsequently been granted under reference SDNP/22/05624/FUL for the change of use of former stables to provide ancillary residential accommodation, subject to conditions. This included, at condition 5, that the approved single-storey side extension could not be implemented in the event that the permission for the change of use of the stables was implemented or, if the single-storey side extension was implemented, then the change of use of the stables could not be implemented. Application reference SDNP/23/01828/CND sought to remove condition 5 in order to allow for both permissions for the side extension and the change of use of the stable to be implemented.
- The main issue was whether the condition was necessary, enforceable and reasonable to ensure proper planning of the site and avoid a disjointed development.
- The Inspector found that it would be physically possible for both developments approved under the original permission reference SDNP/22/05624/FUL for the change of use of the stables building and permission reference SDNP/21/06049/HOUS for the link extension to be constructed. The condition sought to ensure that only one of the two approved schemes could be implemented. This was tantamount to a revocation of a planning permission.

However, a planning permission could only be revoked by the planning authority or the Secretary of State following the process (with provisions for compensation) set out under s97 and s100 of the Town and Country Planning Act 1990 (the Act). Accordingly, a condition cannot formally revoke an extant planning permission and as a result was neither enforceable nor reasonable.

- The Inspector noted that the condition sought to ensure that development at the site accords with Policy SD31 which aims to protect the limited supply of small and medium-sized homes in the National Park by permitting proposals that did not increase the floorspace of the existing dwelling by more than approximately 30% unless there were exceptional circumstances. Nevertheless, they concluded that whilst there may have been sound planning reasons for limiting the floorspace, they were not satisfied that Condition 5 met the tests as set out in Paragraph 56 of the NPPF. Therefore, the appeal was allowed.

Planning Application and Appeal Reference Number:	SDNP/23/04592/HOUS APP/Y9507/D/24/3338555
Authority:	Lewes
Site:	24 Fitzjohns Road, Lewes, East Sussex, BN7 IPS
Description of Development:	The development proposed is the installation of 6 x Solar Panels (1722mm L x 1134mm W) on existing dormer flat roof.
Decision and Date of Decision:	D 30 July 2024

Inspector’s Reasoning:

- The main issues were (1) the effect of the development on the character and appearance of the area and (2) the effect of the development on the living conditions of occupants of neighbouring properties, with regard to safety.
- The Inspector noted that the site was a semi-detached two-storey dwelling to one side of Fitzjohns Road. Development in the area was typically two-storey in scale. There were large flat roof dormers to the rear of several dwellings in the area. The area was characterised by significant changes in land levels, with development at Fitzjohns Road being visible from the surrounding area, including Mildmay Road and Christie Road. The proposal was for the installation of six solar panels arranged in two rows positioned on the flat roof rear dormer of the dwelling (secured in place by the use of landscaped tubs). The panels would project above the ridge of the dwelling and would be clearly visible from Fitzjohns Road.
- On issue (1), the Inspector concluded that panels and landscape tubs would appear as unusual additions to the flat roof and would be discordant with the main part of the dwelling and the area. While there were solar panels on other properties in the area, these were typically parallel to the roof slope and less cumbersome. Given the topography of the area, the panels would also be visible from public vantage points within Mildmay Road and Christie

Road. The visual effect of the development to the rear would be reduced by the intervening development in Mildmay Road and the presence of the mature trees to the rear of the site. In addition, the proposal would be seen within the urban context of the area. Nonetheless, the solar panels and landscape tubs would add bulky clutter to the roofscape and would consequently be incongruous with the dwelling and the area. Therefore, the proposal would harm the character and appearance of the area.

