

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/23/00522/LIS APP/Y9507/Y/23/3325608
Authority:	Lewes
Site:	141 High Street, Lewes, East Sussex BN7 1XS
Description of Development:	The works proposed are creation of first floor to accommodate two additional classrooms within existing workshop, additional window to ground floor, replace roof finish with slate roof with single feature rooflight
Decision and Date of Decision:	D 04 October 2024

Inspector's Reasoning:

- The main issues were (i) whether the proposed works would preserve the listed building, its setting and any features of special architectural and or historic interest which it possesses, and (ii) whether the character or appearance of the Lewes Conservation Area (CA) would be preserved or enhanced.
- The Inspector noted that No: 141 was an imposing five-bay mid Georgian townhouse with squared and coursed knapped flint and stone quoins on its front elevation and the rear of the property was dominated by two outbuildings, one being the former squash court (the subject of this appeal). The former squash court was a two-storey brick building with shallow buttresses on the east and west elevations. Although the squash court had been altered to facilitate its use, it still had a simple and functional appearance with only one window and door on its flank elevations. The roof structure was a 'Fink' metal truss with a decorative ridge crest, covered with likely later translucent roofing panels. The ridge crest was not indicated on the submitted drawings, but the Inspector had no reason to doubt that it, along with the Fink truss, formed part of the historic fabric of the building. The Inspector concluded that the ridge crest was an aesthetically pleasing decorative element on a predominantly functional building.

- The Inspector found that the special interest of No: 141 was its architectural interest as an aesthetically pleasing town house using vernacular materials and classical proportions, the surviving historic fabric, plan form and the evidential value / legibility of its evolving uses (the former squash court was an identifiable surviving element from the earlier use of the site as a country club).
- The Inspector noted that the proposed internal works included the removal of the existing first floor gallery along with the likely original staircase. A new first floor would be installed with a staircase in a similar location, providing two classrooms over the entire plan area of the building. The new first floor structure would be supported on structural posts with new timber lining and insulation to the walls. As a result of the works, the distinctive open internal space would be lost through the insertion of the first floor across the whole footprint of the building, at a higher level than the historic viewing gallery. The distinctive raked plaster line would also be lost through the insertion of the timber lining.
- The Inspector also noted that the metal 'Fink' roof truss structure would be retained but the translucent panels would be replaced partly with slate and a central feature roof lantern window. However, it was unclear whether the distinctive external ridge crest would be lost. Moreover, the introduction of slate across much of the roof would substantially change the sense of light and spaciousness that was integral to the character of the building. This together with other alterations (such as the insertion of a window at ground floor, whilst low key and unobtrusive) would contribute to an incremental erosion of the legibility of the former squash court use. They concluded that the proposal would undermine the external appearance and character of the building and would detract from its evidential and aesthetic value, and result in some loss of original fabric. Therefore, it followed that the works would fail to preserve the Grade II listed building, its setting, and any features of special architectural or historic interest.
- With regards to the CA, the Inspector noted that the appeal building formed part of the views to the west over the historic western end of the High Street, where the roofscape of this part of the town was dominated by slate and clay roofs in vernacular and historic forms. The former squash court was also visible in views from the Castle and its associated 'Keep', a Grade I listed Building. They found that the proposed works would adhere to its overall form and scale and the replacement covering would reduce the amount of translucent material and introduce some slate, a more prevalent material in the wider roofscape. The proposed changes would be in keeping with its surroundings and not appear harmfully out of place and therefore the character and appearance of the CA would be preserved.
- The Inspector concluded that the proposed works would cause 'less than substantial' harm and such harm should be weighed against the public benefits of the proposal. The Inspector acknowledged that the replacement roof covering and insulation works would improve the overall thermal performance of the building, achieving public benefits associated with improved energy efficiency and carbon reduction. However, they had not been provided with any evidence to demonstrate that the proposed roof would outperform a more authentic roof covering that would better reflect the characteristically translucent appearance of the roof. Therefore, this reduced the weight attributed to this public benefit. The Inspector also acknowledged that the proposed works would also provide additional accommodation and specialist teaching space to help deliver the school curriculum. However, they had been presented with limited evidence to indicate whether the roof level and internal changes were the least harmful means of achieving similar public benefits. The Inspector found that, even cumulatively, the public benefits of the proposal were not sufficient to outweigh the harm to the significance of the Grade II listed building. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/24/00473/HOUS APP/Y9507/D/24/3345105
Authority:	Lewes
Site:	15 Garden Street, Lewes, East Sussex BN7 1TJ
Description of Development:	The development proposed is “Works to refurbish the house to include: painting of the front door to a muted blue, repair and maintenance of windows front and back including to fit double glazed panes. Replacement of windows in front door and to side from "bubble glass" to double-glazed frosted glass, to mirror the house next door. Replacement of bathroom uPVC window with wooden casement window. Installation of Sky satellite to chimney in the same line of direction as those on existing houses on the row. Front gate to be replaced with wooden gate to the same height as the existing iron gate. Removal of iron grab rails from the front door area. Installation of external light to same traditional lantern design as those on Eastport Lane. Replace existing rotten wooden fence on the side of the house along Eastport Lane with like for like. Repair of rendering on brick wall beneath the fence after significant damage in the January storms. Replacement of rotten white gate adjacent to 5 Eastport Lane with new wooden unpainted standard tongue and groove gate (c1.75m high) with security lock. Replace existing rotten wooden fence on the back of the house with like for like and a new standard tongue and groove gate (c1.75m high) with security lock. Repainting of the back of the house in the same colour. Repair and maintenance of back door and repainted (but cannot be seen from the road in any event). Replace existing wooden rotten shed door in garden with new secure wooden door (but cannot be seen from the road in any event)”.
Decision and Date of Decision:	D 08 October 2024

Inspector’s Reasoning:

- Procedural matters – during the appeal submission the appellant confirmed that the satellite dish and the double glazing to the windows in the back wall of the dwelling had been omitted. As a result, the Authority’s concerns in its reason for refusal No: 2 ceased to be relevant.
- The main issue was whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area (CA).
- The Inspector noted that the appeal site was situated on the prominent south west corner where Eastport Lane met Garden Street. One side of the appeal dwelling’s back garden adjoined Eastport Lane, therefore nearly all of the dwelling could be seen from the nearby parts of the adjoining streets. In addition, all of the dwellings at 12, 13, 14 and 15 Garden Street (the group) formed a terrace of broadly symmetrical pairs of similar dwellings. The dwellings in the group included shallow front gardens that were partly bounded at the front by low brick walls, which, whilst they varied in their details, were important to the composition of the group. Due to its siting, historic form and features, and its contribution to the group, the appeal dwelling

made a positive contribution to the character and the appearance of the CA. The Inspector concluded that most of the dwelling’s front facing external joinery and the treatment of its grounds were some of its most important features and in addition the dwelling’s most important glazed openings were the front ground and upper floor windows in the double height bay, and the part glazed front door and its side light.

- The proposed works included the replacement of most of the single glazing in the front of the dwelling with double glazing. The Inspector noted that the appellant implied that the existing frames would be routed so that the double-glazed units (IGUs) could be fitted from the inside. However, they found that the existing panes appeared to be putty glazed from the outside, so there was little evidence that this method of fitting the IGUs would be effective. In addition, the proposed ‘standard slimline’ IGUs, would unacceptably alter the appearance of the windows and the works needed to fit the IGUs into the existing frames could reduce the durability and endurance of the existing frames, which could ultimately lead to the loss of the existing window frames. The Inspector concluded that due to its discordant appearance and modern character, the proposed obscure glazed IGUs for the front door and side light would erode the historic character and appearance of the dwelling.
- The Inspector found that the details, including the colours and finishes, for the proposed decoration of the front and the back walls and the front door of the dwelling and details for the works to the low wall by Eastport Lane, had not been clearly specified. So, it had not been shown that the works would preserve or enhance the character or appearance of the heritage asset. With regards to the existing gate in the garden wall at the front of the dwelling, whilst different to that at No: 12, it was sympathetic to the character of the dwelling, in scale with the opening, fixed to the wall’s brick jambs, and reflected the decorative ironwork that was characteristic of the local area. By contrast, the commonplace form and bland design of the proposed metal gate, with or without its dominant gate posts, would be detrimental to the character of the CA. The Inspector concluded, taking the precautionary principle, the proposal would fail to preserve or enhance the character or appearance of the CA and the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/02269/FUL APP/Y9507/W/24/3337836
Authority:	SDNPA
Site:	Sussex Heritage Centre, Sefton Place, Warningcamp, West Sussex, BN18 9QY
Description of Development:	The development proposed is erection of new structure on site.
Decision and Date of Decision:	D 08 October 2024

Inspector’s Reasoning:

- The main issue was the effect on the character and appearance of the National Park.

- The Inspector noted that the roughly square-plan site was situated about a mile from Arundel on the north east and south west sides of a private lane. The site included the substantial historic building at Sefton Place and the existing tourist accommodation (situated roughly in the east part of the site). The north and south parts of the site were mainly grassed, and the west part included mostly hard surfaced parking and turning area. The Inspector also noted that the surrounding countryside was mainly characterised by open fields partly bounded by hedgerows, with occasional trees and woodland blocks, and the River Arun winding through its floodplain nearby to west. Therefore, the area had a rural character and mainly verdant appearance. In addition, the handsome form and features of the building at Sefton Place, and the openness in its grounds, made a positive contribution to the sense of place.
- The Inspector noted that the proposed accommodation (for the existing business) would be a separate mostly 2 storey barn-hipped roofed building in the west part of the site. The building would include 3 ground floor bedrooms and 2 bathrooms and a single garage with a store. The proposal's upper floor, which would be partly within its roof space, would include 2 shared activity rooms, an office and another store.
- The Inspector concluded that due to its scale, bulk, domestic features and discordant character, the proposal would look more like a new dwelling than an outbuilding or annex for Sefton Place. For the same reasons, and as most of the land around the proposed building would be hard surfaced, the proposal would have an unacceptably built-up character and appearance. Moreover, as the proposal and cars parked on its extensive hard surfaces would be sited close to the existing building, they would harmfully erode the important openness within the grounds of the building at Sefton Place. Therefore, the proposal would diminish the positive contribution of Sefton Place to the National Park's cultural heritage.
- The Inspector acknowledged that the number of car and cycle parking spaces for the existing and proposed developments would be broadly in line with the Authority's standards. However, they also noted that there would be insufficient room for cars to manoeuvre into and out of most parking spaces, and the proposed garage would be undersized. Therefore, as an acceptable parking scheme would be likely to take up more of the existing building's grounds, to the detriment of the local landscape character, its details could not reasonably be dealt with by conditions. In addition, there was little evidence to show that the health, longevity and landscape value of the existing trees and hedgerows on or near the site would not be adversely affected during or after construction, the proposal could diminish their rural character and mostly verdant appearance. They concluded that whilst the proposal would broadly respect the scale and siting of the dwellings to the north west, it would be incongruous within the grounds of the existing building at Sefton Place, and at odds with the surrounding landscape. Therefore, the proposed development would harm the character and appearance of the surrounding area, and it would fail to conserve and enhance the landscape and scenic beauty of the National Park.

Planning Application and Appeal Reference Number:	SDNP/23/04236/FUL Appeal A: APP/Y9507/W/23/3335620
Authority:	Lewes
Site:	28a Station Street, Lewes BN7 2DB
Description of Development:	The development proposed is 2 No. replacement windows to front elevation
Decision and Date of Decision:	D 09 October 2024
Planning Application and Appeal Reference Number:	SDNP/23/03930/LIS Appeal B: APP/Y9507/Y/23/3335636
Authority:	Lewes
Site:	28a Station Street, Lewes BN7 2DB
Description of Development:	The works proposed are replacement of 2 existing front-facing windows with new double-glazed equivalents.
Decision and Date of Decision:	D 09 October 2024

Inspector’s Reasoning:

- The main issues were (i) whether the proposal would preserve a Grade II listed building (known as 27 and 28, Station Street) and any of the features of special architectural or historic interest that it possesses, and (ii) the extent to which it would preserve or enhance the character or appearance of the Lewes Conservation Area (CA).
- The Inspector noted that the Listed Building dated from the early 19th century, with grey brick headers on the front elevations and red brick dressings and comprised of two dwellings each having a single bay and sash windows on the first and second floors and shop units on the ground floor (with paired glazed doors and wooden architrave surrounds). The Listed Building was prominent owing to its historic shop fronts, distinctive grey headers, red brick dressings, and classically proportioned sash windows. The Inspector concluded that the special interest of the Listed Building lie in its aesthetic value as

a balanced pair of 19th century houses with shop fronts within the historic town centre, as well as the evidential value of its historic fabric. In addition, the significance of the CA lie in the aesthetic and evidential value of the Town’s 19th century development.

- The proposal would remove the two double-hung and single-glazed sash windows with glazing bars on the first and second floor of the front elevation, including the timber frames. The glass and timber frames would be replaced with new timber frames and double glazed ‘slimline’ units. The Inspector noted that the applications were made on the basis that the windows would be ‘like for like’ but concluded that it was clear from the details that frames, cills and glazing bars would be chunkier than the existing. The meeting rails would be thicker than the glazing bars, which differed from the existing windows where they are largely indistinguishable. This would change the relationship between the timber elements and the glazing, as the panes would be slightly smaller than existing, resulting in a jarring visual appearance in comparison to the historic windows in the adjoining dwelling. The double-glazed units would also be apparent due to the different visual and reflective qualities which would be discernible in views of the property.
- Overall, the Inspector concluded that the replacement windows would lack the authenticity and elegance of the existing windows and would undermine the evidential and aesthetic value of the Listed Building. In addition, the proposal would result in a highly discordant appearance that would detract from the positive contribution that the building makes to the significance of the CA. Therefore, the proposal failed to preserve the special interest of the Listed Building and failed to preserve or enhance the character or appearance of the CA.

Planning Application and Appeal Reference Number:	SDNP/23/05363/LDE APP/Y9507/X/24/3340543
Authority:	East Hants
Site:	The Old Stable, Lythe Lane, Petersfield, Hampshire GU32 1AT
Description of Development:	The use for which an LDC is sought is use of stable building as a single residential dwelling
Decision and Date of Decision:	D 10 October 2024

Inspector’s Reasoning:

- The main issue was whether the Authority’s decision to refuse to issue a Lawful Development Certificate (LDC) was well founded. This turned on (i) whether the change of use of the building to use as a single residential dwelling was instituted on or before 20 December 2019 (the Relevant Date), 4 years before the date of the application, and (ii) whether the use as a single residential dwelling continued thereafter, without significant interruption, for a period of not less than 4 years. If both could be demonstrated, on the balance of probability, the use of the building as a single residential dwelling would be lawful.

- The Inspector noted that the LDC was sought in respect of a building formerly used as stables within a land holding known as Foxfield Farm. The appellant's evidence included 3 Statutory Declarations, a letter from a person who rented an adjacent stable and grazing land and a bundle of other documents dated between December 2016 and January 2023.
- The Inspector acknowledged that viewed in isolation, the submitted Statutory Declarations (stating they have lived in the Stables since November 2019) of the appellant and his father were evidence of residential occupation over an uninterrupted 4-year period that should be afforded weight. However, it must also be determined whether any other evidence contradicts or otherwise makes their version of events less than probable.
- The Authority placed weight on the content of a Planning, Design and Access Statement accompanying a planning application submitted in June 2020. That described 'The Old Stable as one of two stable blocks on land then in equestrian use'. However, the author of the report confirmed to the Inspector that they did not go to the site at that time, relying on their recollection from visiting before, and had not been advised of any residential use. The Inspector did not doubt that explanation.
- With regards to the other evidence submitted, the Inspector noted that, with 2 exceptions, this comprised documents from after the Relevant Date, therefore they could not substantiate the use as being lawful. The 2 exceptions were invoices issued by contractors, which reported to show that works to convert the building to enable habitable use were carried out in 2016 and 2017. The first of the invoices (dated 1 December 2016), was addressed to David Graver Lettings Ltd and was for supply and fit a new carpet on new underlay and gripper and new vinyl flooring for the kitchen area and WC at premises described as "the old stable". The Inspector supported the Authority's position that as the invoice did not specify the location in any more detail it could have related to any former stable building within the letting company's portfolio. In addition, the Inspector acknowledged that an almost identical invoice, with the same number, from the same company to the same customer, for the same work, and for the same amount is included in the bundle. The date on that invoice was exactly 4 years later and, crucially, after the Relevant Date. This apparent duplication created significant ambiguity. The Inspector concluded that in the absence of any explanation for the ambiguity and other discrepancies it was most probable that the floor coverings were laid in late 2020, about a year after the Relevant Date. In addition, the information within the 2nd invoice (dated 21 April 2017) and related to works associated with installation of plumbing and central heating, electrical power and lighting was too imprecise and would further undermine the credibility of the first invoice. That is because it is inconsistent with the claim that laying carpet, normally one of the last actions in preparing for residential use, had been undertaken the previous December.
- The Inspector also noted that amongst the evidence submitted was a further invoice issued by a timber and building supplies company to David Graver Building Services Ltd. on 8 March 2021 with the reference "Foxfield Old Stables." The goods supplied were 72m of treated timber, 24m of drainage pipes, and 2 inspection chambers and covers. The Inspector concluded that the amount of timber was consistent with the formation of partition walls like those separating the bedroom, bathroom, utility room and lounge/kitchenette on the submitted floor plan and it was to be expected that the drainage goods would be installed when making a non-residential building capable of use as a dwelling. However, the use or installation of the goods supplied after some 15 months of residential occupation would be unusual. This unexplained anomaly created significant ambiguity as to whether all enabling works were carried out in 2016 and 2017, as claimed. Rather, it suggested they were not completed before March 2021, casting further doubt on whether use as a single residential dwelling could have begun in November 2019. As a result, it was considered overall and on the balance of probability, the presented evidence was not sufficiently precise and unambiguous for an LDC to be issued. Therefore, the Authority's refusal to grant the LDC in respect of the use of stable building as a single residential dwelling was well-founded and the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/24/00854/HOUS APP/Y9507/D/24/3345521
Authority:	Lewes
Site:	2 Foundry Cottages, Foundry Lane, Lewes, East Sussex, BN7 2AS
Description of Development:	The development proposed is new full width dormer to front elevation
Decision and Date of Decision:	D 11 October 2024

Inspector's Reasoning:

- The main issue was whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area (CA).
- The Inspector noted that the appeal dwelling was located mid terrace (within a terrace of 3 similar traditionally styled modern townhouses) in Foundry Lane, within the CA and within an area subject to an Article 4 Direction. The existing dwelling included a bedroom and a bathroom partly within its roof space, which were lit by a roughly east (front) facing dormer window and a roof light. They also noted that due to the tight knit urban grain in the narrow lanes and twittens off the main streets, some buildings within the CA can only be appreciated from other nearby buildings and their gardens or yards, or in narrow views from the public domain. Even so, and despite the partial screening effect of the intervening vegetation, much of the appeal dwelling including its important roofscape could be appreciated from the nearby part of Foundry Lane, in westward views along Farncombe Road, and from the nearby part of Morris Road. As the appeal dwelling could also be seen from the upper floor openings in the nearby buildings, and as its roofscape was important to the character of the townscape in longer views from its sloping surroundings, the dwelling made a positive contribution to the character and appearance of the CA.
- The proposal was to replace the existing dormer and roof light in the dwelling's front facing roof slope with an almost full width part hipped and part flat roofed dormer.
- The Inspector concluded that due to the proposal's substantial bulk and width, dominant form, and discordant window pattern, it would be harmfully at odds with the character and appearance of the dwelling and the terrace. As its design, scale and proportions would fail to respect the traditional character and harmonious appearance of most nearby buildings, the proposal would be incongruous. Therefore, the proposed development would fail to preserve or enhance the character or appearance of the CA.

