

# Planning Applications Committee

19 February  
2020



Working in Partnership



**Time and venue:**

**5.00pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE**

**Membership:**

**Councillor Sharon Davy (Chair); Councillor Steve Saunders (Deputy-Chair); Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Sean MacLeod, Imogen Makepeace, Laurence O'Connor and Nicola Papanicolaou**

**Quorum: 5**

*Published: Monday, 10 February 2020*

## Agenda

**1 Minutes (Pages 5 - 8)**

To confirm and sign the minutes of the previous meeting held on 29 January 2020 (attached herewith).

**2 Apologies for absence/Declaration of substitute members**

**3 Declarations of interest**

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

**4 Urgent items**

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A supplementary report will be circulated at the meeting to update the main reports with any late information.

## **5 Petitions**

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

## **6 Written questions from councillors**

To deal with written questions from members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

## **Planning applications outside the South Downs National Park**

### **7 LW/19/0371 - Land south and west of the East Sussex County Council Port Access Road, Southern Roundabout (Pages 9 - 26)**

### **8 LW/19/0882 - 72 Northwood Avenue, Saltdean, East Sussex, BN2 8RG (Pages 27 - 34)**

### **9 LW/19/0877 - Land rear of 53 Cissbury Avenue, Peacehaven, East Sussex (Pages 35 - 44)**

### **10 LW/19/0589 - Hortons, Hemsleys Lane, Streat, East Sussex, BN6 8SB (Pages 45 - 56)**

## **Non-planning application related items**

### **11 Summary of SDNP appeal decisions received from 19 September 2019 to 27 January 2020 (Pages 57 - 94)**

### **12 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 11 March 2020 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

## General information

**Planning Applications outside the South Downs National Park:** Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

**Planning Applications within the South Downs National Park:** The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

## Information for the public

**Accessibility:** Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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**Public participation:** There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Planning department by 12:00pm on the day before the meeting.

## Information for councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Councillor right of address:** If members have any questions or wish to discuss aspects of any application listed on the agenda they are requested to contact the Planning Case Officer prior to the meeting.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Committee and Civic Services Manager in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

## Democratic Services

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## **Planning Applications Committee**

**Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, on 29 January 2020 at 5.00pm**

### **Present:**

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair) (Minute No 95 to 102), Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy (Minute No 95 to 102), Sylvia Lord, Sean MacLeod, Imogen Makepeace (Minute No 95 to 104), Laurence O'Connor and Nicola Papanicolaou

### **Officers in attendance:**

Jennifer Baxter (Specialist Advisor, Planning Enforcement)  
Andrew Hill (Senior Specialist Advisor, Planning)  
Jennifer Norman (Committee Officer, Democratic Services)  
Joanne Stone (Solicitor, Planning)

### **95 Minutes**

The minutes of the meeting held on 8 January 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **96 Apologies for absence/Declaration of substitute members**

There were none.

### **97 Declarations of interest**

There were none.

### **98 Petitions**

There were none.

### **99 Written questions from councillors**

There were none.

**100 LW/19/0242 - The Sussex Coaster, 80 - 82 South Coast Road, Peacehaven, East Sussex, BN10 8SJ**

Councillor Isobel Sharkey spoke on behalf of Peacehaven Town Council. Brian Chatfield, Richard Tesch and Peter Head spoke against the proposal. Henry Wagstaff and Stephen Dryeurgh spoke for the proposal.

Resolved:

That planning application LW/19/0242 for proposed demolition of public house and re development to provide seventeen residential units (10no. 1-bed flats and 7no. 2-bed flats), commercial office space (112 square metres) and associated parking and landscaping (amended plans) (amended description) be refused for the following reasons:

- 1) Impact on residential amenity through loss of light and overshadowing;
- 2) Location of vehicular access onto Vernon Avenue would have an adverse impact on residential amenity through increased vehicle flows, congestion, on-street parking and impact on safety; and
- 3) Future parking needs and displacement of existing parking would detrimentally impact on the amenity of local residents.

**101 LW/19/0714 - 342 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7EW**

Leanne Jarvis spoke against the proposal.

Resolved:

That planning application LW/19/0714 for proposed to demolish existing bungalow and garages and construction of a block of 4 flats with associated car parking, covered bicycle shelter and refuse/recycling area be approved, subject to the conditions set out in the report and the amendment of condition 3 to move the bin-store to the northeastern most part of the site.

**102 LW/19/0534 - 4 Firlie Grange, Seaford, East Sussex, BN25 2HD**

Darren Moore (Agent) spoke for the proposal.

Resolved:

That planning application LW/19/0534 for single storey side and 2-storey rear extensions, rear outdoor covered area and front entrance porch and change to associated facing materials be approved, subject to the conditions set out in the report and subject to amend condition 3 to include "to include insulation behind cladding."