- On issue (2), the Inspector noted that the solar panels would be attached to landscape roof tubs that would be positioned on the flat roof of the rear dormer. Concern was raised that if the development would not be securely fixed to the roof, the proposal would be a hazard to occupants of neighbouring properties. The Inspector concluded, whilst there was limited information before them, it would be necessary for the solar panels to be positioned securely on the roof to ensure their optimum operation. Whilst it was not clear how the solar panels and landscape tubs would be secured, there would be options to secure the development to the roof, including fastening the tubs to the roof and filling the tubs with ballast. Moreover, in order for the panels to generate electricity it would be in the interests of the appellant to ensure that the solar panels and tubs were secure. Therefore, the proposal would not harm the living conditions of occupants of neighbouring properties.
- The Inspector acknowledged that solar panels would deliver environmental benefits in terms of the renewable energy that they were likely to be producing and that such matters were supported at a national level as well as within the Local Plan. However, such benefits were only likely to be very small given the scale of the proposal and would not outweigh the harm identified. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/03950/FUL APP/Y9507/W/24/3338082
Authority:	Chichester
Site:	Stocksfield, Borden Lane, Borden, Milland, West Sussex, GU30 7JZ
Description of Development:	The development proposed is demolition of the existing dwellinghouse and the erection of a contemporary replacement dwelling with associated site works in a revised location.
Decision and Date of Decision:	D 13 August 2024

Inspector’s Reasoning:

- On a procedural matter, the Inspector noted that a certificate of lawful use or development (proposed) had been granted for a single storey rear extension which demonstrated these works could take place without the need for planning permission. Such an extension would result in at least four bedrooms, a porch and an area of permeable hardstanding and this was a material consideration.

- The main issues were (1) whether the size of the replacement dwelling would be supported by planning policy, (2) the effect of the proposal on the character and appearance of the area, (3) the effect of the proposal on the living conditions of occupiers of nearby properties and (4) the effect of the proposal on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area, and Ramsar Site (the Arun Valley sites) with regard to groundwater abstraction.
- On issue (1), the Inspector concluded that despite inconsistent information regarding existing and proposed floorspace figures, the proposed house would exceed an increase of 30% (contrary to Policy SD30). In addition, and whilst acknowledging the possibility of extensions that could be built, the Inspector concluded that the existing house was a 'small' in terms of policies in both the Local Plan and Neighbourhood Plan. As such policies seek to protect and retain 'small' dwellings to meet local need, this proposal would be contrary to those policies.
- On issue (2), the Inspector noted that in landscape character terms, as a small hamlet with mainly two storey dwellings fronting the road, surrounded by woodland, Borden was not atypical. It was also some distance from the core village of Milland and was different in character and appearance. In addition, Stocksfield was a detached property which sat behind The Gardeners Cottage in the north-west corner of the site. It was essentially the only 'back land' development in Borden. Access was via an unmade driveway to the side and rear of the village hall. The existing dwelling was a chalet style bungalow of no particular architectural merit with flat roofed dormer rooms in the roof space. It was close to and roughly parallel with the north and west boundaries of its curtilage the remainder of which was predominantly driveway and rough grass. Although it could be glimpsed in some wider views from the public right of way to the south it had a relatively low profile, was at the lower part of the site, and was tucked behind other buildings.
- The proposed dwelling would be positioned centrally and further back on the plot compared with the existing dwelling and at higher land levels. The Inspector acknowledged that this would achieve a better outlook for future occupiers, provide more natural light and passive ventilation, and would avoid the root protection zone of the beech tree in the southwest corner of the site.
- The Inspector noted that the proposed building would have a large footprint being some 24m wide and 11m deep. At some 6m high it would be about the same height as the ridge of the existing dwelling. It would be of modern, flat-roofed, rectangular block design with many large openings partially broken by louvres. It would have two floors stepped so that the north elevation would be two storey and the south elevation would appear to be single storey with part of the building cut into the hillside. Although the flat roof kept the overall height lower, the building would be of significantly greater mass particularly at the upper floor level because of its rectangular block form notwithstanding that the roof would in part be sedum covered.
- The Inspector also noted that stepping back and variations in materials would create a degree of articulation. However, these were not sufficient to overcome such an overall large mass of solid rectangular form in this location. Nor did the building successfully follow the axis of the site as a greater degree of cutting into the slope would be required at the north west part of the building. Although part of the building would be parallel with the slope, substantial cut and fill engineering works would be required.
- In addition, the most prominent ground floor elevation would have a heavier nature stone base with relatively narrow horizontal windows of different sizes and degree of separation. The Inspector concluded that these would appear incongruous and discordant in relation to the full height large paned glazed openings above set behind a long glass balustrade. The fenestration overall would be at odds with the traditional local vernacular where openings tend to be smaller, more regular in shape and disposition, and to have smaller panes with glazing bars. Materials at first floor would be predominantly timber and glazing. With the Inspector noting that locally timber tends to be used for out buildings and the extent of glazing was uncharacteristic. The

Inspector acknowledged that design and materials were intended to simulate the natural openings and variations between the trees that were the backdrop to the house. However, they concluded that this would not appear to be the case given the overall mass and horizontal format of the building.