Planning Application and Appeal Reference Number:	SDNP/23/01045/FUL Appeal A Ref: APP/Y9507/W/23/3333607
Authority:	Chichester
Site:	Hoyle Lane Stables, Hoyle Lane, Heyshott, West Sussex GU29 0DX
Description of Development:	The development proposed is the conversion and alteration of equestrian stables to create to 2 self-contained dwelling units for holiday let use.
Decision and Date of Decision:	D 15 October 2024
Planning Application and Appeal Reference Number:	SDNP/23/04296/FUL Appeal B Ref: APP/Y9507/W/24/3343032
Authority:	Chichester
Site:	Hoyle Lane Stables, Hoyle Lane, Heyshott, West Sussex GU29 0DX
Description of Development:	The development proposed is the conversion and alteration of equestrian stables to create one x four bedroom dwelling unit, and demolition of a modern stable building.
Decision and Date of Decision:	D 15 October 2024

Inspector's Reasoning:

- There were two applications (both refused) relating to the re-use of the same existing building, with different alternative uses, Appeal A was for the conversion of the building to create 2 holiday lets (self-contained) with the modern stable block retained and Appeal B was for the conversion of the building into a four-bedroom dwelling and the demolition of the modern stable block. Both appeals were dealt with together. The main issues were (i) the effect of the proposed developments on the National Park's special qualities, (ii) whether the appeal site was a suitable location for the proposed developments having regard to relevant local policies relating to the countryside, (iii) the effect of the proposed developments on heritage assets, and (iv) the effect of the proposed developments on the Arun Valley designated sites with specific regard to the Sussex North Water Resource (supply) Zone.

- The Inspector noted that the appeal site constituted 2 'L' shaped buildings, the larger being historically an extended barn and made of brick (the appeal building) and the smaller being a purpose built wooden stable block (the stable block). Both of the buildings were surrounded by hardstanding and used for equestrian purposes. It, along with the adjacent paddock, were located centrally within the hamlet of Hoyle. Hoyle was a small collection of residential dwellings, with the appeal site the only non-residential use, set within a rolling landscape of a patchwork of fields and woodland. Both Appeals would reuse the appeal building and would not alter its overall size, shape, and general design and both proposals would create parking to the side of the appeal building and provide a formalised garden space within the courtyard created by the appeal building's 'L' shape.
- The Inspector also noted that the location of the appeal site along with the adjacent paddock, and its open character provided relief to the otherwise enclosed nature of the residential properties in the hamlet. This allowed glimpses of the surrounding countryside and provided context to Hoyle's location within the wider landscape.
- Noting that both Appeals would physically change the use of the site from equestrian to residential, the Inspector concluded that this would alter the overall character of the site and increase the variety, and potentially the amount, of activity undertaken which would alter the visual and aural environment of the appeal site. Ultimately, this would remove the integral rural nature of its existing use from the hamlet and reduce Hoyle to an entirely residential settlement which would alter the experiential qualities which connected it to the surrounding landscape. Therefore, harming the special qualities of this part of the National Park. In addition, the Inspector found that this would be further exacerbated within Appeal A, where the intensity of the residential use with multiple and continuing changes of occupants had the potential to be intrusive and therefore more impacting than the current equestrian use in relation to the relative tranquillity of its surroundings. Whilst both proposals would only have a limited impact on the physical form of the appeal building and, therefore, its visual relationship with the wider landscape would only be minimally impacted, with the wider countryside views over the appeal site would largely be retained. However, this did not alter their findings in relation to the special qualities of this part of the National Park. Overall, both proposals would have a detrimental effect on the special character and qualities of the National Park and undermine its Purposes.
- With regards to Dark Skies (Policy SD8), the Inspector was satisfied that if the schemes had been acceptable this issue could have been controlled by suitably worded conditions. Therefore, the proposals could conserve the intrinsic quality of the dark night skies.
- With regards to the countryside location (i.e. outside the settlement boundary), the Inspector accepted that the site was a 'previously developed site' so the proposals could meet the criteria set out in Policy SD25 if the proposals constituted appropriate reuses of the site. For Appeal A the Inspector found it was not an appropriate reuse of the site due to conflicts with Policy SD23 which requires the proposal to minimise the need for travel by private car and to encourage access / subsequent travel by sustainable means. As well as requiring development of this nature, to be closely associated with other attractions / established tourist uses, including the public right of way network. Whilst the site was well related to the public right of way network, specifically footpaths. Hoyle was remote from any other tourist uses and general services and facilities. The nearest being a public house approximately 1km away (which was accessible via the footpath network, either across fields or along a series of country roads). However, the Inspector noted that both these routes were largely unlit, with the roads not providing specific pavements and the field paths being unpaved. Accordingly for potential users of the tourist accommodation these would not necessarily be the preferred options to travel in the evening or for those who are less mobile. Nor were there any obvious local facilities to purchase day to day items so again would likely require the use of private cars. For Appeal B, the Inspector concluded that as the site was within a small residential hamlet, there was the potential that the new dwelling could be considered an

appropriate use, subject to its impact on the National Park's special qualities being acceptable. However, as they had already concluded that there would be a detrimentally impact the special qualities, Appeal B failed to comply Policy SD25.

- With regards to impacts to Heritage Assets, the Inspector concluded that although both appeals would not significantly alter the physicality of the appeal building, they would change its use which would permanently alter its character from a working yard to residential. Due to its importance within the understanding of the CA, this change of use would therefore have a detrimental impact on the character of the CA. In relation to the appearance of the CA, the Inspector acknowledged that with suitable landscaping and detailing it was likely the visual impact of both proposals could be minimal. For similar reasons, the appeals were unlikely to harm the setting of the Listed Building (adjacent to a grade II listed building known as "Old Hoyle") and could retain the historic visual hierarchy between the Listed Building and the appeal building (a range of farm buildings). The harm to the character of the CA was deemed to be a less than substantial harm, which could be outweighed by public benefits. However, the Inspector concluded that any public benefit associated with repairing and retaining the appeal building (and thereby retain its presence and relationship with the surrounding heritage assets) was limited.
- With regards to the impacts to the Arun Valley (i.e. water neutrality). For Appeal A, the Inspector noted that the calculations used assumed that the number of horses on site would be reduced to 5, and occupancy of the proposed tourist accommodation would be limited to 70%. However, the site would have capability to house more than 5 horses and the tourist accommodation could be used for more than 70% of the time. Therefore, without any mechanism to secure the maximum capacities of use, there was not enough certainty that Appeal A would not represent a material increase in water demand, contrary to the relevant policies. For Appeal B, the Inspector was satisfied that reuse of the site for a single residential dwelling was unlikely to constitute an increase in water demand and details could be conditioned. Therefore, this proposal was not contrary to the relevant policies. However, this did not outweigh the other harms identified, therefore both appeals were dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/02642/HOUS APP/Y9507/D/24/3340188
Authority:	Chichester
Site:	Park Farm, Rake Road, Milland, West Sussex, GU30 7JT
Description of Development:	The development proposed is the conversion of outbuilding to ancillary accommodation
Decision and Date of Decision:	D 17 October 2024

Inspector’s Reasoning:

- The Inspector noted that the proposal was for the conversion of an existing building into part storage, part office, and part accommodation. The accommodation comprised an open plan kitchen, dinner and lounge, bathroom, and bedroom. The Authority considered the accommodation element to constitute a separate dwelling, whilst the appellant maintained that this element would constitute ancillary accommodation in the form of an annex. Therefore, the main issues were (i) whether the accommodation element of the proposed development would constitute ancillary accommodation, (ii) the effect of the proposed development on the special qualities of the National Park, and (iii) the effect of the proposed development on the Arun Valley designated sites with specific regard to the Sussex North Water Resource (supply) Zone.
- The Inspector noted that the building proposed to be converted (the appeal building) was located along the main drive for the host dwelling known as Park Farm. The proposed accommodation element would be in the southern portion of the appeal building facing out towards the wider appeal site with the office in the middle of the building and the proposed storage closest to the host dwelling.
- Given the proposal would be within an existing building and would be in the same ownership as Park Farm, share utility services, access, and the existing vehicular parking and private amenity spaces related to that dwelling; the Inspector was satisfied that a ‘functional link’ could be demonstrated in accordance with Policy SD31 helping to demonstrate the proposal was an ‘annex’. However, it would be physically separated from the host dwelling with the proposed storage element being more closely related to the Park Farm then the accommodation element. The use of the proposed accommodation element would be achieved with little to no interaction with the host dwelling and would be visually and spatially separated from it by the gates enclosing the parking area in front of Park Farm and the existing garage building. A physical dependency between the accommodation element of the proposal and host dwelling had not been shown. Therefore, the accommodation element of the proposal would fail to comply with Policy SD31 so in this instance could not be considered ancillary accommodation.

- The Inspector found that as the proposal would not significantly intensify the use of the appeal site to such an extent as to change the visual or aural environment of its immediate vicinity, and its appearance could be secured via conditions, the proposal would not harm the overall character and appearance of the surrounding landscape.
- With regards to the impacts to the Arun Valley (i.e. water neutrality). The proposal would increase water demand as it would include additional services which would require water, such as kitchen and bathroom facilities, and would allow an increase in the number of occupants of Park Farm as a whole. The Inspector noted the appellant's intentions to use a borehole located within the appeal site. However, how this related to the Sussex North Water Resource (supply) Zone was unclear. Taking a precautionary approach to this issue, they were unable to conclude that the proposal would not harm the Arun Valley designated sites. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/03628/CND APP/Y9507/W/24/3340334
Authority:	Chichester
Site:	Fisher Hill Flat, Fisher Street, Northchapel, West Sussex, GU28 9EJ
Description of Development and Conditions in dispute:	<p>The application sought planning permission for the demolition of existing flat and garaging (Fisher Hill Flat) and its replacement with a two storey, 3 no. bedroom ancillary residential annexe, garage and bin store, together with a plant room for the adjacent cottage without complying with conditions attached to planning permission Ref SDNP/22/04264/FUL, dated 1 June 2023. The conditions in dispute are Nos 2, 5, 6 and 8 which state that:</p> <p><i>Condition 2: 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".</i></p> <p><i>Condition 5: The first floor windows on the north and west elevations hereby approved shall be fitted with automatic blackout blinds to avoid any light spill in accordance with sections 6.3 and 9 of the SDNPA's Dark Skies Technical Advice Note (May 2021). Once installed the blinds shall be maintained in working order and retained as approved in perpetuity.</i></p> <p><i>Condition 6: The development hereby permitted shall be carried out in accordance with the approved Water Neutrality Statement/Budget prepared by ECE Planning and received 23.01.2023 and retained thereafter, and shall include the retro fitting of the existing property as stipulated in the Water Neutrality Statement/Budget. Such fittings shall be retained within the property thereafter or only replaced with fittings with the same efficiency or a higher level of efficiency unless otherwise agreed in writing by the Local Planning Authority.</i></p> <p><i>Condition 8: The details and mitigation methods contained within the Bat Emergence Survey Report dated July 2022 prepared by Lizard Design and Ecology for the development hereby permitted are approved and shall be implemented in full. Specific reference is made to appendix 5 of the report. A Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.</i></p>
Decision and Date of Decision:	D 17 October 2024

Inspector's Reasoning:

- Procedural Matter – The Authority did not object to the removal of Condition 8 (as it no longer considered that there was a requirement for a Natural England Protected Species Licence) nor did it object to the alternative wording put forward for Condition 6. However, the appeal also sought permission to amend the approved scheme in relation to the design of the new annex. The amendments included changes to the materials, height, and

fenestration as well as an extension to the patio. The application sought to achieve this through the removal or variation of Condition 5 (which required provision of automated black out blinds on the first-floor windows within the north and west elevation). However, Condition 2 of the planning permission required that the development be carried out in accordance with the drawings submitted for approval. Therefore, the alterations to the design of the new annex would require the variation or removal of Condition 2. Therefore, the Inspector determined the appeal on the basis that appellants were seeking to remove or vary both Conditions 2 and 5.

- The Inspector acknowledged that the appeal site was within the setting of 'Fisher Hill House', a Grade II listed building and within the Fisher Street Conservation Area (the CA). As such the main issues were (i) the effect that varying the conditions would have in relation to the design of the new annex on the setting of the Listed Building and the character and appearance of the CA, and (ii) the effect on the intrinsic qualities and purposes of the National Park with specific regard to its landscape character and dark skies.
- In terms of impacts to heritage assets, the Inspector acknowledged that the impact of proposed changes to the new annex must be considered in context with that approved. Therefore, they noted that the 'Fisher Hill Flat' (a flat roofed two-storey annex) had been demolished and that historically the appeal site once had a Sussex Barn on it which was significantly taller than 'Fisher Hill Flat'. They also acknowledged that the approved annex would have retained the subservient nature that existed between the former 'Fisher Hill Flat' (now demolished) and 'Fisher Hill Cottage', and the Listed Building, and would be a modern interpretation of the rural vernacular of the area.
- The Inspector noted that the proposed amendments sought to revert back to the original Sussex Barn which would have been a significantly more dominant feature within the setting of the Listed Building and the wider CA, due to its height exceeding that of 'Fisher Hill Cottage'. However, the proposed amendments would create an overly domesticated approach to the Sussex Barn style, with the rear elevation including window proportions and placements more reminiscent of a traditional house than a barn. This would be at odds with the proposed inclusion of arrow slit windows and the oversized, glazed, opening within the front elevation, which were design elements that could be found within the Sussex Barn vernacular. Therefore, the awkwardness in the overall design did not clearly represent the previous barn on the site and this along with its increased height would overwhelm 'Fisher Hill Cottage'. As such the proposed amendments would neither re-instate a previous building form nor retain the existing subservient relationship between the annex and 'Fisher Hill Cottage', and 'Fisher Hill House', thus failing to preserve the Listed Building's setting.
- Further, the rear elevation would be most apparent within the CA as it faced out over the open fields behind. As this elevation would be read as a residential property rather than a 'converted barn' it would introduce an incongruous feature into views of this area and so would harm the character and appearance of the CA. The Inspector concluded that whilst the approved scheme would also have a domestically styled rear elevation, due to its lower height and form, it would be considerably less bulky, so less visible than that proposed. It was also noted that the proposed amendments would create a building taller than the former 'Fisher Hill Flat'. Therefore, the impact of the proposed amendments on the CA would be greater than that of the approved annex and potentially the former 'Fisher Hill Flat'. The proposal would cause less than substantial harm and removal of Fisher Hill Flat could be seen as a benefit to the setting of the Listed Building and the character and appearance of the CA, as would the principle of reinstating the previous barn. However, the proposed amendments do not fully replicate that of the previous barn and failed to wholly grasp the traditional character of such a building and its relationship to its historical setting. Consequently, these public benefits would not outweigh the less than substantial harm identified.