**103 LW/19/0809 - 36A and 36B The Rough, Newick, East Sussex**

Councillor Cathy Wickens spoke on behalf of Newick Parish Council. Sarah Cox, Ben Caulkett and Jim Sheppard spoke against the proposal. The Chair

read a statement on behalf of Councillor Roy Burman, in his capacity as a Lewes District Ward Councillor.

Resolved:

That planning applications LW/19/0809 for approval of reserved matters application for the layout, scale, landscaping, appearance and access following outline consent LW/18/0048 (part retrospective) be refused for the following reason:

- 1) Application refused for the reasons set out in previous application LW/19/0517, namely that the development would be overly bulky, discordant with the appearance of surrounding development and had the potential for overlooking and loss of light. The Committee also resolved that the development being overbearing should also be included in the reasons for refusal.

**104 LW/19/0518 - 363 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HH**

*The Committee adjourned for a short comfort break prior to the consideration of this item.*

Resolved:

That planning applications LW/19/0518 for first and second floor extension to create four additional flats be approved, subject to the conditions set out in the report.

**105 SDNP/19/05065/FUL - Foxhole Farm House, Foxhole Farm, Seaford Road, Newhaven, East Sussex, BN9 0EE**

Mark Miles and Amanda Miles spoke against the proposal. D Collins spoke for the proposal.

Resolved:

That planning application SDNP/19/05065/FUL for resiting and retention of mobile home for holiday accommodation be approved, subject to the conditions set out in the report and supplementary report.

**106 Enforcement monitoring from 1 October 2019 to 31 December 2019 (Part A)**

Resolved:

That the report which provided an overview of planning enforcement matters throughout Lewes District during the period 1 October 2019 to 31 December 2019, be noted.

**107 Enforcement monitoring from 1 October 2019 to 31 December 2019  
(Part B)**Resolved:

That the report which detailed planning enforcement cases throughout Lewes District which have had notices authorised and/or served within the quarter of 1 October 2019 to 31 December 2019, be noted.

**108 Summary of appeal decisions received from 1 October 2019 to 31 December 2019**Resolved:

That the appeal decisions received from 1 October 2019 to 31 December 2019, be noted.

**109 Date of next meeting**

Prior to the close of the meeting, the Committee wished to express its gratitude to Officers for all of their hard work and dedication in relation to all planning matters, including enforcement monitoring, undertaken on behalf of the Council.

Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 19 February 2020 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

The meeting ended at 8.16 pm.

Councillor Sharon Davy (Chair)



# Agenda Item 7

<b>APPLICATION NUMBER:</b>	LW/19/0371		
<b>APPLICANTS NAME(S):</b>	Newhaven Port & Properties	<b>PARISH / WARD:</b>	Newhaven / Newhaven Denton & Meeching
<b>PROPOSAL:</b>	Planning application for construction of two link roads between Newhaven Port and the East Sussex County Council Port Access Road along with associated gates, fencing and landscaping		
<b>SITE ADDRESS:</b>	Land south and west of the East Sussex County Council Port Access Road, Southern Roundabout		
<b>Recommendation</b>	Grant planning permission subject to conditions and a S106 agreement.		



## 1. SITE DESCRIPTION / PROPOSAL

### Site Description

1.1 The site comprises approximately 1.23ha and is located immediately to the east of Newhaven Port and adjoining the boundary with the Newhaven Port Access Road. To the north is Mill Creek. Under construction by ESCC at the moment is a bridge over Mill Creek, which will form part of the Newhaven Port Access Road Project (PAR), which has received DoT funding. The section of road southwards from the bridge will terminate in a new roundabout adjacent to the boundary of the Newhaven Port and Properties land.

1.2 The site was formerly scrub land that has been cleared by ESCC in order to provide a temporary haul road and construction area. It is relatively flat and open. A Public Right of Way runs along the eastern boundary of the operational area of the Port, providing access to footpaths 40a and 40b, leading to Seaford Bay and Tide Mills.

1.3 Although the site falls within the Planning Boundary, it is also wholly within the Tide Mills Local Wildlife Site. The boundary of the SDNP is approximately 100m to the north west of the site and 400m to the west. The site lies within Flood Zones and 2.

### Proposal

1.4 Planning permission is sought for the construction of two private roads that will carry two-way traffic, including HGVs, between the port and the public highway, linking in to the PAR. The roads will connect at the new roundabout at the end of the PAR that is currently under construction. The southern access road will extend to the southern boundary of Newhaven East Quay, whilst the western access road will connect to the northern end of the Newhaven East Quay hardstanding on the southern bank of Mill Creek. The length of both sections of the road totals 0.29km.