- Overall, the proposal would not be characteristic of the local area which comprised of pitched roof dwellings relatively modest in form with small apertures. It would not easily integrate with, respect, or sympathetically complement, the local village character. Relevant policies in both the Local Plan and Neighbourhood Plan call for the design of new buildings outside the core village of Milland to have regard to the vernacular character of buildings and materials. The Inspector concluded that neither the rectangular form, nor choice of materials, could be described as contributing positively, and being sensitive to, the defining characteristics of the local area.
- With regards to dark skies, the proposal was generally acceptable and / or could be controlled by condition. However, the proposal did include some external lighting to enable the use of the balcony areas to the north elevation. The Inspector noted that these would appear as a ribbon of light at a relatively high level in the landscape, even if well-designed and discreet. In addition, there was insufficient information to clearly establish the extent of any mitigation because of the height at which such light would appear. Therefore, they could not conclude that the proposal would not have a harmful effect on the dark skies and remote tranquillity of the valley.
- On issue (3), the Inspector concluded that due to the distance between Standings Cottage and the proposed dwelling, it was considered unlikely that the new house would cause over shadowing or be overbearing sufficient to warrant refusal in planning terms. However, the proposal would cause undue harm on the living conditions of occupiers of Standings Cottage by way of overlooking. This was because of the level differences between the site and Standings Cottage (information indicated a level change of approximately 6m). The Inspector found that people standing near the north– east glass balustrade would be able to see over the existing planting on the shared boundary and towards the windows and the private garden of Standing Cottage. Whilst the angle of view was oblique and replacement planting was proposed within the site that could ameliorate some of the harm, such vegetation would take some time to mature and could be cut back from time to time. Therefore, there would be undue harm to the living conditions of occupiers of Standings Cottage by overlooking.
- On issue (4) the Inspector, in taking a precautionary approach, concluded that there was not the supporting evidence which was precise, robust, and conclusive with no gaps, such as to provide sufficient certainty that the water abstraction impacts would, either alone or in combination with other schemes, not have a likely significant and adverse effect on the integrity of the Arun Valley sites. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/04105/LIS APP/Y9507/Y/23/3340762
Authority:	East Hants
Site:	East Lodge, Winchester Road, Bordean, near Petersfield, Hampshire, GU32 1EP
Description of Development:	The works proposed is the retention of existing windows
Decision and Date of Decision:	A 06 September 2024

Inspector's Reasoning:

- On a procedural matter, the Inspector noted that the proposal related to a listed building, so had to give special regard to sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). It was also acknowledged that the works described had taken place some time ago. However, the precise workings of section 7 the Act means that works carried out to a listed building are only authorised from the date of consent. That means that listed building consent cannot be granted retrospectively. In that context the description of works, with its reference to 'retention' was problematic. As such, they dealt with the appeal on the basis that listed building consent was sought for 'replacement windows'.
- The main issues were whether the proposal would preserve East Lodge and any of the features of special architectural or historic interest that it possessed, and whether it would preserve the setting of Bordean House.
- The Inspector noted that the historic significance of East Lodge was limited to its relationship with Bordean House, as one of a semi-detached pair of estate properties, the other being 'West Lodge', rather than any specific architectural merit. There was no strong evidence as to what the original windows of East Lodge would have looked like when Bordean House was listed. There was, however, a suggestion that they were metal casements with single glazed leaded panes, and that the existing windows replicate the pane pattern albeit within painted aluminium frames in wood surrounds and with stuck on leading.
- The Inspector also noted that this was not opposed by the Authority, and indeed the existing casement form and pane ratio had been considered acceptable in a later listed building consent (reference SDNP/24/01294/LIS). It was noted in the approved consent the existing windows would be replaced with full wooden framed double-glazed windows with through glazing bars and not 'like for like' replacements of the windows replaced by those which form the appeal proposal.
- The Inspector concluded with the significance of East Lodge related to its location rather than its architectural worth, and that the recently approved windows would be visually similar to the existing, especially when viewed from Bordean House, the proposal did not cause harm to the significance of East Lodge or the setting of Bordean House. Whilst it was acknowledged that the original windows had been removed so constituted a loss of historic