- With regards to the intrinsic qualities of the National Park, the Inspector concluded that the proposed amendments would increase the overall size and bulk of the annex and so would be larger and more imposing than the approved scheme. Consequently, the amended proposal would be more visually and physically apparent and represent an increase in development to the detriment of the overall landscape character than that approved.
- The Inspector noted that Condition 5 sought to minimise the impact of light spill at night from the windows that would face the surrounding countryside in the approved annex. The proposed amendments, although reducing the overall size of the first-floor windows in the north elevation would increase the number of first floor windows in the west elevation. The Inspector accepted that there were other measures which could be used to prevent light spill beyond the specific use of automatic blackout blinds. Therefore, they were satisfied that wording on Condition 5 could be amended to allow other acceptable methods of eliminating light spill. However, this did not outweigh varying Condition 2, as the proposed amendments would fail to conserve or enhance the landscape character nor would outweigh the harm identified to heritage assets. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/03173/FUL APP/Y9507/W/24/3345575
Authority:	East Hants
Site:	Madhuban Tandoori Restaurant, 94 Station Road, Liss, GU33 7AQ
Description of Development:	The development proposed is a two storey extension to the Madhuban Restaurant
Decision and Date of Decision:	D 31 October 2024

Inspector’s Reasoning:

- The main issues were (i) the effect of the proposal on the character and appearance of the host building and street scene, (ii) whether the proposal would provide satisfactory living conditions for the occupiers, and (iii) whether the access, car parking, delivery and waste disposal arrangements would be acceptable.
- The proposal was for a two-storey extension to the side of the Madhuban Tandoori Restaurant onto some vacant land on the corner of Station Road and Western Road in Liss. The ground floor would form an extension to the existing restaurant and the first floor an extension to the existing staff accommodation above.
- The Inspector noted that the corner plot was clearly seen by those leaving the village but was unattractive with an area of car parking and some poor-quality vegetation on the frontage. They concluded that the view that this was an ‘important landscaped frontage’ was misplaced although the prominence of the site, together with the quite steep gradient of Station Road, required a careful design approach to any development. The Inspector

noted that to achieve the same floor level with existing and maintain fascia and ridge height of the existing building along Station Road, the proposal would include an incongruous brickwork plinth increasing in height towards and around the corner, with a flight of steps on the Western Road elevation drawing attention to the anomaly. In addition, whilst the ground floor would follow the same alignment as the existing immediately behind the footway, the first floor would not, angling back to align with the rear section of the building and resulting in an oddly projecting out ground floor. The ground floor would also oddly extend further towards Western Road than the first floor, with the first floor oversailing two parking spaces in an undercroft below. Overall, the extension would fill the plot hard up to the junction with Western Road giving an unduly cramped appearance on the corner. The eaves and ridgelines of the extension would also change direction slightly from the existing building, with the front facing line of dormers not completely aligning either; these features would contribute to an odd appearance for the overall building. The void to accommodate two undercroft parking spaces would be out of character in the context of the housing in Western Road. Whilst the materials would match the existing building, the overall result would be a disjointed, bulky, cramped and oddly quirky addition to the street scene on this visually important corner. The extension would be a discordant, unduly distracting feature, out of character with its surroundings. Therefore, the proposal would significantly harm the character and appearance of the host building and the street scene.

- With regards to proposed living conditions. At present the first floor provides two bedrooms, a store and w/c & shower. When extended five bedrooms would be provided with an office, small store, additional w/c & shower and a further w/c. However, no kitchen or dining room is provided upstairs (at present nor under the proposals); the staff apparently use the kitchen and restaurant space downstairs and would continue to do so, presumably when the restaurant is closed. No general living room is or would be provided upstairs either, nor external amenity space. The Inspector noted that the staff accommodation raised numerous unanswered questions, such as was the restaurant run and occupied by a family unit, perhaps an extended family, who live together as a single unit? Are other unrelated staff employed? In the absence of kitchen, dining and living space, where do staff cook and eat when off duty? The Inspector concluded that extending the current unconventional living accommodation to provide further bedrooms for possibly non-family staff without satisfactory kitchen, dining and living space independent of the restaurant would be to provide unsatisfactory living conditions for the occupiers. The Inspector also acknowledged other concerns raised relating to noise and odour from the restaurant which have not addressed by the proposals. Therefore, overall the proposal would not provide satisfactory living conditions for the occupiers.
- With regards to access, parking and waste storage. The Inspector noted that the proposal was for two parking spaces in an undercroft and one delivery space on the site of the current bin store; the latter would be relocated to the western side of the building. However, the delivery space would be too small to accommodate many vehicles and no tracking information had been provided to demonstrate safe access and egress to the road. The narrow passageway next to No 100 appeared too small to accommodate and manoeuvre waste bins from a larger restaurant and, located away from the kitchen, use of the delivery or one of the car parking spaces instead seemed more likely in practice. Whilst car parking provision should be considered flexibly in this location, the scheme was attempting too much in too small a space. Maximising built development on the site with two undercroft parking spaces, restricted delivery space and a reduced waste storage area would combine to result in a cramped and problematic development likely to lead to parking, delivery vehicles and/or waste storage encroaching onto the adjacent footway or causing a nuisance to nearby residents. Therefore, the access, car parking, delivery and waste disposal arrangements would not be acceptable. For the above reasons the appeal was dismissed.

Costs Decision – Refused

- The appellant argued that the Authority behaved unreasonably in adding a fifth reason for refusal (related to refuse and recycling storage facilities) in their appeal statement when the decision notice issued only included four reasons for refusal. Therefore, adding a fifth reason at such a late stage was unreasonable and caused the appellant unnecessary expense in having to deal with the additional matter.
- The Inspector noted that the position was confusing as the delegated decision sign-off sheet, authorising the refusal of permission, did include five reasons for refusal and there were other changes to the wording of the reasons for refusal in the decision notice compared to the sign-off sheet. The Authority did not explain the discrepancies in their response to the costs claim, nor their view as to which wording is definitive. The Inspector concluded that whilst this was deeply unsatisfactory the appellant was aware of the putative fifth reason as the grounds of appeal refer to the case officers report. The report clearly raises concerns about the proposed refuse storage arrangements in the section about access, parking and servicing with which it is closely related. The appellant’s initial response to those issues did not mention waste storage, but once the subject was drawn to the appellant’s attention a brief email reply, that the concern could be dealt with by condition, was received. In the circumstances, the appellant was aware of the matter when drawing up their case and did not incur unnecessary or wasted expense in the appeal process. Therefore, the Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.

Planning Application and Appeal Reference Number:	SDNP/22/05725/FUL APP/Y9507/W/24/3338957
Authority:	Chichester
Site:	The Vere, land north of junction of A29 and B2138, Bury Gate, Pulborough, West Sussex, RH20 1NL
Description of Development:	The development proposed is construct (net zero) underground dwelling on agricultural land
Decision and Date of Decision:	D 01 November 2024

Inspector’s Reasoning:

- The main issues were (i) the effect of the proposal on the integrity of protected sites with particular regard to Arun Valley, (ii) the effect on the character and appearance of the area, and (iii) whether or not the site is an appropriate location for a dwelling having particular regard to the spatial strategy and accessibility to goods and services.
- With regards to the impact on the Arun Valley (i.e. water neutrality issue). The Inspector acknowledged that evidence indicated that there was an existing water supply pipe to the site which supplied animal troughs and that the appellants proposed several water supply options with the intention that, once built, the development would be wholly self-sufficient with regard to water requirements. These included rainwater collection; large underground water storage tanks; a humidity to water condenser as back up; a biodigester sewage treatment plant to recycle up to 99% of waste, the

resultant cleaned water to be mixed with rainwater for blended grey water for managed irrigation; a water well borehole from the Hythe Formation subject to quality testing; and the use of water saving fixtures and fittings. However, the Inspector also noted that it was not clear how much water would be required to serve the proposed four bedroom dwelling. Nor was it clear how long 3000 litres stored water would be likely to last; how much water would be made available from the condenser/water re-cycling; the quality of the borehole water, how much water would be required from it and whether or not there would be other environmental effects relating to water abstraction concerns; and what contingency plans would be put in place in the event that the intended water supply was insufficient to meet the needs of future occupiers. The Inspector concluded that ordinarily all this information (including a water budget which compared existing/historic water use with the water requirement for the new development) would all be drawn together in a Water Neutrality Statement and that such a statement had not been provided. Therefore, without this it was not possible to confidently conclude that the proposal would be self-sufficient in terms of water supply. Taking the precautionary approach in respect of the effects of the development on the Arun Valley Sites, there was no supporting evidence that was precise, robust, and conclusive with no gaps, to provide sufficient certainty that the water abstraction impacts would, either alone or in combination with other schemes, not have a likely significant adverse effect on the integrity of the Arun Valley sites.

- The Inspector noted that the appeal site was a triangular area of land bounded by the A29, the B2138 and a single lane relief road between the two on the north west side. There was a gated access to the site from this slip road. The site boundaries were predominantly native hedgerows with some gaps and some trees (although many ash have been removed due to ash die-back disease). The site contained a timber building and an area of hardstanding inside the gate; the remainder of the land was an overgrown field. The site sloped to the south by between some 4.5m to 2m with the lowest part to the south west. There were houses in large gardens along the A29 to the east, the B2138 to the north west and a day nursery to the south. The property on the opposite side of the A29 was enclosed by a substantial close boarded fence. Directly across the slip road and to the west was mainly agricultural land.
- The Inspector acknowledged that a great deal of thought had gone into the design of the proposed dwelling that would be covered by soft sweeping lines of an earth mound sown with grass. The mound would be shaped to emulate a grass meadow and to guide wind towards low vertical access wind turbines as well as minimising traffic noise within the dwelling. However, the submitted plans lacked a detailed depiction of the site as it is now and as it would appear after the proposed development. Without more detailed topographical information, including existing and proposed cross sections showing levels across the site in relation to the surrounding roads, the four different internal floor levels and all the proposed structures such as wind turbines and solar panels, it was difficult to confidently conclude that the proposed development would not appear as an over-engineered intrusive feature in the landscape. The proposed dwelling would be in the form of a central circular section with two radial 'wings' open mainly to the south. It would be built only partially underground and the bulk of the structure earth-covered southern side of the building would be fully exposed towards its maximum source of sunlight. The Inspector concluded that whilst this elevation would be partially concealed behind extensive wide hedging good design does not need to overly rely on screening. In addition, the provision of thick hedging and tree planting to supplement existing whilst meeting the management objectives of the National Park what was proposed was problematic. The species proposed whilst they might be a most efficient in terms of high carbon absorption, a long, high hedge comprising predominantly cotoneaster franchetti on a main through route would appear as an alien feature rather than the native planting envisaged by the National Park objectives. Overall, the species proposed on the plans would not follow the recommendations of the submitted Preliminary Ecological Appraisal that new planting should include native species. Other proposed planting would emphasise the proposed access and turning area which would be extensive, formalised and over dominated by the stone retaining walls. The Inspector

concluded that more sympathetic naturalistic planting with reduced hard surfacing in less regular form would be more in keeping with the rural location and help to reduce the intrusiveness of the proposal when viewed from the relief road. For the above reasons, the proposed development has failed to take a 'landscape-led' approach.

- The Inspector acknowledged that more distance views towards the site would be likely to be relatively limited given the intervening land forms, trees and hedges. Accordingly, the impact of the proposal was likely to be very localised and predominantly limited to short stretches of highway nearest to the site. However, the submitted Landscape Appraisal/Study was lacking in rigorous analysis and did not provide the before and after viewpoints that would usually accompany a proposal for new development in a National Park.
- The Inspector also acknowledged that the appellant's intention to make the dwelling zero carbon and self-sufficient in energy terms and therefore had the potential to amount to a design of exceptional quality and to be sensitive to its immediate setting and the defining characteristics of the area. However, as submitted the proposal was lacking in the evidence to demonstrate that the very high bar of being truly outstanding and reflecting the highest standards in architecture would be reached. Moreover as set out above they could not conclude that the proposal had been sufficiently landscape led in terms of the natural characteristics of the local area. Therefore, it conflicted with Policies SD4, SD5, SD7 and SD8 and Policies BNDP 2 and BNDP 13 of the Bury Neighbourhood Plan.
- The Inspector noted that the site was some distance from any settlement boundary. Whilst there was a footpath (leading to the small hamlet of Watersfield) along the A29 part of which directly adjoins the appeal site however, more of it was on the other side of the A29. Local bus services were relatively infrequent and bus stops were some distance away. Moreover, the busy nature of the A29 made it relatively unattractive for cycling. Accordingly future residents would be likely to rely on the private vehicle for access to most day to day services, leading to conflict with Local Plan Policies. However, the Inspector concluded that the site was not so physically separate or remote from a settlement as to warrant refusal of the principle of one dwelling and gave limited weight to this conflict due to other aspects of the Local Plan. They highlighted that the Local Plan sets out that one of the special qualities of the National Park is its distinctive towns and villages, and communities with real pride in their area. The Inspector gave significant weight to the co-operative approach to the future of the site, together with the extensive support of local residents and of Bury Parish Council, as this demonstrated a real pride in the area. However, for reasons set out above the appeal as dismissed.

Enforcement Appeal Reference Number:	APP/Y9507/C/23/3323866
Authority:	SDNPA
Site:	The Boneyard, Drove Road, Brighton & Hove, BN2 6AJ

<p>Description of breach of Planning Control:</p>	<p>The breach of planning control as alleged in the notice is:</p> <ul style="list-style-type: none"> i. Without planning permission and within the last 10 years, the material change of use of land from agricultural to equestrian and the placement and residential occupation of 1 mobile home on site. In addition, the material change of use of land from agricultural to the storage of lorry bodies and other storage containers. ii. Without planning permission and within the last 4 years, the construction of a 7 bay stable to the south of the site. iii. Without planning permission and within the last 4 years, the construction of a 2 bay stable block adjacent to the entrance gate. iv. Without planning permission and within the last 4 years, the construction of a 3 bay stable block to the south of the site. v. Without planning permission and within the last 4 years, the construction of stables to the north east of the Stable Barn. vi. Without planning permission and within the last 4 years, the construction of a Hay store. vii. Within the 4 years, without planning permission extensive engineering works to the site including; new road surfaces and car park, sand school, bunds. <p>The requirements of the notice are:</p> <ul style="list-style-type: none"> i. Cease the use of the land for equestrian use, storage and residential occupation. Remove the mobile home and associated residential paraphernalia from the site, labelled Dwelling in Plan 235.22.20. Remove all lorry bodies and other storage containers that have been placed onto the land for storage, labelled (A), (Q), (S), (O1), (O2), (G), (B1), (B2), (T), (J), (I), (U) in Plan 235.22.20. ii. Dismantle and remove the 7 bay stable, labelled (H) in Plan 235.22.20. iii. Dismantle and remove the 2 bay stable, labelled (K) in Plan 235.22.20. iv. Dismantle and remove the 3 bay stable, labelled (L) in Plan 235.22.20. v. Dismantle and remove the stables to the north east of the Stable Barn, labelled (C) in Plan 235.22.20. vi. Dismantle and remove the Hay Barn, labelled (M) in Plan 235.22.20.
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	<p>vii. Restore the simple slope of the downland landform. Permanently remove the bunds by redistributing the material to the excavated areas to the north of the site. Sow the entire area from where the bunds are removed and the entire area where the material was spread with grass seed.</p> <p>The period for compliance with the requirements is 6 months.</p>
<p>Decision and Date of Decision:</p>	<p>D (Hearing) 18 November 2024</p>

Inspector’s Reasoning:

- For the appeal on ground (d) to succeed the onus was on the appellant to demonstrate, on the balance of probabilities, that at the time the enforcement notice was issued it was too late to take enforcement action. The appellant’s position was that the site had a lawful equestrian use. However, the Inspector noted that reference to an equestrian use was broad and imprecise. This was because there are different equestrian uses, many of which are of a materially different character. The mere keeping of horses, for example, would be a materially different use to a commercial equestrian business use for livery and the breeding of showjumping horses, given the clear difference in the character of those respective uses. The Inspector concluded that evidence presented by the appellant principally related to the use of the site for the keeping of horses. However, the appellant was using the site for a commercial equestrian business use for livery and the breeding of showjumping horses. In addition, there was very limited evidence to demonstrate, on the balance of probabilities, that it was too late to take enforcement action against a commercial equestrian business use for livery and the breeding of showjumping horses. Therefore, subject to amending the Enforcement Notice to be more precise, ground (d) failed.
- For the appeal under ground (a), the main issues were (i) whether there is an essential need for a caravan to accommodate a rural worker, and (ii) the effect of the development on the character and appearance of the area.
- The Inspector noted that the site extended to approximately 5ha accessed from Drove Road. It comprised a range of barn and stable buildings, lorry bodies and a residential mobile home, served by various areas of hardstanding. The site was situated on a ridge that was demarcated by Drove Road and which ran along the edge of the settlement of Woodingdean. The development related to the mixed use as a commercial livery and breeding of showjumping horses and for the placement and residential occupation of one mobile home, as well as for 3 stables buildings, a stable barn, hay store and engineering works for new road surfaces, car park, hardstandings and bunds.
- On the issue of whether there was an essential need for a caravan for a rural worker, the Inspector noted that the business plan and intentions for the site and business appeared to be either lacking in detail and financial rigor or were unresolved. Therefore, they concluded there was not sufficient evidence to demonstrate that the business had been planned on a sound financial basis and that there was therefore an essential need for a caravan to accommodate a rural worker. The residential use was therefore unacceptable as it contravened Policy SD25.
- With regards to the impact on character and appearance of the area. The Inspector noted that the site was set on an elevated level on a ridge in an expansive landscape setting and that the appellant’s own Landscape and Visual Appraisal identified a number of adverse effects as well as a moderate /

large adverse effect. That document considered these impacts could be addressed by a suite of measures. However, the Inspector concluded that whilst there was an annotated aerial photograph, there was little evidence of a detailed landscaping scheme or drawings to demonstrate what such a scheme would deliver, which cast a significant doubt in their mind. In addition, they were not convinced that planting hedgerows along bunds was characteristic of the area.