1.5 There would be a security barrier on each section of the road and a security building at the top of the southern section. This will be the subject of a separate planning application. Four new 12m high light columns will be installed at various points along the roads.

1.6 A scheme of landscaping is proposed alongside the link roads, in line with the scheme under construction by ESCC.

1.7 In order to facilitate the works a diversion of public footpath will be required, moving it from alongside the current operational Port boundary to alongside the eastern boundary of the PAR and associated link roads. A footpath along the eastern part of the PAR will provide access to footpaths north of Mill Creek. The footpath that runs to the south of the proposal, which would be unaffected, links this area to Cycle Route 2, which runs along the A259, via Mill Drove.

## 2. RELEVANT POLICIES

**LDLP: – ST03 – Design, Form and Setting of Development**

**LDLP: – ST11 – Landscaping of Development**

**LDLP: – ST30 – Protection of Air and Land Quality**

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

**LDLP: – NH20 – Upgrading and Expansion of The Port**

**LDLP: – SP1 – Provision of Housing and Employment Land**

**LDLP: – CP4 – Economic Development and Regeneration**

**LDLP: – CP9 – Air Quality**

**LDLP: – CP10 – Natural Environment and Landscape**

**LDLP: – CP11 – Built and Historic Environment & Design**

**LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage**

**LDLP: – CP13 – Sustainable Travel**

**LDLP:- E1 – Land at East Quay, Newhaven Port**

**LDLP:- DM1 - Planning Boundary**

**LDLP:- DM23 - Noise**

**LDLP:- DM24 – Protection of Biodiversity and Geodiversity**

**LDLP:- DM25 – Design**

**LDLP:- DM35 – Footpath, Cycle and Bridleway Network**

**LDLP:- DM27 – Landscape Design**

### **3. PLANNING HISTORY**

Although there are numerous entries in the planning register relating to this area, only the ESCC applications relating to the PAR are of relevance:

**LW/2061/CC** - To vary Condition three on existing planning permission for the Port Access Road - LW/2061/CC – **Approved 1<sup>st</sup> May 2007**

**LW/2565/CC** - Construction of a new road between A259 Drove Road roundabout and port area, south of Newhaven to Seaford Railway and creek, including environmental buffer and landscaping – **Approved 19<sup>th</sup> September 2002.**

### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**Main Town Or Parish Council** – The Committee noted the proposals and made no comments at this stage. The Chair suggested further conversations with BAM Nuttall to see whether enhanced habitats could be provided in due course.

**Seaford Town Council** – At tonight's Planning and Highways Committee meeting it was RESOLVED to raise no objection. There was some concern expressed however regarding the adequacy of the feeder road joining the main highway network at the roundabout on the A259 and a request that further consideration should be given to the improvement of this part of the network.

**ESCC Rights Of Way** – As set out in paragraph 5.8 of the application design and access statement, a public path diversion order will be required to facilitate this development. Through pre-application discussions with the applicant a suitable diversion of Public

Footpath Newhaven 7b has been identified, to include minor alterations to Public Footpaths Newhaven 40a and 40b, as shown in drawing: PB7307-RHD-DE-HN-DRD-0100 GA. Any connection between the Port and Port access Road will impact on Public Footpath 7b in particular. A diversion is felt to be greatly preferable to the path being confined by fencing and subject to road crossings and is seen as essential to ensure that the amenity of the path is maintained.

Footpath 7b has been subject to a similar diversion in the past, to facilitate the development of the existing Port areas. The aspect of the path will not be substantially different if it is diverted to enable this application, inasmuch as the developed Port area will be maintained to its west with the open area of Tide Mills to its east. In addition to preserving the aspect of the path, a benefit of the diversion will be to create a connection with the roadside footway which will run alongside the Newhaven Port Access Road on its completion. This in turn will provide a direct connection with the public paths at the Ouse Estuary Nature Reserve. With the improved connectivity between Tide Mills and the beach and the path network to the north of the Mill Creek it is felt that the diversion would result in an improvement to public access in the area. Therefore, we do not object to the application, subject to a diversion being achieved by way of an order made by the Planning Authority under Section 257 of the Town and Country Planning Act 1990, which would be supported on the basis that the amenity of the affected public footpaths will be improved.

**Environmental Health** – No comments received.

**East Sussex Fire And Rescue Services** – No comments received.

**ESCC Highways** – I do not wish to raise objection on highway grounds. This application seeks consent for 2 internal private roads to connect the port to the approved public highway section of the Port Access Road/ McKinley Way. These roads are to provide internal connection so that associated port traffic (and any traffic associated with other uses in this area) has a designated purpose-built route onto the strategic highway network. This application effectively completes the port road to allow related traffic to access East Quay for its permitted activities and minimise the traffic related impact on roads such as Railway Road which is not ideally suited due its residential characteristics.