fabric, which may have diminished the architectural interest of East Lodge. However, in this case, it was not considered this to be to such an extent as to constitute material harm. Therefore, the proposal would preserve East Lodge's historic interest, which was its significance within the curtilage of Bordean House, and preserve the setting of Bordean House. The appeal was allowed.

Costs Decision – Refused

- The Inspector noted that the appellants was seeking a full award of costs as they considered that the Authority behaved unreasonably by giving the previous owner of the appeal property the impression the building was not listed and therefore the existing windows were installed. It was noted this took place in 2003. Accordingly, the appellant was now trying to regularise something which occurred before their ownership.
- The Inspector found, that although a regrettable situation it did not negate the fact that the applicant had not disputed that the appeal property should be considered as a 'curtilage' listed building due to its proximity and relationship with Bordean House, a Grade II listed building. As such on purchasing a listed building the onus of any unregulated works transfers with that building, and with no statutory limitation to enforcement, the need to gain the necessary consents also becomes a matter to be dealt with by that new owner. As the works require consent, an application was submitted and it is for the decision maker, in this case the Authority, to consider and decide whether it was acceptable or not. As the advice given to the previous owners appeared to be informal and as no formalised response was obtained to confirm that position, it simply constitutes the professional opinion of the responding officer at that time. The Authority was not bound to the opinions of their officers, and therefore it was within its capacity to formally refuse the listed building consent. It was then the applicant's decision to appeal that refusal.
- Notwithstanding the Inspector's decision to allow the appeal, they concluded that the Authority had not behaved unreasonably resulting in unnecessary or wasted expense, as such an award of costs was refused.

Planning Application and Appeal Reference Number:	SDNP/23/00540/LDE APP/Y9507/X/23/3321900
Authority:	Chichester
Site:	Hazelnut Cottage, The Street, Lodsworth, West Sussex, GU28 9BZ
Description of Development:	The use for which a certificate of lawful use or development is sought was initially described as ‘The lawful certificate relates to an area of land north-east of Hazelnut Cottage, and seeks to confirm that the land in question has been in use as part of the domestic curtilage (C3 use) associated with Hazelnut Cottage for at least the past 10 years continuously’
Decision and Date of Decision:	A 10 September 2024

Inspector’s Reasoning:

- The main issue was whether or not the Authority’s decision to refuse to grant a certificate of lawful use or development for the use of paddock to the north-east of Hazelnut Cottage as garden land in connection with Hazelnut Cottage was well-founded.
- The Inspector noted that for the appellant’s case to succeed, it would be necessary to show, on the balance of probabilities, that the use of the land as domestic garden in connection with Hazelnut Cottage had continued for at least a 10 year period since prior to the application being made, that being 7 February 2023 and thus 7 February 2013.
- The appeal property, Hazelnut Cottage, was granted planning permission in November 1994 (the 1994 permission). Extracts of the approved site layout plan shows an L-shaped building with a broadly square area of land to its east, largely enclosed and annotated as ‘garden’. Beyond, and wrapped around that area on its northern and eastern edges, a larger area was annotated as ‘paddock’. The Authority highlighted an informative attached to the 1994 permission which stated ‘*the residential curtilage is limited to the site shown edged red on the submitted plan*’ and that ‘*the adjacent land (edged blue on the submitted plan and annotated ‘Paddock’) may not lawfully be used for residential domestic purposes*’. The Inspector noted that plans provided of the 1994 permission were in black and white and neither party was able to provide a colourised version of the plan.
- The appellant submitted statutory declaration from both themselves and previous owners. Both state the land was used as garden land associated with the Hazelnut Cottage, including for the use of recreational and leisure activities, the playing of ball games and the installation of a swing and climbing frame and other domestic paraphernalia. The Inspector found the declarations to be persuasive. Given the status ascribed to statutory declarations and their content, any lies about the information contained therein could be prosecuted for the crime of perjury, and if convicted may have to pay significant fines or be sentenced accordingly. Therefore, the documents and their content were given significant weight.