- The Inspector also concluded that as neither the mitigation nor the suggested conditions related to the removal of the lorry bodies and portacabins (of which they noted there was a number on site), they were not persuaded that there was an intention to remove them.
- The Inspector also concluded that the various buildings and structures (including the positioning of the mobile home) on site had resulted in a significant spread of development, as well as large areas of engineering works for hardstanding. This was clearly at-odds with the historical layout of the site, and did not respond positively to the landscape context nor were they intrinsically reflective of other patterns of development. Whilst longer distance views of the site could not be attained from the south, given the settlement of Woodingdean, such views were very likely be seen from other vantage points, given the sites elevated level. Given the PRow along the Drove, there were also short-distance views of the site. The proliferation of structures and spread of development that had taken place was causing harm. Therefore, the development was unacceptably harmful to the character and appearance of the area.
- For the appeal on ground (f) to succeed it was necessary for the appellant to explain why the steps required by the notice to be taken exceed what was necessary to remedy the breach. The Inspector noted that the appellant did not propose lesser steps, rather, the proposals made related to matters which were said could be secured by condition or that of the development could be retained. As the Inspector had already considered these under the ground (a) appeal (set out above and were dismissed), they concluded the appeal under ground (f) failed.
- For the appeal on ground (g) appellant contended that the time given to comply with the requirements of the enforcement notice were too short. During the hearing the appellant requested a 12-month compliance period which the Authority agreed to. Therefore, the Inspector concluded that the appeal succeeded in this regard and amended the Enforcement Notice accordingly.
- Overall, subject to amendments and corrections, the appeal was dismissed and the Enforcement Notice was upheld.

Costs Decision – Refused

- The appellant sought a partial award of costs, they claimed the Authority acted unreasonably as the Enforcement Notice was neither expedient nor necessary in the circumstances. It was issued 5 months after the refusal of planning permission and at a time when the appeals process was underway to deal with the breaches specified in the notice, and which could quite properly have been dealt with at that appeal. The notice simply complicated the appeal process and added unnecessary costs.
- The Inspector concluded that given the numerous breaches of planning control, it was not unreasonable to issue the notice. It was a proportionate response, in the wider public interest, particularly as the site was within a National Park. The notice gave reasons as to why it was considered by the Authority to be expedient, which were cogent and grounded by planning policy. In addition, the Inspector was satisfied that the Authority engaged with the appellant in a constructive manner. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, had not been demonstrated.

Planning Application and Appeal Reference Number:	SDNP/23/05074/FUL APP/Y9507/W/24/3347291
Authority:	Winchester
Site:	The Old Calf Shed, Lippen Lane, Warnford, SO32 3LE
Description of Development:	The development proposed is demolition of existing buildings and construction of three dwellings.
Decision and Date of Decision:	D 25 November 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 loss of employment use upon the site has been justified; (iii) whether or not the proposal meets an identified local housing need; (iv) the effect on protected species and their habitat notably Dormice; (v) whether suitable biodiversity net-gain would be provided; (vi) the effect on The Solent and Southampton Water SPA with particular regard to waste water and nutrients; (vii) whether the location of the appeal site is suitable for the proposal, having regard to the development strategy for the area and the relationship the new houses would have to services and facilities and sustainable transport modes; (viii) whether or not the contributions sought towards affordable housing are reasonable and necessary to make the development acceptable, and (ix) the effect of the proposal on the living conditions of the intended future occupiers with particular regard to outside amenity space.
- The Inspector noted that the appeal site was located on the outskirts of the built-up area of Warnford, to the rear of a pair of semi-detached dwellings which fronted Lippen Lane. The immediate area was agricultural in character with agricultural buildings to the south of the site visible from the road, and agricultural fields lining the road and enveloping the built form of the settlement. The area was spacious in character with the built form set within largely landscaped grounds. Residential development was largely visible from the road, with dwellings having a visual and physical street presence.
- On the effect of the proposal on the character and appearance of the area, the Inspector noted that the proposed new dwellings would be in close proximity to the site boundaries, and their location to the rear of existing residential development and the arrangement of the units upon the site itself would be significantly at odds with the established character and appearance of the area. The Inspector concluded that the proposed cul-de-sac arrangement, the building to open space ratio and the amount of hard surfacing would be of a suburban character which would be alien in this rural location. The development was not landscaped led and there were limited opportunities to incorporate meaningful landscaping into the scheme. Therefore, the proposal was harmful to the character and appearance of the area.

- With regards to the loss of employment space, the Inspector concluded that they were not persuaded that a robust marketing exercise had been undertaken. Accordingly, the loss of the employment use was not justified, and the proposal would conflict with the aims of Policy SD35 and the duty of the National Park.
- With regards to Local Housing Need, the Inspector concluded that no evidence had been presented to substantiate that the house types proposed (4-bedroom houses) would reflect a bespoke local housing need. Therefore, the proposal was contrary to Policy SD27 and the duty of the National Park.
- With regards to impacts to Dormice, whilst the submitted Updated Preliminary Ecological Appraisal proposed mitigation measures for undertaking vegetation clearance, there was no mitigation proposed to compensate for the loss of Dormouse habitat within proximity of the removed vegetation. The Inspector noted a suggestion of native planting on the southern boundary of the site. However, they concluded that this boundary was located further away from the line of trees along the northern boundary to which the scrub was proximate to and would be unlikely, as a result of the position of the new houses, gardens and likely boundary treatments allow connectivity to the tree line habitat beyond the northern connecting the wider area. Therefore, they could not be satisfied that the proposal would not adversely affect Hazel Dormice.
- With regards to Biodiversity Net Gain, the Inspector noted that at the time that the planning application was submitted biodiversity net gain was not mandatory. However, the proposal was contrary to Policy SD9 as whilst new planting was proposed along the southern boundary with species rich trees, no calculations were submitted to indicate the biodiversity value of the site and how this would be increased. Accordingly, there is no certainty that the proposal would result in a net-gain.
- With regards to the impacts on the Solent and Southampton Water SPA, the Inspector noted that the proposed dwellings were unable to connect to the main sewer network and would be served by their own waste plant on-site. However, other than a performance certificate for the proposed plant, limited detail was provided about this equipment, including nutrient budget calculations, details of maintenance and where the treated water would be disposed. The Inspector also noted that appellant's suggestion that the proposed plant was exempt from a nutrient pollution standard (under the Levelling-up and Regeneration Act 2023). The Inspector concluded that the package treatment plant may be capable of reducing the amount of discharge of nitrates into the SPA but there would be likely to be some increase in nitrogen load arising from the proposal. Moreover, the effectiveness of the treatment plant was reliant on ongoing monitoring and maintenance and there is no mechanism to secure this. Therefore, the appellant failed to provide the necessary persuasive evidence that a private package water treatment plant was exempt from a nutrient pollution standard (as such provisions relate to sewage undertakers and waste water treatment plants, as opposed to private treatment plants), or that the proposal would not contribute to the input of nitrates into the SPA either alone or in combination.
- With regards to the location of the proposed development (and compliance with Policy SD25), the Inspector concluded that the site was outside the settlement boundary and that the proposal would comprise the redevelopment of a previously developed site. In addition, the provision of new homes went some way to protect and provide for the social and economic well-being of National Park communities. However, in achieving this, the new homes would be located in an area remote from day to services, and in order to access these, there would be a high reliance on the private motor vehicle, given the local highway conditions, lack of pedestrian facilities and street lighting and the distances involved. For those that did not have access to a private vehicle, the services and facilities in both Warnford and West Meon would not be accessible. Therefore, the site was not suitable for new housing because of the conflict with Policies SD19, SD25 and the sustainability aims of Policy SD1.

- With regards to affordable housing and the requirement of Policy SD28 to make a meaningful financial contribution towards affordable housing. The Inspector noted the appellant was relying upon the use of Vacant Building Credit (to ‘off-set’ the amount of affordable housing due). The Inspector concluded that they had no evidence to demonstrate why Vacant Building Credit should not apply (if in all other respects the proposal had been acceptable) and therefore the appeal did not fall on the absence of a contribution towards affordable housing.
- With regards to the living conditions and specifically the outdoor amenity space. The Inspector acknowledged that the proposed outdoor amenity space for Plots 2 and 3) did not precisely comply with the Adopted Design Guide which sets out at C.10 that homes with 2 or more bedrooms should usually have a private amenity space of at least 60% of the internal floor space of the house (Plots 2 and 3 were at 55%). They concluded that although on the small side, the garden areas to plots 2 and 3 would, provided sufficient space for an outdoor seating area, washing line, play equipment and space for outdoor storage. Moreover, each outdoor space would be relatively private and given their orientation would receive adequate levels of sunlight and light during the day, even taking account of the trees on the site’s boundaries. Accordingly, the living conditions of the intended future occupiers would be acceptable in terms of outside amenity space provision. There would be no conflict with the aims of Policy SD5. However, for the above reasons the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/21/02349/LDE APP/Y9507/X/23/3317898
Authority:	Winchester
Site:	Bay Tree Stables, Dundridge Lane, Bishops Waltham, Southampton, SO32 1GD
Description of Development:	The use and development for which a certificate of lawful use or development is sought is building operations to convert caravan to a building and a change of use to single dwellinghouse.
Decision and Date of Decision:	A 26 November 2024

Inspector’s Reasoning:

- The main issue was whether the Authority’s decision to refuse to issue a Lawful Development Certificate (LDC) was well founded. This turned on whether the building operations and change of use of the caravan was instituted on or before 28 April 2017, 4 years before the date of the application. If it could be proven, on the balance of probability, the caravan had been turned into a building and use of the building was continuous then the single residential dwelling would be lawful.
- Following the site visit the Inspector noted that the mobile home was clad in wood and the roof extended across the gap to link to the adjacent stables. Under the linking roof was a shipping container that had been converted into a utility/store. To the rear a lean-to had been added that could be accessed from inside the mobile home and contained a bathroom. The whole was surrounded by a raised patio and had the appearance of a small bungalow. The

Inspector acknowledged that this was not unusual in caravan cases and it still might be possible to remove the additions, disconnect the services and lift the mobile home onto a lorry. Such an action doesn't have to be practicable just theoretically possible. However, the Inspector was able to see beneath the mobile home to the large concrete plug that formed the floor of a section of the mobile home and also had the effect of concreting it to the ground. They concluded that this would make it very difficult if not impossible to move the mobile home without considerable damage. Therefore, it had become fixed to the ground and was a building rather than a caravan.

- The appellant presented evidence that a previous occupier moved onto the site in March 2017. In doing so they damaged the floor of the mobile home and it was repaired by using concrete, which had the effect of fixing it to the ground. Other evidence was presented to show a number of occupiers of site from March 2017 until the appellant purchased the site October 2018.
- The Inspector concluded that whilst third parties had disputed the evidence (including presenting sales particulars / photos from 2018) the mobile home appeared to be in the same place as it was now, it just hadn't been connected to the stable or clad in wood, but that did not detract from the conclusion that it was a building and there was nothing to suggest the concrete plug wasn't in place in early 2017. Therefore, on the balance of probabilities the mobile home had been converted into a building and lived in continuously for more than 4 years prior to the application for an LDC. The appeal was allowed and the LDC issued.

Enforcement Appeal Reference Number:	APP/Y9507/C/23/3323893
Authority:	Winchester
Site:	Belmore Cottage, Belmore Lane, Upham, Hampshire, SO32 1NQ
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 building to use as a separate dwelling-house.</p> <p>The requirements of the notice are:</p> <ul style="list-style-type: none"> (i) Cease the unauthorised use of the building shown in the approximate location marked with an X on the attached plan as a separate dwellinghouse. (ii) Remove from the building all fixtures, fittings and alterations that have been installed to facilitate the unauthorised use in (i). (iii) Remove the four rooflights installed within the South-west elevation shown circled in red on the attached photo (photo A). (iv) Permanently remove from the land all materials, rubble, rubbish and debris arising from steps (i) to (iii). <p>The period for compliance with the requirements is: 9 months.</p>
Decision and Date of Decision:	<p>D</p> <p>26 November 2024</p>

Inspector's Reasoning:

- For the appeal on ground (d) to succeed the onus was on the appellant to demonstrate that the material change of use to a dwellinghouse took place more than 4 years before the issue of the enforcement notice. The relevant date was therefore 10 May 2019.
- The Inspector noted that the original planning permission for the structure was for a garage / store with a clear intention to serve the main house. The approved drawings showed an open fronted, pitched roof barn-like structure with 5 bays for cars, machinery and storage. The building was completed in July 2018 and the roof lights were installed by September 2018. The appellant stated that they wanted somewhere for their full-time nanny to live and proceeded to convert the whole of the upstairs into self-contained accommodation. In addition, there was no dispute about the dates provided, and no dispute the accommodation was, from November 2018 capable of being self-contained accommodation.
- The Inspector concluded that it has been long understood that various annexes, such as staff accommodation, can be in a self-contained building but still be ancillary to the main dwelling. In this case, the use of the accommodation by the nanny, demonstrated a clear functional link between the annex and

the main dwelling. Therefore, no separate planning unit had been created as the annex was not occupied as independent dwelling until at least July 2019 when a new tenant moved in. As this was within the 4-year period, the appeal on ground (d) must fail.

- In addition, the Inspector noted that there was a significant time gap between when a tenant left the accommodation in January 2021 and a new tenant occupied the accommodation in March 2022. During the intervening period, the appellant and his family used the accommodation whilst work was being carried out on the main house. The Inspector concluded that the flat was thus not being occupied as an independent dwelling but as ancillary accommodation. Therefore, the appeal on ground (d) also failed as the gap was too long.
- The appeal under ground (g) was that the requirements of the notice were too excessive in respect of the requirement to remove the rooflights and the internal fixtures and fittings (namely the bathroom and kitchen fittings). The Inspector concluded that as there was no lawful use of the building (except for storage on the ground floor), the only purpose of the rooflights and internal fixtures and fittings was to facilitate the unlawful use. It was therefore entirely reasonable to require their removal so that the unlawful use could not be recommenced. In addition, the time frame of 9 months to carry out such works was also reasonable and a suitably amount of time for the appellant to establish if some of the elements would be acceptable (such as through seeking permission for tourism accommodation). Therefore, the appeal was dismissed and the notice upheld.

Planning Application and Appeal Reference Number:	SDNP/23/00836/LDE APP/Y9507/X/23/3329960
Authority:	SDNPA
Site:	Hautboyes, New Way Lane, Hurstpierpoint, West Sussex, BN6 9BD
Description of Development:	The use for which a certificate of lawful use or development is sought is use of land as residential garden.
Decision and Date of Decision:	D 28 November 2024

Inspector’s Reasoning:

- The main issue was whether the Authority’s decision to refuse to issue a Lawful Development Certificate (LDC) was well founded. In this case, the onus was on the appellant to demonstrate that the use of land (as a residential garden) started at least no later than 24 February 2013 and such a use continued substantially uninterrupted for over a ten-year period.
- The Inspector noted that appeal site was a parcel of land next to the appellant’s house and that the appellant was claiming that the residential garden use of that parcel of land started in 1987.

- The Inspector acknowledged that some domestic features and activities had occurred on the land (such as an oil storage tank and hanging out of washing to dry). However, these were very limited incursions into the overall site area and, as such, they did not have a material impact on the character of the use across the land. Moreover, the use of the land for golf practice over the summer with a temporary golf net and mat, even if this activity involved using more of the land, did not change the character of the use of the site. Consequently, there had not been a material change of use of the land and the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/24/00998/HOUS APP/Y9507/W/24/3348556
Authority:	East Hants
Site:	8 Eastview Gardens, Crows Lane, Farringdon, Alton, GU34 3ED
Description of Development:	The development proposed is the erection of a single storey front extension and a part single, part double storey rear extension
Decision and Date of Decision:	A 29 November 2024

Inspector’s Reasoning:

- The main issues were the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of neighbouring occupants with respect to light and outlook.
- The Inspector acknowledged that there was an extant planning permission for single storey front extension and two storey rear extension granted in May 2023 and during their site visit the single storey front extension was under construction. The also Inspector noted the appeal property was a semi-detached house in a row of similar properties within the village of Farringdon. In addition, many of the neighbouring properties had been extended at the front and rear in a similar manner to that being proposed.
- The Inspector concluded that the single storey front extension would be modest in scale and that the rear extension would be largely screened from public view. Both would be designed in a manner sympathetic to the existing building in terms of their appearance and external materials. Taken individually or together, they would not have any adverse impact on the character or appearance of the village or wider countryside. However, the proposed extensions would enlarge the existing dwelling by approximately 121%, considerably more than the 30% indicated within Policy SD31.
- The Inspector noted that the extant permission would enlarge the property by 77% but the Authority accepted this as the property would still remain a ‘small or medium house’ as defined in the relevant TAN (and the current proposal would not – hence the distinction). However, they concluded that there was another matter that should be taken into account when considering whether an exception should be made. That was the fact that many of

the other houses in the row had already had similar extensions. Whilst accepting that those extensions may have been built before the introduction of Policy SD31, they concluded that with so many houses having similar extensions this did set a precedent and to deny the appellant an almost identical proposal would be seen as inequitable. In addition, since most of the houses in the row had already been extended, allowing the appeal scheme would not give rise to any significant loss of small or medium dwellings if it were to be copied, and since the circumstances were specific to this row of houses, it would not be seen as setting a precedent that would undermine the purpose or application of the policy elsewhere in the National Park. Therefore, comparable extensions in this specific row of houses was a material consideration and justified an exception.

- The Inspector also concluded that there would not be any undue reduction of light or any overlooking to the occupants of neighbouring properties. This was because the rear extension would only project slightly beyond the double storey extension of the neighbouring property (and such a proposal was similar to the extant permission). Whilst the single storey rear extension would extend along the boundary further than a 45 degree angle from the nearest ground floor window of neighbouring property (no: 7), it would only be slightly higher than the existing boundary fence and such a relationship was not unusual when compared to residential setting. Therefore, the appeal was allowed.