- The Inspector noted the Authority suggestion that the land may have been used from time to time for recreation or amenity purposes over the years and that its use in that manner for not more than 28 days a year would not amount to a material change of use. However, the Inspector found that there had not been any real attempt to substantiate the suggestion. Nor had there been to explain the Authority's further contention that the introduction of a pergola to this area in approximately 2022 brought about the change of use of the land to garden area, when the statutory declarations suggested that the nature of use of the area, and the range of structures on it prior to that, was not materially different prior to the installation of the pergola. From the available evidence the pergola was just the latest in a range of domestic structures placed within the area of land.
- The Inspector concluded that no one part of the evidence submitted by either party was determinative by itself. However, taken together, that submitted by the appellant was sufficiently compelling, precise and unambiguous, and created an acceptably persuasive narrative as to the nature of the use of the land in question and its relationship to the main house, such that, on the balance of probabilities, the appellants' case should succeed. As such, the appeal was allowed as on the balance of probabilities it was more likely than not that the land in question had been used without substantial interruption as domestic residential garden associated with Hazelnut Cottage since at least 7 February 2013.

Planning Application and Appeal Reference Number:	SDNP/23/04467/LIS Appeal A: APP/PI425/Y/24/3340503
Authority:	Lewes
Site:	8 High Street, Ditchling, East Sussex, BN6 8TA
Description of Development:	The works proposed are described in the application form as: 'Porch: Remove existing brick and rendered side wall to the west side (High Street facing) of the porch. Build new flemish bond wall using old stock brick to the west side (High Street facing) of the porch. Capping timber with centre post. Paint all porch timber "off black". Remove and reposition rainwater goods on porch and reposition downpipe to east side of existing porch. Replace existing fixings with traditional style fixing and traditional downpipe shoe. Paint "off black". 3 windows at south elevation: Remove and replace crittall window with wooden casement single glazed 2nd floor south facing. Remove and replace existing window with wooden casement window single glazed at 1st floor south facing. Remove and replace existing uPVC basement window with wooden casement window, at floor level. 2 windows at west elevation: Remove and replace wooden sash windows with like for like replacement due to rot damage beyond repair. Fence & gate: Retrospective permission for rear garden fence and gate. Exterior redecoration & repair: All existing windows, sills, woodwork, rendering, rainwater goods to be prepared and repainted with traditional palette. (Farrow & Ball colour reference provided in design statement).'
Decision and Date of Decision:	D 16 September 2024
Planning Application and Appeal Reference Number:	SDNP/23/04466/HOUS Appeal B: APP/PI425/W/24/3340529
Authority:	Lewes
Site:	8 High Street, Ditchling, East Sussex, BN6 8TA

<p>Description of Development:</p>	<p>The development proposed is described in the application form as: 'Porch: Remove existing brick and rendered side wall to the west side (High Street facing) of the porch. Build new flemish bond wall using old stock brick to the west side (High Street facing) of the porch. Capping timber with centre post. Paint all porch timber "off black". Remove and reposition rainwater goods on porch and reposition downpipe to Appeal Decisions APP/P1425/Y/24/3340503, APP/P1425/W/24/3340529 https://www.gov.uk/planning-inspectorate 2 east side of existing porch. Replace existing fixings with traditional style fixing and traditional downpipe shoe. Paint "off black". 3 windows at south elevation: Remove and replace crittall window with wooden casement single glazed 2nd floor south facing. Remove and replace existing window with wooden casement window single glazed at 1st floor south facing. Remove and replace existing uPVC basement window with wooden casement window, at floor level. 2 windows at west elevation: Remove and replace wooden sash windows with like for like replacement due to rot damage beyond repair. Fence & gate: Retrospective permission for rear garden fence and gate. Exterior redecoration & repair: All existing windows, sills, woodwork, rendering, rainwater goods to be prepared and repainted with traditional palette. (Farrow & Ball colour reference provided in design statement).</p>
<p>Decision and Date of Decision:</p>	<p>D 16 September 2024</p>