Enforcement Appeal Reference Number:	APP/L3815/C/23/3328981
Authority:	Chichester
Site:	The Rubbing House, Town Lane, Goodwood, Chichester, PO18 0SP
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 to a use for recreational amenity storage.</p> <p>The requirements of the notice are:</p> <ul style="list-style-type: none"> i) Cease the recreational amenity and storage use of the land; ii) Remove the timber clad water bowser, the timber clad container buildings, the coffee van, motor vehicles, garden furniture, barrels, fire pit, party tent shelter, mobile toilet unit and horse trailer from the land; iii) Breakup the areas of hardstanding in the approximate location shown on the Plan and remove the resulting debris from the land; iv) Dismantle the brick gate pillars in the approximate location shown on the Plan and remove the resulting debris from the land; v) Remove the field gate in the approximate location shown on the Plan from the land; vi) On completion of (iv) and (v) above, close off the two access points by planting a line native hedgerow plants: and vii) Using the materials formed into a bund in the approximate location shown on the Plan, recontour the land to match the existing contours of the adjoining land and reseed the area affected with grass. <p>The period for compliance with the requirements is: 12 months.</p>
Decision and Date of Decision:	<p>D (Hearing)</p> <p>06 December 2024</p>

Inspector’s Reasoning:

- On two preliminary matters, the Inspector noted that the site was being used primarily in conjunction with the holiday let (subject to separate enforcement investigations), but there were also a coffee van and pizza van on the land. The Authority originally assumed the coffee van was only stored there, but it was clear from the representations that it was a fully-fledged commercial concern, selling coffee etc to people using the car park at the Trundle and to walkers. There was also a pizza van on the site and it was explained at the Hearing this too was available for any member of the public

when it was open. It was agreed by all parties that the Inspector could correct the allegation to include these commercial uses and include their cessation and removal in the requirements. The other issue was the planning history of the site, given the original Seven Points house burned down and several planning permissions were granted for a replacement dwelling (most significantly permissions in 1994 and 1996). In this respect the Inspector concluded that it was the 1996 permission that had been implemented, so as a consequence the 1994 planning permission could no longer be implemented (the two houses are in more or less the same position) so, contrary to the appellant's case, the new access did not benefit from that planning permission. In addition, evidence provided strongly suggests the residential planning permission that went with the creation of Rubbing House was confined to the area around the house itself, currently used as a garden, and the appeal site lay outside of this. The Inspector concluded that the appeal site was not within the curtilage of the Rubbing House. Therefore, it did not benefit from any permitted development rights in terms of Class E garden buildings and so on.

- With regards to the appeal under ground (a), the Inspector noted that this related to retaining the use of the coffee van and pizza van for sales and to continuing to use the site for parties and gatherings, mostly, but not solely, associated with the holiday lettings at the Rubbing House. Therefore, the main issues were the (i) impact on dark skies, (ii) impact on bio-diversity and (iii) the impact on the landscape and on tranquillity.
- The Inspector concluded that on the issues of dark skies and bio-diversity (namely impact on bats), given the context of the site low key lighting could be acceptable and controlled by suitably worded conditions as could the requirement for further bat surveys and appropriate mitigation measures.
- With regards to landscape harm, the Inspector concluded that whilst individually, many of the items would not be harmful, when taken together they did amount to a significant change to the character and appearance of the site. The site had been opened up and there were views into it. Despite the cladding and planting, it was obvious from outside this was not a natural woodland, but a created venue for outdoor entertainment. As such it was not in accordance with planning policies. The coffee van was physically large, and when shrouded in its winter protective cover, stands out prominently. The new entrances and alterations to the boundary with Town Lane, especially the levelled area for the coffee van and the new brick pillars all look out of place. They were not associated with the Rubbing House (which was well screened to the west) and were associated with the use of the car park, which in turn served to extend its influence across the lane into the woodland. Whilst accepting that the existing car park (serving visitors to the Trundle) caused landscape harm, that did not justify new intrusions which simply made things worse. In addition, there was a considerable difference between a car park in the National Park and a car park with a nearby coffee van, pizza van and toilet facilities.
- With regards to tranquillity, the Inspector concluded that the perceptual quality of the landscape was open downland with sweeping views and pockets of woodland. Apart from the occasional car movement it was quiet and calm. There was a car park, and somewhat hidden in the trees a large house. It did not include a food and drink outlet nor an outdoor party venue. Even if controlled by conditions (and none were suggested to limit the intensity of the use) the use would not conserve the relative tranquillity. The impact did not have to be great as even a small or intermittent impact was contrary to Policy SD7.
- On the use of the setting to the Hill Fort / Trundle (a scheduled ancient monument) the Inspector concluded that the hill fort was some way from the site. The woodland was visible from the Trundle but at that distance even the coffee van was inconspicuous. Therefore, the setting of the monument was not affected by the uses at the site.

- The appeal on ground (f) was that the measures in the notice were too excessive. The Inspector had already concluded under ground (a) that the various structures were harmful so seeking their removal was appropriate. In addition, as the lawful use of the site was agriculture then the requirement to remove the hardstandings / paths again too was reasonable and appropriate. The brick pillars and access points were not permitted development, they did not relate any agricultural or forestry use and were not seen in the context of the house but were associated with the unlawful use and also need to be removed. Whilst the small bund (on the northern boundary of the site) was not objectionable in itself, the part of the site that was excavated for the coffee van did need filling in (or recontouring) and this would be where the material for that operation would be found. Therefore, subject to corrections and variations the appeal was dismissed and the notice upheld.

Costs Decision – Refused

- The Authority applied for an award of costs on the grounds that the appellant made a hidden ground (c) appeal in their grounds of appeal statement. Despite this being brought to the appellant's attention and despite the appellant saying there was no ground (c) they continued to pursue this, thus forcing the Authority to rebut the ground (c) in their representations. As the ground (c) was manifestly untenable from the start this was unreasonable behaviour on the part of the appellant that led to wasted costs by the Authority. The appellant responded that this was all a misunderstanding by the Authority and they made it clear they were not pursuing a ground (c) appeal.
- The Inspector concluded that that the appellant's appeal statement was unclear and they, themselves, were uncertain by what they meant by some of their statements so the Inspector could see how the Authority may have been misled. At the Hearing the appellant explained the purpose of their statements was to convey that if, in other circumstances, certain elements could be permitted development, then what harm were they really doing? The Inspector concluded that it was shame that this was not made explicit in writing and that it took a verbal explanation to make the representations clear.
- However, whilst the appellant's representations were unclear, the only actual ground (c) argument they made concerned the access. The Authority were, not unreasonably, confused, but chose to interpret the rest of the points as ground (c) arguments. The advice both parties were given was to deal with this in their statements at which point the appellant confirmed there was no ground (c) appeal. Therefore, the appellant had not acted so unreasonably that the Authority had incurred wasted expense and an award of costs was not justified.

Planning Application and Appeal Reference Number:	SDNP/24/00771/HOUS APP/Y9507/D/24/3348882
Authority:	Chichester
Site:	The Rubbing House, Town Lane, Goodwood, Chichester, PO18 0SP
Description of Development:	The development proposed is amendments to the previously permitted dormers and roof terrace, to form new bedroom in existing habitable roof space.
Decision and Date of Decision:	D 06 December 2024

Inspector's Reasoning:

- The main issues were the impact of the proposed design on (i) the character and appearance of the house, (ii) the surrounding landscape and (iii) on the tranquillity of the area.
- The Inspector acknowledged that a permission had been granted, on appeal, in 2023. That permission allowed dormer windows on all four sides of the roof of the dwelling. Which comprised of 2 on the south elevation and 1 each on the other elevations, that on the northern elevation acted as a door onto a roof terrace. This appeal was for a larger number of dormers / doors on the same elevations in a different design and with a larger roof terrace.
- The Inspector noted that Rubbing House was built in the 1990s on the site of a previous house that burnt down. It was a large building constructed in a neo-Georgian style. The existing shallow pitched roof had a flat central roof area beneath which was a room, currently used as a study. This would be converted into an ensuite bedroom, with doors allowing access onto the new and larger roof terrace. The rear of the house had a large, curved feature containing a dining room with a bedroom above and this was the flat roof that would support the terrace.
- The site was at the end of Town Lane where it turned into Chalk Pit Lane. There was a car park for visitors to the National Park and in particular the Trundle, a nearby hilltop crowned by a hill fort. The Inspector noted that the house was well screened from Town Lane and views were at best glimpsed from Chalk Pit Lane, but from the Monarchs Way and the West Sussex Literary Trail (two national paths) that meet outside the house, there were clear and close up views of the roof. Only the rear, with the curved feature was harder to see in public views. However, three sides of the roof were clearly visible. Therefore, they concluded that good quality design was of considerable importance.
- The Inspector also noted that the proposed dormers were in fact large windows with curved tops that mimicked in size and scale the windows at first floor level and the curved design echoed the ground floor front façade windows. There were also more of them, with three to the front and rear rather than the original two. The Inspector concluded that the proposed new windows would dominate the roof because the roof slope was shallow and they also had very long cheeks which added to their bulk. They would look out of place and were harmful. Unlike the approved dormers which were typical of the sort of smaller, less impressive dormers used on Georgian houses for the servants' quarters which were usually accommodated in the roof.

Overall, the appeal proposals would be unhistorical and accentuate the modern, undermining the attempt at the neo-Georgian design of the house. The proposals would therefore be contrary to policies SD5 and SD6.

- With regards to the roof terrace, the Inspector noted that the approved scheme was a small and rather subtle extension onto the flat roof, well away from the edges and mostly contained within the slope in the roof. Whereas the proposed terrace would occupy nearly all the large area of the flat roof. Although set in from the edge, the proposed balustrade would be visible in the few, albeit glimpsed, views from the nearby public footpaths. However, it would not represent a sensitive design that was appropriate and sympathetic to its setting. It would enable people to come right to the edge of the roof and encourage the use of the terrace for large groups of people. This would begin to have an impact on tranquillity because of noise but would also not be in keeping with the more sober and restrained form of the rest of the house.
- The Inspector also acknowledged that the Authority raised concerns about impact to dark night skies and bio-diversity (namely bats) however, they concluded that if the appeal had been allowed then these elements could have been satisfactorily addressed via suitably worded conditions. However, for the reason set out above the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/05477/FUL Appeal A Ref: APP/Y9507/W/23/3333237
Authority:	Chichester
Site:	Dunford House, Dunford Hollow, West Lavington, West Sussex, GU29 0AF
Description of Development:	The development proposed is change of use of conference and training centre (C2 Use Class) to conference and training centre (C2 Use Class), events venue (sui generis) and heritage information area (FI(c) Use Class) with public access (number of days to be confirmed) and replacement manager's accommodation.
Decision and Date of Decision:	A 09 December 2024
Planning Application and Appeal Reference Number:	SDNP/22/05478/LIS Appeal B Ref: APP/Y9507/Y/23/3333236
Authority:	Chichester
Site:	Dunford House, Dunford Hollow, West Lavington, West Sussex, GU29 0AF
Description of Development:	The works proposed are alterations and extensions to facilitate change of use of conference and training centre (C2 Use Class) to conference and training centre (C2 Use Class), events venue (sui generis) and heritage information area (FI(c) Use Class) with public access (number of days to be confirmed) and replacement manager's accommodation
Decision and Date of Decision:	A 09 December 2024

Inspector's Reasoning:

- The main issues were the effect of the development on (i) the character and appearance of the area, (ii) the preservation of the Grade II listed Dunford House and any architectural or historic features it possesses and (iii) the ecological value of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site in respect of water neutrality.
- The Inspector noted that the appeal site was characteristic of the area occupying sloping land on one side of a small brook, with woodland to the north, east and west, and open pasture land to the south. It was accessed by a narrow, single-track lane, which widened out to form a parking area at the foot

of the slope, with Dunford House situated at the top. The lane, Dunford Hollow, formed part of a long-distance walking route through the National Park (the Serpent Trail). The isolated position of the house, surrounded as it was by woodland and farmland, gave the site a tranquil character.

- The Inspector also acknowledged that the lawful use of the property was as a residential conference and training centre. Whilst there was a difference in opinion between the parties about the capacity associated with such use, as there were no planning restrictions on the number of delegates attending at any one time, it was reasonable to assume it would be greater than 60 (the figure suggested by others when the property was run by the YMCA) and closer to 200 (the figure provided by the appellant).
- The Inspector concluded that the proposed use(s), including weddings, would result in different patterns of activities and therefore could have an additional and adverse impact on the tranquillity of the area and ease of access along Dunford Hollow. In addition, given the isolated nature of the site, there were very limited opportunities for reducing vehicle movements and encouraging sustainable forms of transport. However, the appellant had sought to address these issues through the adoption of a travel plan and events management plan (which included encouraging car sharing and staggering arrivals and departures), funding a 20mph speed limit on Dunford Hollow and limiting the total number of guests attending events at any one time. The Inspector gave these measures weight and confirmed that they could be controlled through suitably worded conditions and the submitted legal undertaking. However, there would be times when the level of activity was likely to be greater than either the historic use or the realistic maximum operation of its current lawful use. To that extent, there would be a reduction in the tranquillity of the area and the quiet enjoyment of Dunford Hollow by walkers. This reduction in tranquillity would conflict with the character and appearance of the area, albeit to a limited extent.
- With regards to the impacts to Dunford House (Grade II Listed Building), the Inspector noted that significance and special interest lie in both its architectural form as an example of a mid-Victorian Italianate villa, and its historic associations with Richard Cobden, businessman and politician (best known for his involvement in the reform of the corn laws). The works proposed to the house included the demolition of 20th century additions at the rear and their replacement with an events space and a manager's accommodation. These would both be modern in design, the events space having a green roof, and the manager's house being designed to give the impression of a walled garden. The Inspector agreed with the Authority's Conservation Officer that the removal of the poor-quality ancillary additions would be a significant benefit. The Inspector also concluded that the internal changes would be minor and would not affect the principal rooms that retain the most significant historic fabric.
- The Inspector also agreed with the Authority that the introduction of water butts on the main elevation of the Listed Building (not shown on the submitted drawings but referred to in the water neutrality report) would be harmful. However, they concluded that alternative locations or means of storing rainwater for use in the garden could achieve the desired water saving measures without harming the appearance of the house and therefore could be secured via suitably worded conditions.
- The Inspector also acknowledged that there was a need to find a viable, long-term use that would ensure the preservation of the listed building, for both its architectural and historic interest. They noted that the optimum viable use of Dunford House would be one that would maintain the building, reflect the values of Richard Cobden and allow public access to the Listed Building. The Inspector concluded that the use of the property for training and conference purposes as well as events would equate in large measure to that optimal use as it would retain an educational element as well as allowing a limited degree of public access by guests and attendees to the property. In addition, the appellant was willing to provide further public access through heritage days that would be used to promote the cultural and historic interest of the site. This would be of benefit in enhancing an appreciation of the

building and its links with Richard Cobden. Therefore, taken together, the replacement of unattractive additions to the building, and the proposed use, would enable the long-term preservation of this heritage asset.

- Overall, the Inspector concluded that whilst the proposal would cause harm to the tranquillity of the area (albeit limited harm), that harm was outweighed by the benefits of securing what would be close to an optimal use of the heritage asset and replacing earlier unattractive additions with extensions that would be more sympathetic to the Listed Building.
- With regards to water neutrality, the Inspector was satisfied with the applicants’ theoretical water consumption figures in the absence of actual water consumption records. They concluded that this was a reasonable approach to take and as the applicant had demonstrated the proposed scheme was ‘water neutral’ there was no adverse effect on the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site. Therefore, the appeals were allowed.

Planning Application and Appeal Reference Number:	SDNP/23/04778/HOUS APP/Y9507/D/24/3345801
Authority:	Chichester
Site:	Leyfield, Border Close, Hill Brow, Rogate, West Sussex, GU33 7QN
Description of Development:	The development proposed is the erection of a part single and part two-storey rear extension with gable projections and dormer windows, the conversion of the existing hipped roofs to both side elevations to gables, including a dormer window to each side together with associated internal and external alterations to the floor plans and elevations
Decision and Date of Decision:	A 10 December 2024

Inspector’s Reasoning:

- The main issue was the effect of the development on the character and appearance of the area.
- The Inspector noted that the dwelling was a relatively large and attractive house with accommodation over 2 storeys and it had associated outbuildings and sizable gardens. The house itself had a relatively complex and varied roof structure incorporating both hipped and non-hipped gables, as well as a first-floor triple casement dormer window. Hedges, trees, and substantial plant growth within and / or close to most of the site boundaries, created a sense of seclusion and relative tranquillity within the site. This was despite the presence of neighbouring residential properties, a car showroom, and a vehicle repair/service centre.
- The Inspector also noted that the development would result in both upward and outward expansions of the house, resulting in the internal floorspace of the dwelling being increased by a little more than 30%. Nevertheless, the proposed extensions and alterations would include; a complex roof structure

including hipped roof gables; lead-roofed dormer windows, and hanging clay wall tiles. The development also incorporated features such as multipaned steel casement windows, brick ‘skirts’, and clay roof tiles. The Inspector concluded that the latter were found on the host dwelling and contributed positively to its distinctiveness. As such, and despite its increased size, the resultant dwelling would retain a similar character and style to the existing property, and it would continue to be of a high-quality design. Furthermore, and due to the enclosure afforded by plant growth close to the site boundaries, and the presence of the large nearby car sales and vehicle repair centre buildings, the enlarged dwelling would not be dominant within the local landscape. The proposed retention of trees, shrubs, and plants would also prevent the development from having a harmful urbanising effect. Therefore, the development would not cause harm to the character and appearance of the area and the appeal was allowed.