Inspector's Reasoning:

- On a procedural matter both appeals were dealt with together as one related to the refusal of planning permission and the other related to refusal of Listed Building Consent.
- The main issue were (1) whether the proposals would preserve a Grade II listed building, known as '8-20 High Street' and any of the features of special architectural or historic interest and (2) the extent to which it would preserve or enhance the character or appearance of the Ditchling Conservation Area (CA).
- The Inspector noted that the property was at the southern end of a terrace of seven brick 18th century properties. Located on the east side of High Street in the centre of Ditchling village close to the crossroad with Lewes Road, the properties within the terrace historically formed part of the commercial core of the village, though they were now all in residential use.
- They also noted that No.8 incorporated a modern shop front with two historic wooden sash windows above, the later likely to date from the 19th century or earlier. Its extended south flank elevation with half hip gable end, included a predominantly open porch with a more recent unauthorised full height infill added on its west side. The elevation also incorporated varied fenestration including a large crittall style window at second floor level and modern rendering at ground floor level. The other properties in the terrace were simple in form and appearance. They contained differing styles of windows and doors, including what appeared to be some other examples of historic windows. The northern end property of the terrace featured a contrasting front gable. The terrace had been subject to some rear extensions including the recent part two storey and part single storey extension to

No.8 which replaced a previous extension. Taking account all of the above, the Inspector concluded that the special interest of the listed building, insofar as it related to the appeals, to be primarily associated with the architectural and historic interest of a 18th century village high street terrace and, despite some more recent alterations, the evidence of traditional materials and construction techniques that contribute to its historic form. In addition, the significance of the Conservation Area was primarily associated with the evidence of the historic commercial and residential development of the village, including the architectural and historical significance, of the listed buildings on High Street.

- The proposals included a low old stock brick wall on three sides of the porch (with an opening retained for access on the south side), following the removal of the unauthorised existing infill panel on its street facing side. The Inspector found that this proposed enclosure of the porch, albeit at only a low level, would partially interrupt the prominent south end elevation of the building and would represent a further addition to the existing porch. The resulting overall appearance of which would be at odds with the generally simple historic form and appearance of the listed building. Although the existing infill panel would be removed, this was a relatively recent and unauthorised addition and therefore its removal was not a redeeming factor of any significant weight. In conclusion the Inspector stated that whilst being only a relatively modest proposal in the context of the entire listed building, it would erode the historic and architectural integrity of the listed building and, taking account of its visibility within the street scene, would adversely affect the character and appearance of the Conservation Area.
- With regards to the windows, the Inspector found that although their condition was clearly deteriorating, the two first floor sliding sash windows in the front elevation have historic and architectural importance including the glazing bars and the reflective qualities of the historic glass panes. Therefore, it appeared entirely possible that both windows were capable of being restored through a careful schedule of repair and there was no evidence to suggest that this would not be feasible. On that basis, they considered that their loss would undermine the historic and architectural integrity of the listed building and would be harmful to the character and appearance of the Conservation Area.
- With regards to the other proposed works, subject to detailed specification, the other alterations including the more sympathetic replacement of existing newer windows, were capable of being acceptable subject to relevant further detail where appropriate. However, they would not amount to such improvements that would outweigh the harm identified above.
- The Inspector concluded that the proposals failed to preserve the special interest of the listed building and failed to preserve or enhance the character or appearance of the Conservation Area. Given that the proposed works would only affect part of the listed building including only a small part of its historic fabric, the harm was found to be to be less than substantial but nevertheless of considerable importance and weight. The Inspector acknowledged that the replacement windows may lead to improvements for energy efficiency and the living environment of the property. However, such a benefit could still accrue to an extent from the appropriate repair and maintenance of the windows. Furthermore, the continued viable use of the property as a residential dwelling was not dependent on the proposal as the building had an ongoing residential use that would not cease in its absence. They also acknowledged the potential for limited benefit to the integrity of the listed building arising from the other proposed works. However, the overall public benefits would be modest and would be outweighed by the harm identified. Therefore, the appeals were dismissed.