Costs Decision – Refused

- The appellant’s position was that the Authority acted unreasonably as there were no reasonable grounds to refuse planning permission.
- The Inspector concluded that the reason for refusal set out in the decision notice was complete, precise, specific, and relevant to the development that was proposed. It also clearly identified which development plan policies the Authority considered the proposal would conflict with. Although, the Inspector reached a different conclusion in allowing the appeal, the Authority did not behave unreasonably in coming to its decision. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense had not occurred and an award of costs was not warranted.

Planning Application and Appeal Reference Number:	SDNP/23/05261/HOUS APP/Y9507/W/24/3343217
Authority:	Winchester
Site:	1 and 2 Pest Houses, Petersfield Road, West Meon, GU32 1JS
Description of Development:	The development proposed is a two-storey extension to the rear of a semi-detached pair of cottages.
Decision and Date of Decision:	A 13 December 2024

Inspector’s Reasoning:

- Preliminary matters – this appeal was submitted due to non-determination within the required period and the Authority confirmed that it would have granted permission had it been empowered to do so, and no objections were made during the application or at appeal.
- The main issue was therefore whether the proposed development would conserve and enhance the National Park.

- The Inspector noted that the appeal site was a pair of semi-detached dwellings which had a series of rear extensions. They were located in the countryside surrounded by a small number of other residential properties and nestled into a setting of fields and woodland, characteristic of the local area. The proposed development would rationalise the mix of rear extensions on the semi-detached dwellings and would retain the largely symmetrical treatment of both properties. The extensions would be slightly larger than the percentage increase allowed by Policy SD31. However, the difference was marginal and the compact nature of the proposal against the proportions of the host dwellings would sit comfortably within the surrounding landscape without detriment to the natural beauty of the National Park. Therefore, the appeal was allowed.

Planning Application and Appeal Reference Number:	SDNP/24/01130/FUL APP/Y9507/W/24/3349796
Authority:	Chichester
Site:	Garratts Field, Moorhen Lane, Nursted, Petersfield, GU31 5RE
Description of Development:	The development proposed is the change of use from agricultural land to dog walking paddock with associated parking.
Decision and Date of Decision:	D 16 December 2024

Inspector’s Reasoning:

- The main issue was the effect of the proposed development on the landscape character of the area.
- The Inspector noted that the appeal site was part of a larger field located on one side of Moorhen Lane and there was an adjacent woodland (Garrett’s Wood). Access was through a gate off Moorhen Lane and a tree lined strip of common land ran between the field and lane towards Garrett’s Wood. In addition, Moorhen Lane was a sunken lane with the land banking up to the fields on either side and was characteristic of many of the roads and lanes in the area. This road form, along with the large rolling fields, separated by hedges, patches of woodland and common land, represented the key components of the historic form of the areas landscape. There were few buildings or areas of development, but those that exist were sporadically scattered throughout the landscape. Therefore, the verdant and undulating patchwork of open fields and wooded areas was intrinsic to the landscape character of this part of the National Park.
- The proposal would install fencing and additional gates to subdivide the field and create a parking area accessed via the existing Moorhen Lane entrance.
- The Inspector acknowledged that the proposed grass reinforcement mesh would maintain a green surface for the parking area, ensuring it would not be as obvious as other hard standing finishes. However, they concluded that the use of fencing would not be characteristic of the area’s boundary treatments (which was mainly hedging). The hard line created by the fencing and additional gates would be visually intrusive and at odds to the softness

and verdant nature of its surroundings. Equally the formalised parking of vehicles within an otherwise open space would also be at odds to the local character. Currently any parking within the wider area appeared to be limited to spaces next to existing buildings, or occasionally along lane edges. In combination, the proposed fencing and parking would detrimentally impact the rural character of the area. Therefore, the proposal failed to conserve or enhance the natural beauty, and to some extent the cultural heritage, of the National Park.

- The Inspector also concluded that physical use of the appeal site for dog exercise during daylight hours and in accordance with a detailed management plan (both of which could be conditioned), would not be such an intensification of use as to harm the tranquil character of this part of the landscape. In addition, there would be no detrimental impact to the local highway network. However, this did not outweigh the conclusion that the proposed development would have a detrimental impact on the landscape character of the area. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/01336/FUL APP/Y9507/W/24/3341917
Authority:	Winchester (Planning Committee overturning Officer recommendation)
Site:	Land at Mill Lane, Soberton, Hampshire
Description of Development:	The development proposed is that change of use from agricultural to equestrian, proposed barn with stables, tack room, feed and hay store and outdoor Menage 30m x 60m and widening of existing access from Mill Lane.
Decision and Date of Decision:	D 18 December 2024

Inspector’s Reasoning:

- The main issue was the impact of the barn, menage and hardstanding on the character and appearance of the area.
- The Inspector noted that the appeal site was part of the field located to one side of Mill Lane with the Meon Valley Trail (MVT, former disused railway now a multi-user trail) along one edge. The topography of the area was undulating with Mill Lane descending towards a bridge across the MVT, and the MVT being located at the bottom of steeply wooded banks. The field followed the undulation of the area and raised up from both the MVT and Mill Lane before flattening out. With regards to Mill Lane, there was a scattering of residential and agricultural buildings along its length, characteristic of a ‘worked’ and ‘lived’ in countryside.
- The Inspector acknowledged that the proposed barn would be closest to Mill Lane with the menage and hardstanding beyond. The barn would be built into the ground and finished in materials appropriate to the rural setting. They concluded that due to the proposed location and its simple and agricultural design the Barn would be reflective of development along Mill Lane. In addition, the hedging along the lane, the trees on the MVT bank, and

the proposed inset of the barn into the ground, would also ensure the barn was reasonably screened and not overly dominant in views. Accordingly, this element of the proposal would not be harmful to the overall character and appearance of the area.

- However, the Inspector noted that the menage and hardstanding would significantly increase the footprint of the proposed development and convert a relatively large portion of the site from grass to hard surfacing. As a result, the volume of surface cover in one concentrated location would alter the appearance and create an intensity and permanence of development that would be out of character with the area. In reaching this conclusion the Inspector acknowledged that this element would be screened from the MVT but the menage would require the cutting in and raising of the land which, due to its size, would create a large flat surface that would be incongruous within the undulations of the field and its surroundings. Consequently, the menage in combination with the hardstanding and Barn would harm the character and appearance of the area. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/20/04118/FUL APP/Y9507/W/21/3289423
Authority:	SDNPA (Planning Committee overturning Officer recommendation)
Site:	The Queens Hotel, High Street, Selborne, Hampshire, GU34 3JJ
Description of Development:	The development proposed is the conversion and extension of the existing Queens building and barn to form 5no. Aparthotel suites (C1), a Field Study Centre and Tap Room (Mixed Class F.1 and Sui Generis) and 1no. Detached dwelling (C3) within the grounds, with associated parking and landscaping.
Decision and Date of Decision:	D (Inquiry) 20 December 2024

Inspector’s Reasoning:

- Preliminary matters – a decision on this appeal was issued on 6 December 2022. Following a successful judicial review by a 3rd party, that decision was quashed in the High Court on 22 February 2024 and the appeal was re-submitted to the Sectary of State for determination. This decision deals with the same appeal.
- The main issues were the effect of the development on (i) the character and appearance of the area, with regard to the Selborne Conservation Area and National Park and (ii) the provision of local community facilities.
- The Queens Hotel was a public house with rooms above, and includes off street parking, a pub garden and a detached barn within the grounds. The site last operated as a public house with letting rooms in around 2016. The upper floors of the main building have since been converted from traditional pub bedrooms to self-contained units. Part of the ground floor of the public house has been converted to a Tap Room, offering Gilbert White’s beer and

other drink, and a fluctuating but limited food offer during restricted opening hours. The single storey building facing the road, formerly the restaurant, is vacant and the kitchen which was to the rear had been demolished. The barn is vacant.

- The Inspector noted that the site was centrally located in Selborne village and fronting onto the High Street, at the junction with Huckers Lane and the High Street. The site included a three storey main building facing the road, along with a single storey building (which also faced the road) alongside the main building. There was a barn set to the side and behind the main building. Behind the buildings was a green area, with access and car parking off Huckers Lane. None of the buildings were listed, although the main building was a non-designated heritage asset, and there were listed buildings in the vicinity.
- The Inspector also noted that the village was predominantly residential and including various other facilities. Of particular note were the village hall, another public house (the Selborne Arms) and the Gilbert White Museum (GWH) and Field Studies Centre (FSC) and brewhouse.
- The Inspector summarised the proposal as the following:
 - The upper floors of the main building would be converted into self-catering aparthotel units (works were largely completed apart from the lift access);
 - There would be two further aparthotel units in a new building fronting Huckers Lane;
 - The ground floor of the main building would be used as a Tap Room;
 - The single storey part of the frontage building would be used as an FSC by GWH and community uses;
 - The barn would be converted and extended to form a dwelling, and
 - The rear area would be used for parking, with access from Huckers Lane.
- The Inspector concluded that the main building, its barn and the open area at the rear currently made a positive contribution to the area (which was predominantly linear in character). They also concluded that generally the maintenance and reuse of the main building would be of benefit to the area and the former single story restaurant section was of less visual interest.
- With regards to the proposed new building fronting onto Huckers Lane, the Inspector concluded that it would not be excessive in terms of height but would extend a considerable depth to the rear of the retained frontage building. This would appear as a significant continuous line of development running down the lane. This would be in marked contrast to the development on the opposite side of the lane and would not appear subservient to the main frontage building. In addition, the proposed building would virtually abut the roadway which, although was a form of development found elsewhere, would add to the urbanising aspect of this part of the proposal. Therefore, the sense of transition between the centre of the village and the countryside beyond would be diminished. The Inspector acknowledged that the narrow routes off the main road varied in appearance, but due to the proximity to the highway, coupled with the engineering works at the site entrance and running into the site, would lead to a more urban appearance than was characteristic.

- With regards to the barn extension, the Inspector concluded that the retention and reuse of the building was welcomed however it was the scale and mass of the extension which was problematic. The Inspector noted that the footprint would be approximately doubled and the rearward projection would diminish the current open area. In addition, the height and mass of the extension would not appear in any way subordinate to the original building and would detract from its character.
- The Inspector also noted that the existing area to the rear of the Queens was characteristic of the general layout of the village behind the main frontage, and was of considerable landscape and conservation benefit. They concluded that this would be significantly diminished as a result of the substantial barn extension and the Huckers Lane building into the area. In addition, the area would be divided between the barn area, the car parking and the apartment building and the introduction of domestic paraphernalia would still further reduce the openness of the area.
- Whilst the central car parking area would to a degree be screened (even allowing for the recent loss of vegetation), it would nevertheless be visible from some directions and the proposal would diminish the transitional nature of the area. The Inspector was also concerned that there could be pressure for further land take for the car park, as the proposal was for each space to provide EV charging – but the spaces were too small for this to be realistic – and no parking for the disabled had been provided.
- Overall, the Inspector concluded that semi-rural character of the area at the rear of the main road frontage would be significantly and harmfully diminished. The proposal would appear cramped and out of keeping with the characteristics of the area. In addition, the limited benefit arising from the restoration and reuse of the existing buildings was considerably outweighed by the harm to the character and appearance of the area, with particular regard to the Selborne Conservation Area and the National Park.
- With regards to the provision of local community facilities, the Inspector highlighted two relevant criteria of Policy SD43. Firstly, the requirement for a robust marketing campaign of at least 24 months that clearly demonstrates that there is no market demand for the existing use or an equivalent community use. The Inspector noted that the previous Inspector (dealing with the 2019 appeal) raised concerns with the evidence presented stating the site had been marketed for about 24 months in 2016. At the Inquiry, the appellant stated that it would have been unlikely that the last tenants would not have failed and the brewery would not have put the premises on the market if the previous business model had been viable. However, the Inspector concluded that as the appellant did not call any viability or marketing evidence and the 2016 evidence was too dated to be relevant, under these circumstances the proposal did not comply with SD43.
- Therefore, the compliance on Policy SD43 was reliant upon that the proposals were providing alternative community facilities that were accessible, inclusive and available, and were of an equivalent or better quality to those lost, without causing unreasonable reduction or shortfall in the local service provision.
- Turning to the Tap Room element first, the Inspector noted that it had been operating since 2023 in broadly the manner envisaged in the proposal and it was currently open 1930-2100 hours three evenings a week. The Inspector concluded that due to these limited hours, the focus of sale of Gilbert White Beer, the loss of the rear garden area (leaving only the front tarmac area close to the main road), and very limited / no food offer, this would reduce the attractiveness and accessibility of the Tap Room for some residents and therefore served a narrower market than the previous use.

- With regards to the FSC, the Inspector noted that this had the potential to provide a quality and valued facility, and it was the appellant’s case that it would be established and operated by GWM (a local occupier with good credentials). However, there was no planning obligation or any other mechanism tying GWH to the FSC element (or any other part) of the proposal. Therefore, the Inspector concluded that given the uncertainty regarding the links with GWH and the consequent lack of clarity as to the proposed use, only limited weight could be afforded to this element of the proposal.
- With regards to other community uses using the space in the former restaurant area, the Inspector noted that during the Inquiry it was made clear that that the FSC was the principal user of the space and that the area could only be hired at other times. The Inspector concluded that as with the FSC itself, no detail of how this might operate was provided, and if permission were granted based on the appellant’s intention to allow the use of the community space, there is no mechanism to control the way in which that could be required. Therefore, again, this could not be given great weight.
- In addition, the lack of parking spaces for the disabled (together with a gravel surface to the car park) reduced the inclusivity of the proposal.
- In conclusion on this issue, the Inspector stated that whilst the village had a number of existing services and facilities (including the Selborne Arms public house and the village hall), no argument was put forward that there was no need for a replacement for the facilities offered by the former public house. Therefore, the proposal represented an unreasonable reduction in the local service provision and it had not been demonstrated that the proposed alternative community facilities would be accessible, inclusive and available, and of an equivalent or better quality to those lost. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/24/00601/FUL APP/Y9507/W/24/3350129
Authority:	East Hants
Site:	Flat 3B Windsor Court, 1 Windsor Road, Petersfield, GU32 3ER
Description of Development:	The development proposed is the change of use of garages to 1 bedroomed flat
Decision and Date of Decision:	D 23 December 2024

Inspector’s Reasoning:

- Preliminary matters – the Inspector noted following their site visit that the change of use had already taken place and planning permission was sought to regularise the development.

- The main issues were whether the proposed development would provide (i) appropriate living conditions for future occupants with specific regard to internal space, and (ii) sufficient car parking in the interests of the proper function of the proposal.
- The Inspector noted that the appeal site comprised of 2 integral garages within a 2-storey residential building known as Windsor Court. The new dwelling was located to the rear of Windsor Court accessible via the car parking area and was single aspect with windows overlooking the parking area. Immediately to the rear of the appeal site was a separate residential dwelling and on the opposite side of the parking area was a 2-storey building. In addition, the gross internal area of the new dwelling was 20.5sqm.
- The Inspector noted that the Nationally Described Space Standards (NDSS) were the starting point for internal space provision. The NDSS sets out that for a 1 person 1-bedroom, single storey dwelling with a shower, the minimum internal space should be 37sqm. The proposal would therefore provide significantly less internal space than the minimum required, notwithstanding the Authority's preference for minimum standards to be 10% greater than the NDSS requirements. In addition, the Inspector noted that the unit was single aspect with limited access to natural light due to the size of the windows, and the proximity of the 2-storey building on the opposite side of the car parking area. Therefore, they concluded that it created an oppressive and insular experience which would be detrimental to the living conditions of future occupants contrary to NDSS and other policies.
- With regards to car parking, the Inspector acknowledged there were two elements, (i) the additional parking space required for the proposed development and (ii) the planning permission for the development of Windsor Court which stated that the garages were to be retained as private parking for residents of Windsor Court. As the proposal had converted 2 garages (resulting in the loss of 2 spaces without any replacements), in combination with the new dwelling, this resulted in 3 parking spaces needing to be provided. The Inspector also noted that the Windsor Court permission was from the 1980's when the minimum size standards for garages was less than that required now, and so were unlikely to fit modern cars in. Nevertheless, this did not negate the fact the garages were specifically approved, and their retention conditioned, to provide parking. Due to the physical constraints of the site such an issue (to provide 3 spaces) could not be conditioned. Therefore, the development was contrary to Policy SD22, and the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/04384/CND APP/Y9507/W/24/3339405
Authority:	Chichester
Site:	Colworth Farm, The Grinch, West Dean, West Sussex, PO18 0RQ
Description of Development and Conditions in dispute:	<p>The application sought planning permission for a replacement barn to provide farm office and facilities for an existing shoot including 2 no. rooms for overnight tourist accommodation. (Variation of condition 2 of permission SDNP/20/01937/FUL - altered siting of barn) without complying with a condition attached to planning permission Ref SDNP/22/05830/CND, dated 7 February 2023.</p> <p>The condition in dispute is No 2 which states that: the application is approved in accordance with the plans submitted with the application below and the plans approved under SDNP/20/01937/FUL:</p> <p>Submitted with S73 application: I363/SK100 REV 02; I363/SK102 REV 03; I363/SK300 REV 01; I363/SK12 REV 01. Originally approved plans (not amended by S73): SK101 Rev 01; DTS2708184Y4 Elev; DTS2708184Y4MB; DTS2708184Y4RF; I314/LOC01 01.</p> <p>The reason given for the condition is for the avoidance of doubt and in the interests of proper planning.</p>
Decision and Date of Decision:	A 31 December 2024

Inspector's Reasoning:

- The Inspector noted that the original 2020 permission granted consent for a replacement barn. Then in 2023 a permission was granted to vary the 2020 permission to re-site the barn. The 2023 was in effect a 'new and separate' permission and as the skeleton oak framework of the barn was in accordance with that permission, this would amount to a 'fallback position'.
- The proposal, subject to this appeal, sought to vary the plans approved in the 2023 permission by way of adding two external staircases, amending the position and size of doors and windows and minor amendments to the first floor.
- Therefore, the Inspector concluded that the main issues were (i) the effect of the addition of external staircases on the character and appearance of the National Park and (ii) the effect of the proposal on the integrity of the Harbour Habitats with particular regard to nutrients.
- The Inspector noted that the skeleton framework of the large, rectangular, timber framed, Sussex style barn had been substantially completed. The proposed staircases would be on the shorter west and east elevations. The highest parts of the stairs would be the top of the first floor railings which

would be about two thirds the height of the permitted barn. In total the two staircases together would add about 2.8m to the overall length of the building. In addition, the proposed stairs would be constructed in substantial oak timbers which would match some of the materials of the barn.

- The Inspector also noted that the permitted barn stood to the side of a complex of large modern agricultural buildings and the large farm house such that two sides of the barn and parts of the proposed staircases would be screened from view by other buildings. There are also lower stables to the west and a tall evergreen hedge around land to the south of the barn. These further obscured the base of the barn and would obscure much of the proposed staircases.
- The Inspector concluded that the proposed design would be appropriate to the design of the permitted barn (with its brick base, variety of cladding and an external porch). The staircases combined with omitting one window, replacing two windows with doors, and utilising smaller conservation style rooflights would not create a more overly domesticated appearance to the barn. The other alterations to windows and doors were either 'better' (as some were being omitted) or would have a similar impact (as glazing was of a similar size). Therefore, the effect of light spill on Dark Skies would not be materially different to that already permitted. Whilst there was new proposed upper level safety lighting this could be conditioned to limit the extent of light spill to an acceptable level. Therefore, the overall proposal would have a neutral effect on the character and appearance of the National Park which amounted to conserving it.
- With regards to nitrate neutrality, the Inspector noted that principle of overnight accommodation had already been established and the consequence of varying the condition to allow the construction of two external staircases and a different internal layout did not increase the floorspace available for overnight accommodation. Accordingly, the proposed variation of condition 2 (to provide two external staircases and some layout changes) would not likely have an impact on the wastewater contributions of the development. Therefore, there were no materially different impacts on the integrity of the Harbour Habitats than the permitted scheme. The appeal was allowed.

Planning Application and Appeal Reference Number:	SDNP/23/02896/LDE Appeal A Ref: APP/Y9507/X/23/3329238
Authority:	Chichester
Site:	Land at Roman Mile Farm (Plot 2), Blue Doors Road, Bignor, West Sussex, RH20 IHQ
Description of Development:	The use for which a certificate of lawful use or development is sought is a residential caravan site.
Decision and Date of Decision:	D 06 January 2025
Enforcement Appeal Reference Number:	Appeal B Ref: APP/Y9507/C/23/3329360
Authority:	Chichester
Site:	Land at Roman Mile Farm (Plot 2), Blue Doors Road, Bignor, West Sussex RH20 IHQ

<p>Description of breach of Planning Control:</p>	<p>The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the stationing of caravans for the purposes of human habitation and the use of the stable buildings for associated residential purposes.</p> <p>The requirements of the notice are to:</p> <ul style="list-style-type: none"> (i) Discontinue the use of the Land for the stationing of caravans for the purposes of human habitation; (ii) Remove all caravans from the Land; (iii) Discontinue the residential use of the stable buildings; (iv) Remove the trailer from the Land; (v) Remove the mini digger from the Land; (vi) Remove the white toilet, washing machine and fridge from the Land; (vii) Remove the plastic bags and cardboard boxes containing household/personal items from the Land; (viii) Remove the table-tennis table, children’s bicycles, umbrellas, car seat, playhouse, plastic see-saw, basketball hoop and toys from the stable buildings and the Land; (ix) Break up and remove the hardstandings shown in the approximate location on the attached plan in blue from the Land; (x) Remove the timber fence panel from the Land; and (xi) On completion of steps (i) to (x) above, dismantle and remove the pipe and materials used to widen the ditch to extend the crossover onto the highway, shown in the approximate position on the Plan from the Land. <p>The period for compliance with the requirements is: three (3) months after the notice takes effect.</p>
<p>Decision and Date of Decision:</p>	<p>D 06 January 2025</p>

Inspector’s Reasoning:

- With regards to Appeal A, the main issue was whether the Authority’s decision to refuse to issue a Lawful Development Certificate (LDC) was well founded. This turned on whether, on the balance of probability, there had been a caravan on site that had been lived in for a continuous period of 10 years.

- The Inspector noted that on site there was a timber building next to the access against which was sited a large touring caravan at a right angle to its east; with a further, newer, L-shaped timber building to its north, within which was a separate small room with a toilet and small sink, as well as a washing machine, kitchen sink and adjoining kitchen units, microwave and rudimentary living area with wicker chairs and a low table within the building itself.
- The Inspector also noted that the appellant claimed there had been a caravan on site that had been lived in continuously since at least 2001, albeit this may not have been the same caravan. This was based on two aerial photographs dated 1/1/2004 and 6/6/2013, which was claimed to show a caravan in the same or similar position to the touring caravan now on the site and a series of letters from previous residents of the site and visitors. The Inspector concluded that the 2004 photo was blurred and unclear. The 2013 photo appeared to be a caravan, although that was unclear due to its aerial nature. With regards to the letters, the information provided was unclear as to where people lived within Plot 2 and how many times people had visited the site and when they may have visited the site. In addition, contrary evidence had been provided by the previous owner and immediate neighbours to the site. The previous owner confirmed that there had been an old unused (or unusable) caravan unconnected to any services when they bought the land, but that caravan had been sold for scrap and removed sometime in the summer of 2019 and that no one had lived on the site during their ownership period (May 2019 to June 2022). The immediate neighbour stated that no one had lived on the site before the present owners moved a caravan onto it in December 2022. Therefore, there was no evidence to demonstrate, on the balance of probability, that there had been a caravan on site that had been lived in for a continuous period of 10 years, either in the last 10 years or in any previous 10-year period before that.
- With regards to Appeal B related to the enforcement notice, the Inspector noted that Ground (c) of the appeal related to whether the areas of hardstanding on site were not breaches of planning because they were permitted development (PD). The Inspector also noted that the appellant did not indicate which part of the GDPO provided the PD rights. Therefore, they concluded that Ground (c) should fail because there was no dwellinghouse on site to benefit from PD rights and as the site was under 1 hectare it could not benefit from PD rights under Part 6 Class B (agricultural development on units of less than 5 hectares) because there was no evidence that the land was actually used as an agricultural unit (and historical permissions on the site indicated a lawful use for equestrian uses).
- The Inspector also concluded that the appeal on Ground (d) should fail as they had already established, through Appeal A, that part of the unauthorised material change of use, had occurred less than 10 years (and indeed less than 4 years) prior to the issue of the notice in 2023.
- With regards to the appeal on Ground (a) that planning permission ought to be granted. The Inspector noted that the appellant stated they could have applied for a rural worker's dwelling because they were 'building up a goat herd'. However, the appellant had not applied for such a dwelling, there were no animals located on the site and it was not in use as an agricultural holding. As there was no existing agricultural or other rural based business established on the site there was no need for a worker's dwelling.
- The Inspector acknowledged that the appellant was a gypsy/traveller as defined by the current (December 2024) version of Planning Policy for Traveller Sites. As such Policy SD33 (Gypsies, Travellers and Travelling Showpeople) was a relevant policy. But no arguments had been put forward by the appellant so as to justify that they meet the criteria in subsection 3 of this Policy. In the absence of any such explanation or evidence that these criteria were met, the Inspector assumed they were not and so the development was contrary to Policy SD33.
- The Inspector concluded that the proposal, including the high close boarded timber fence along its eastern boundary, was uncharacteristic and alien to the landscape and rural character of this part of the National Park, it failed to conserve the landscape and natural beauty of the Park and that there were

apparently no benefits that outweigh these. In addition, the introduction of electric lights at nighttime in a relatively tranquil and remote rural area characterised by predominantly dark skies was also contrary to policies SD7 and SD8. Therefore, planning permission should not be granted and the appeal on Ground (a) fails.

- The appeal on Ground (g) was that the steps required in the notice exceed what is necessary to remedy the breach. The Inspector acknowledged the appellants stated desire to create a smallholding and the fact that the use could revert to a lawful equine use. Therefore, they concluded that having a trailer, mini digger and toilet may come in useful and was not unreasonable in helping to create a smallholding or if the land reverted to a lawful equine use. Therefore, steps (iv), (v) and (vi) were excessive. However, the Inspector stressed that did not mean that they accepted that if a smallholding was created that it would require a residential presence, especially given the size of the Plot was only 0.97ha.
- In terms of the hardstanding, the Inspector concluded that there was no need for the new hardstanding in the field to the north of the stable building, but the hardstanding next to the older timber building at the southern end of the site was merely a repair or slight widening of the access route into the site itself, which was not unreasonable and the same was true of the widened crossover. Therefore, requirement (ix) of the notice was varied to remove this element and requirement (xi) was deleted.
- The Inspector concluded that in all other respects the requirements were the minimum necessary in order to cease the unauthorised material change of use of the site. However, the period of compliance would be extended to 6 months as this was a more reasonable and realistic time period given the circumstances of this case and the notice was varied accordingly. Therefore, subject to the amendments Appeal B was dismissed and the enforcement notice upheld.

Planning Application and Appeal Reference Number:	SDNP/23/00143/FUL APP/Y9507/W/24/3341829
Authority:	Chichester
Site:	The Old Coach House, Hawkhurst Court, Wisborough Green, West Sussex, RH14 0HS
Description of Development:	The development proposed is described as the addition of a 'lean to' storage unit at the rear of existing stable block, installation of a new rainwater harvesting system, replacement of existing 5 bar gate with new solid gates and making good hard surfacing in and around the stable yard.
Decision and Date of Decision:	A / D (split decision) 09 January 2025

Inspector's Reasoning:

- Procedural Matter – during the course of the appeal the appellant confirmed they were no longer seeking permission for the making good hard surfacing or the proposed rainwater harvesting tank store as these elements were being dealt with either through permitted development or within a separate planning application.
- Therefore, the main issues were the effect of the 'lean to' storage unit and the replacement gates on (i) the character and appearance of the landscape character of the area and (ii) the ancient semi-natural woodland.
- The Inspector noted that the Old Coach House formed part of 'Hawkhurst Court' (the Court), a number of residential properties (set in a circular form) on land originally linked to a country house. The Old Coach House itself was one of the first properties on the Court with the appeal site situated to the rear. The appeal site sat between the main dwelling and associated sand school and paddocks beyond. There were also further residential properties opposite. The Inspector concluded that although the paddocks formed part of the wider rural character, the appeal site was very much in a transitional position between that and the more developed heart of the Court.
- The Inspector concluded that due to the location of the proposed 'lean to' at the rear of the existing stable it was not overly visible and when glimpsed would be seen as part of the existing structure. In addition, the proposed gates would replace an existing barred gate. Whilst barred gates were quintessentially rural in character, due to the transitional position of the appeal site, they did not find the solid nature and taller height of the proposed gates to represent a design which would be discordant with its immediate surroundings. Therefore, the proposed 'lean to' and gate would not harm the overall character and appearance of the rural landscape and would have a neutral effect on the natural beauty of the National Park (neither harming nor enhancing it).

- With regards to the effects on the ancient semi-woodland (ASNW), the Inspector noted that the proposed 'lean to' would not require any direct works to trees within the ASNW. However, they concluded that the impact of development on an ASNW did not only relate to the individual trees within the woodland, it could also be indirect, such as in relation to soil quality / impaction, or the ecology of the woodland as a whole.
- The Inspector also noted that the proposed location for the 'lean to' was covered with paving slabs and a brick course potentially from a previous building on the site. However, the paving slabs were not in good repair and there was earth clearly visible between them. As such they did not create a solid surface and the change in porosity from the existing surface to that proposed may affect the soil beneath. Which in turn may indirectly affect the ecology of the ASNW. The Inspector concluded that although it was proposed that the foundations for the proposed 'lean to' could be poured on top of the existing surface, it had not been shown that that such construction would not lead to a reduction in soil quality or compaction of that soil. Therefore, taking account of the proximity of the 'lean to' to the ASNW, and the sensitive nature of an ASNW to indirect impacts within the buffer zone, without the necessary technical evidence, they were unable to conclude that the 'lean to' would not have a detrimental impact on the ASNW or whether additional planting would mitigate the potential harm.
- The Inspector concluded that although the appellant was no longer seeking permission for making good or extending the hardstanding or the installation of the rainwater harvesting tank store, they did form part of the proposal before them. Nevertheless, those elements were clearly separate and severable to the proposed 'lean to' and gate, which were also separate and severable from each other. As such the appeal was allowed insofar as it related to the addition of a replacement of the existing 5 bar gate with new solid gates, and dismissed insofar as it related to the installation of a new rainwater harvesting system, the making good of hard surfacing in and around the stable yard, and a 'lean to' storage unit at the rear of existing stable block.

Planning Application and Appeal Reference Number:	SDNP/24/01372/HOUS APP/Y9507/D/24/3349889
Authority:	Lewes
Site:	1a Offham Road, Lewes, East Sussex, BN7 2QR
Description of Development:	The development proposed is for a part section 73a retrospective application for raised rear decking, and the application for erection of rear access steps to decking.
Decision and Date of Decision:	D 09 January 2025

Inspector's Reasoning:

- The main issues were the effect of the proposal on (i) the character and appearance of the area, including the setting of the Lewes Conservation Area (CA), and (ii) the living conditions of existing and future occupiers.

- The Inspector noted that the site was located on an elevated and sloping parcel of land to the rear of 1a Offham Road, which was sited adjacent to a railway track. They also noted that as the scheme had been partly completed, they observed that it overlooks properties on Talbot Terrace. The set of steps would be added to the structure to enable access to the garden space below.
- The Inspector also noted that the completed proposal would extend beyond the existing upper garden boundary. They concluded that the structure would be a bulky and prominent addition to the host garden and hence at odds with the immediate surrounding area which was typified by simple boundary treatments (such as standard fencing and hedging). In addition, as it was within a highly visible location facing onto Talbot Terrace it would result in ‘less than substantial harm’ to the CA. Therefore, the proposal would harm the character and appearance of the area and the CA.
- With regards to effects on living conditions, the Inspector concluded that the existing structure appeared to be relatively robust and the proposed access steps were likely to be more reliable than the previous access conditions to the garden below. In addition, the eventual use of the structure would be one of personal choice for occupiers and visitors. Therefore, there was no harm to the living conditions of existing or future occupiers. However, for the other reason, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/24/00604/HOUS APP/Y9507/D/24/3347435
Authority:	Lewes
Site:	18 South Street, Ditching, East Sussex, BN6 8UQ
Description of Development:	The development proposed is for the removal of existing carport and replacement with double garage, along with the creation of new site access through a section of the existing hedging and flint wall.
Decision and Date of Decision:	D 09 January 2025

Inspector’s Reasoning:

- The main issues were (i) whether the proposal would preserve or enhance the character and appearance of the Ditchling Conservation Area (CA) and (ii) the effects on highway safety.
- The Inspector noted that the site was located within a CA behind a footpath on the eastern side of South Street, which was lined in part with traditional style flint walls and hedging. The host dwelling had a timber pergola to the front that was directly adjacent to the highway which had an access point to the north of the appeal site. The proposed double garage would replace the existing pergola. Access to the garage would be via a new opening in the flint wall to the south of the existing site entrance.

- The Inspector also noted that the proposed double garage would be constructed in copper, timber and aluminium materials. They concluded that whilst these materials were likely to weather over time and blend with the host dwelling, the more contemporary combination of materials would be at odds with the wider built form which, while eclectic, was mostly traditional in appearance. In addition, the proposal would be of some scale and mass when compared to a simple parking space or the open style and relatively insubstantial structure of the existing pergola. Consequently, the bulky proposal would diminish the remaining feeling of spaciousness in this semi-rural location before it transitioned into the more rural type areas beyond. Additional landscaping would not be adequate mitigation.
- The Inspector also concluded that the removal of a section of hedging and flint wall (to facilitate access) would cause less than substantial harm to the CA. This was because the traditional type and linear qualities of the wall helped to preserve and enhance the CA in this location. Therefore, the introduction of a further break (to accommodate an acceptable visibility splay) would weaken its heritage type character. Therefore, overall, the proposal failed to preserve and enhance the CA and would harm the character and appearance of the area.
- With regards to highway safety, the Inspector acknowledged that there had been a low level of collisions and serious accidents in this specific location. However, they could not be certain that the visibility splays would be sufficient to satisfy the Local Highway Authority (East Sussex County Council) requirements on this well used section of South Street. In addition, overall there would be movements emerging from two rather than one location, which would likely result in an increased potential for conflict between vehicles and pedestrians on the South Street footway. Taking the precautionary approach, the proposal would harm highway safety.

Planning Application and Appeal Reference Number:	SDNP/24/00593/HOUS APP/Y9507/D/24/3347249
Authority:	SDNPA
Site:	Danny Lodge, New Way Lane, Hurstpierpoint, West Sussex, BN6 9BA
Description of Development:	The development proposed is for the demolition of 2 buildings at the end of their life. Replacement with a single sustainable building using regenerative design principles.
Decision and Date of Decision:	D 13 January 2025

Inspector’s Reasoning:

- The main issue was the effect of the proposal on the character and appearance of the area.

- The Inspector noted that ‘Danny Lodge’ was a residential dwelling located near to the settlement of Hurstpierpoint to the eastern side of New Way Lane. The host dwelling plot had two existing dilapidated outbuildings (to the southern end of the site) that would be replaced by a traditional style pitched workshop / store together with a kitchen garden and lawn to the front.
- The Inspector acknowledged that the footprint of the proposed building would be smaller than an extant permission for a mono pitch timber building. However, the Inspector concluded that the proposed pitched roofed timber and brick development would be higher than the mono pitch roof of the extant permission. In addition, the proposal had elongated southern and northern elevations. Therefore, the proposed development would be of some considerable height, mass and breadth that would appear to be disproportionate to the host dwelling and the buildings it replaced.
- The Inspector also concluded that the development would appear as a highly prominent and bulky structure to those travelling along New Way Lane to Hurstpierpoint or other areas in the National Park and landscaping would not be adequate mitigation. Therefore, the proposal would harm the character and appearance of the area and the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/22/05736/FUL APP/Y9507/W/24/3340362
Authority:	SDNPA
Site:	Badgershole Shaw, Coombes Road, Lancing, BN15 0RS
Description of Development:	The development proposed is the erection of off grid three bedroom dwelling with change of use of land to create a residential curtilage and provision of a street level parking space accessed by new steps
Decision and Date of Decision:	D 13 January 2025

Inspector’s Reasoning:

- The main issues were (i) whether the site was a suitable location for the proposed development, with regard to the local development strategy and accessibility of services and facilities, (ii) the effect of the development on the character and appearance of the area, (iii) the effect of the development on biodiversity, (iv) the effect of the development on highway safety.
- The Inspector noted that the site was a section of wooded roadside bank, outside of any defined settlement boundary.
- The Inspector concluded that an essence need for a house this location had not been demonstrated in this case, nor would the proposal comply with the other criteria set out in Policy SD25. In addition, even if Shoreham-by-Sea or Steyning (the nearest settlements) had the facilities and services required for day-to-day living, they were located some distance from the site. Although it was feasible to walk and/or cycle to access services and

facilities within these areas, the geometry of the connecting roads and the lack of lighting and pavements for much of the routes, mean it was unlikely that future occupiers would commonly or routinely walk or cycle to access them. As such, and in the absence of a regular and nearby bus service, future occupiers were likely to be heavily reliant on the use of private car to meet their day-to-day needs. Furthermore, no dedicated cycle storage provision had been indicated on the submitted plans (and the proposed storeroom, if used by cycles would be cumbersome and inconvenient). Therefore, the site was not a suitable location for the proposed development.

- With regards to character and appearance of the area, the Inspector noted that the wooded site sloped steeply up and away from the road. Although there was sporadic development alongside the road, the land on which the development would be undertaken, together with that around it, retained a generally peaceful, rural ambiance. The fields, hedges and areas of woodland which were either within or close to the site, also made a positive contribution to the character and appearance of the area and to the distinctiveness and qualities of the wider National Park. The Inspector also observed a significant number of trees within and close to the outside edges of the area. The appellant had not provided any arboricultural impact assessment, tree protection plan and/or arboricultural method statement, therefore the Inspector concluded that they were not convinced that the proposed development could be undertaken without causing significant harm to and / or loss of trees.
- Furthermore, the formation of the car parking space and likely demand for bin storage closer to the road, would require a significant amount of excavation of a section of steeply sloping roadside bank. It also required the construction of a tall retaining wall. Although it was proposed that the retaining wall be constructed of oak, this structure, together with the residential use of the roadside car parking area would be prominent on approaching and when passing the site along the road.
- The Inspector also noted that the walls and roof of the dwelling would be of a low height and simple profile. However, its long road facing elevation would be significantly higher than the ground level below, and a large expanse of timber cladding would be erected in the gap between this and the platform the house would be built upon. A narrow band of woodland was proposed to be retained between the road and the dwelling. Nevertheless, due to the dwelling's elevation, together with the significant amount of glazing that would face the road, it would catch the eye of passers-by. In such views, and from within the site, the dwelling, the timber cladding covering the supporting pillars, and the platform, would be incongruous in the otherwise undeveloped wooded site. In addition, given the size and expanses of glazing proposed within the dwelling, and in the absence of definitive measures to minimise and / or mitigate light spill from the development, they were not satisfied that a condition would be effective in preventing harmful levels of light spill.
- Therefore, the Inspector concluded that overall, the residential use of the site, the construction of the dwelling and associated infrastructure, and any associated loss of trees, would have a harmful urbanising effect on the area. Such development and works would cause harm and would not conserve or enhance the National Park.
- With regards to biodiversity, in the absence of suitable bat surveys, the presence or otherwise, of bat roosts within the site (particularly those trees identified in the appellant's own preliminary ecological report), cannot be established. As such, the likely effects of the development on bats or bat roosts cannot be determined. Nor can conclusions be reached on whether any harm could be avoided, adequately mitigated, or compensated for. Therefore, the Inspector concluded given the lack of certainty regarding the effect of the development on a protected species, the precautionary principle must be applied, and significant harm to biodiversity could not be ruled out.

- With regards to highway safety, the Inspector had previously found that occupiers would ordinarily be heavily reliant on the use of private cars to access the site. That being the case and given the size and number of bedrooms within the dwelling, it was reasonably likely that demand for car parking would often exceed one space being proposed. Whilst, in isolation, one car could be safely parked and manoeuvred from the proposed off-road car parking space, no parking provision had been identified for additional vehicles. That being the case, demand for car parking was likely to lead to pressure for cars to be parked, at least partially, within the carriageway. Such parking would reduce forward visibility within the highway, to the detriment of highway safety. It would also have the potential to harmfully interrupt and reduce the intervisibility between those using the single proposed car parking space. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/24/01227/HOUS APP/Y9507/D/24/3349118
Authority:	Lewes
Site:	21-23 East End Lane, Ditchling, East Sussex, BN6 8SX
Description of Development:	The development proposed is for a part single storey part two storey rear extension to replace existing, addition of oak frame front porch, replacement glazing to existing front bay window and replacement of existing windows to front and rear.
Decision and Date of Decision:	D 13 January 2025

Inspector’s Reasoning:

- The main issues were (i) whether the proposal would preserve or enhance the character and appearance of the Ditchling Conservation Area (CA), and (ii) the effect of the proposal on the living conditions of neighbouring occupiers.
- The Inspector noted that the property, located on the northern side of East End Lane, was a terraced, two-storey white rendered, traditional style dwelling with a garden to the front that had a small extension within the patio area to the rear. In addition, the built form to the rear of the properties on this section of East End Lane was characterised by pocket garden spaces that were relatively unfettered other than small, rear boundary outbuildings to the west and the modest single-storey extension and structures associated with the appeal property. Therefore, the gardens were relatively compact but a sense of spaciousness was maintained in the surrounding built form.
- The Inspector also acknowledged that the general principle of extensions to the rear of building were acceptable. However, they concluded that notwithstanding that the proposed development would be less than a 30% addition and that there was a generous garden space to the front, the fact remained that the development would be of some scale and mass that would extend across most of the rear garden. Consequently, the bulky extension would be cramped on the host garden space and would appear as an alien addition to the patio area.

- The Inspector concluded that the scale of the oak porch and new fenestration to the front of the dwelling would result in ‘less than substantial harm’ to the CA. However, the proposal overall failed to preserve or enhance the CA and it harmed the character and appearance of the area.
- With regards to the effect on living conditions, the Inspector noted that the part two-storey proposal would extend beyond the existing extension across the full width of the host garden and formed a new boundary treatment with No 19 East End Lane. It would also be in close proximity to the rear boundary with No 6 East Gardens. As such, the immediate outlook from No: 19 would be to a relatively high, blank rendered elevation. In addition, No: 6 would look onto the entirety of the development from its elevated position. Therefore, the immediacy and the considerable height and bulk of the new development would create a sense of enclosure in this garden location and harm the outlook of the occupiers of No 19 and No 6. Causing harm to the living condition of the neighbours. Therefore, the appeal was dismissed.

Planning Application and Appeal Reference Number:	SDNP/23/04536/FUL APP/Y9507/W/24/3346420
Authority:	Lewes
Site:	Flats 5, 6, 9 & 10 Broomans Court, Broomans Lane, Lewes, East Sussex, BN7 2LT
Description of Development:	The development proposed is for the replacement of 6 No (3 pairs) single glazed timber bay windows with 6 No UPVC double glazed casement windows
Decision and Date of Decision:	D 15 January 2025

Inspector’s Reasoning:

- The main issues were (i) whether the proposal would preserve or enhance the character and appearance of the Lewes Conservation Area (CA), and (ii) the effect of the proposal on biodiversity and economic capital.
- The Inspector noted that Broomans Court (an apartment building of ten flats) was located in the CA and found to one side of Broomans Lane which was lined by a flint wall as ran from Friars Walk to Lewes High Street. The building had a mixture of timber and UPVC fenestration, including single-glazed casement and feature oriel type windows.
- The Inspector concluded that the oriel, bay type windows added elevational interest to the modest host building. Therefore, even if the proposed double-glazed windows were to be constructed in a traditional-type material such as timber, the removal of these features would result in a flat and plain appearance to the elevation of the building. Consequently, the proposal would erode the established character of the building and diminish its historical type design that accords with other heritage assets in the CA and the wider Lewes townscape. In addition, the use of more contemporary materials in

this specific section of the CA would be highly visible for those using the footway when making their way to and from the well-used Lewes High Street. Therefore, whilst the harm was 'less than substantial', the proposal would fail to preserve or enhance the character and appearance of the area.

- The appellants 'eco-system services statement' refers to the energy efficiency of UPVC windows. The Inspector concluded that even if the UPVC windows were to be double glazed, the relative efficiency of a UPVC product would not outweigh its environmental harm in comparison to a timber product, which could be repaired and / or, upgraded over time. In addition, the Inspector had no evidence related to any mitigation measures that would reduce the environmental harm. Therefore, the proposal failed to comply with Policies SD2 and SD9 of the Local Plan and Policy LE1 of the Lewes Neighbourhood Plan and the appeal was dismissed.

<p>Planning Application and Appeal Reference Number:</p>	<p>SDNP/23/04903/DCOND Appeal A Ref: APP/Y9507/W/24/3345162</p>
<p>Authority:</p>	<p>Lewes</p>
<p>Site:</p>	<p>Land West of The Drove, Ditchling, East Sussex, BN6 8TR</p>
<p>Description of Development and Conditions in dispute:</p>	<p>'Sui Generis' - use of land for the keeping of 5 or more horses. The "Sui Generis" change of use started some time prior to 2007' without complying with the conditions and the related reasons attached to planning permission Ref APP/Y9507/W/22/3292828.</p> <p>The condition in dispute is No 3 which states that within six months of the date of this permission the following shall be submitted in writing for the approval of the LPA:</p> <ul style="list-style-type: none"> i) a scheme for numbers, sizes and types of equestrian related moveable structures including jumps and a detailed plan showing the location to which they would be confined when not in use such location to be as near as practicable to the location depicted on Plan Ref 2103-SK10 Rev B. ii) a scheme for managing the storage of manure. iii) a scheme for an appropriate conservation-based land management approach to alleviate potential flooding/water logging of the land. iv) a scheme for tree and hedge planting including the quantity, size, species, and positions and density of all trees and hedges to be planted, how they will be protected and the proposed time of planting. <p>Within six months of the LPA giving written approval of each of the above schemes each approved scheme shall be implemented in accordance with the approved details and retained thereafter.</p> <p>The reason given for the condition is to alleviate potential flooding/water logging of the land and for managing the storage of manure to improve the useability of the land and in the interests of public health and safety and water quality. To control the numbers and positions of moveable structures and to prevent permanent sub-division of the land, other than temporary fencing that may be required to restrict the movement of horses from time to time, and to ensure that tree and hedge planting preserves the character and appearance of the area.</p>
<p>Decision and Date of Decision:</p>	<p>D 22 January 2025</p>

Planning Application and Appeal Reference Number:	SDNP/24/01000/DCOND Appeal B Ref: APP/Y9507/W/24/3348645
Authority:	Lewes
Site:	Land West of The Drove, Ditchling, East Sussex, BN6 8TR
Description of Development and Conditions in dispute:	<p>'Sui Generis' - use of land for the keeping of 5 or more horses. The "Sui Generis" change of use started some time prior to 2007' without complying with the conditions and the related reasons attached to planning permission Ref APP/Y9507/W/22/3292828.</p> <p>The condition in dispute is No 3 (iv) which states that within six months of the date of this permission the following shall be submitted in writing for the approval of the LPA:</p> <p>iv) a scheme for tree and hedge planting including the quantity, size, species, and positions and density of all trees and hedges to be planted, how they will be protected and the proposed time of planting.</p> <p>Within six months of the LPA giving written approval of each of the above schemes each approved scheme shall be implemented in accordance with the approved details and retained thereafter.</p> <p>The reason given for the condition is to ensure that tree and hedge planting preserves the character and appearance of the area.</p>
Decision and Date of Decision:	D 22 January 2025

Inspector's Reasoning:

- The Inspector noted that both appeals were seeking to fully discharge Condition 3 of planning application SDNP/21/00894/FUL (which was approved following a previous appeal). The appeals differ in that Appeal A sought to discharge elements (i), (ii), (iii) and (iv) of Condition 3, whereas Appeal B sought to discharge element (iv) alone. Therefore, the main issue was whether Condition 3 was reasonable and necessary in the interests of preserving the character and appearance of the area.
- The Inspector noted the site was a sloping, tree and hedge lined grazing field with equestrian type stores and moveable structures and equipment that was accessed via a part made track from Keymer Road. Following a site visit, the Inspector also noted the limited extent and potential locations of the moveable structures as well as the permitted position of the muck heap in Appeal B to the more shielded northern boundary.
- The Inspector acknowledged that in Appeal A elements (i) and (iii) would replicate those in Appeal B. In addition, the location of the muck heap in Appeal A would benefit from some shielding from trees and hedges to the north, be constructed in natural materials at some distance from a nearby

water course to avoid nitrate seep. However, due to the relatively elevated location of the Appeal A muck heap and its position closer to the north-eastern boundary in comparison to that of Appeal B, it would draw the eye of those passing along the adjoining lane. This would be particularly visible at certain times of the year when leaf cover was less dense. The Inspector concluded that this would detract from views of the Downs and harm the character and appearance of the area.

- With regards to element (iv), the Inspector noted that there were juvenile trees and plants to the northern boundary and towards the centre of the site. However, they concluded extent and location of the planting did not fully accord with the submitted drawings of either Appeal, an example given was the absence of additional planting to the eastern boundary and the south-east corner of the field. The Inspector also acknowledged that the proposed location of planting in Appeal B was more precise. However, they concluded that the exact positioning of the new trees and hedge planting remained limited and its overall density once established remained uncertain. Therefore, the planting was incomplete and the details provided insufficient to establish if views to the Downs would be maintained and the character and appearance of the area would be preserved.
- Overall, the Inspector concluded that even though some elements in Appeal B had already been discharged by the Authority, when Condition 3 was considered as a whole it had not been fully discharged. For both Appeals, it was reasonable and necessary to retain the precise and relevant condition in order to preserve the character and appearance of the area. Therefore, both appeals were dismissed.

Planning Application and Appeal Reference Number:	SDNP/24/00061/PA3R APP/Y9507/W/24/3342746
Authority:	Chichester
Site:	Land at Farm between Forest Mead and Stonefield, Linchmere Common, Linchmere, GU27 3NE
Description of Development:	The development proposed is described as class R application for change of use of agricultural building to Class C1 (hotels).
Decision and Date of Decision:	D 23 January 2025

Inspector’s Reasoning:

- The main issues were (i) whether the proposed use falls within the permitted development rights under Schedule 2, Part 3, Class R of the General Permitted Development (England) Order 2015 (as amended) (GPDO), and (ii) if so, whether the prior approval details relating to transport and highway impacts, noise impacts, and contamination risks on the site would be acceptable.
- The Inspector noted that Class R permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use (iii) Class C1 (hotels) of Schedule 1. Development was not permitted by Class R if (a) the building was not used

solely for an agricultural use as part of an established agricultural unit (i) on 3 July 2012; (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a building which was brought into use after 3 July 2012, for a period of at least 10 years before the date development under Class R begins.

- The Inspector also noted that the appeal building was a wide, flat roofed portal-framed structure with open bays and an enclosed section and was being used to store various items, such as machinery, tools and equipment.
- The Inspector concluded that whilst the appellant set out the building had been used for storage in connection with their agricultural contracting business, little information had been provided regarding the operation of said business. In addition, the third-party letters provided, setting out works undertaken on a farm, the storage of hay and various other activities, did not provide conclusive and substantial evidence to demonstrate that the contracting operations which occurred were such that the building was solely in use for agricultural purposes on the relevant date / duration as set out in the criteria in Class R.1 (a). In the absence of robust evidence, the Inspector concluded that they could not be confident that the building would be solely in agricultural use as part of an established agricultural unit. Therefore, it had not been shown that the proposed development was development which would be permitted by Class R of the GPDO.
- As the Inspector concluded the development was not permitted development under Class R, it was not necessary to consider the other matters and the appeal was dismissed.