The Port Access Road (PAR) intends to accommodate traffic that has and is to be generated by development that has been approved under consented and/or allocated development schemes that have been subject to transport modelling. The adopted road construction is designed to accommodate port related traffic such to include haulage vehicles and HGVs. The intention is that where East Quay related traffic has to currently route through Beach Road and Railway Road, this traffic will be able to be diverted onto the more suitable PAR via the proposed sections of road subject of this application.

The construction of the proposed roads should be to an adoptable standard and have sufficient width to accommodate anticipated vehicle sizes. The Port Access Road is currently under construction by East Sussex Highways up to the Port Access Roundabout, all which will be adopted highway. The proposed roads that connect to this are shown on drawing 'General Arrangement' DR-D-0100 P09.

The infrastructure shown on this drawing such as security building, parking bays, security barriers should all be on the private section of the road and kept clear of the proposed adopted highway. The initial arm sections of the Port Access Roundabout need to be retained as public highway. An overlay plan is required setting out the extent of the public highway and the port associated security infrastructure clear of it.

The applicant's attention is drawn to the necessity to ensure that no surface water is allowed to flow from the development onto the highway and similarly no surface water from

the highway should be allowed to flow into the site. The provision of positive drainage measures will be required to collect any flow of surface water.

In principle the proposal is acceptable, but details to indicate the reposition of security related buildings, parking, barriers and any lighting and measures for surface water drainage should be submitted for re-consultation.

**LDC Regeneration & Investment** – No objection, fully support the proposal which will facilitate further economic regeneration of the area.

**LDC Planning Policy Comments –**

This planning application should be considered against the policies of the adopted Lewes District Local Plan Part 1 (LPP1), the policies of the Submission Lewes District Local Plan Part 2 (LPP2), and relevant ‘saved’ policies of the Lewes District Local Plan 2003 (LDLP 2003).

The National Planning Policy Framework (NPPF) may also be a material consideration. In accordance with the Cabinet resolution of 17th April 2012, only those ‘saved’ LDLP 2003 policies that are consistent with national planning policies are applicable to the determination of planning proposals in the district.

The LPP2 will not gain full weight as part of the development plan for the area until it is adopted. However, the plan was submitted for examination in December 2018 and a number of hearing sessions were held April 2019. Following these hearing sessions, the Inspector recommended that modifications to a small number of policies be published for consultation prior to the submission of his final report.

All the other LPP2 policies have essentially been found ‘sound’ and can therefore be given substantial weight in the determination of relevant planning applications, unless other material considerations indicate that it would be unreasonable to do so. The ‘sound’ policies are BA01, BA02, BA03, CH01, DM1-23, and DM25-37.

The proposed development is located on a site currently allocated for the upgrading and expansion of Newhaven port. It is located within the Newhaven planning boundary, as defined on the LPP1 Proposals Map, and within the Tide Mills Local Wildlife Site. The principal planning policies relevant to this proposal are therefore:

- ‘saved’ Policy NH20 of the LDLP2003
- Core Policy 4 (Criteria 2 & 7) of the LPP1
- Core Policy 10 (Criteria 1 & 2) of the LPP1

I consider that the proposed development accords with the above development plan policies and is therefore acceptable in principle. However, in view of the close proximity of the Newhaven Air Quality Management Area, its coastal location, and the potential impact on the public footpath network, the development should also comply with:

- Core Policy 9 of the LPP1
- Core Policy 12 of the LPP1
- Policy DM35 of the LPP2

Other relevant policies are DM1, DM21, DM22, DM23, and DM27 of the LPP2. If it is considered that the application also accords with these policies, it should be recommended for approval

**Environment Agency** – We have no objection to the proposal as submitted.

**ESCC Archaeologist** – Based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. Although the applicant's heritage assessment highlights the proximity of a World War 1 seaplane base, I have assessed historic maps and photographs and I consider the extent of the former seaplane base is outside the proposed works area. Historic maps do indicate a narrow gauge railway passed through the area in the early 20th century. I have visited site and noted remains of this railway, comprising a narrow linear concrete strip. I have taken photos of this feature, including a section where the utilities have cut through it and will add these to the Historic Environment Record. For this reason I have no further recommendations to make in this instance.

**ESCC County Ecologist** – Proposed Grass Mix - I am pleased to hear that Royal Haskoning will contact the Millennium Seedbank with regards to a suitable seed mix. As discussed at the meeting on 13/11/19, if the MSB cannot provide a seed mix, they can advise on how best to collect seed from the local area, e.g. through strimming. The best contact at the MSB is Stephanie Miles (s.miles@kew.org.). Details regarding the seed mix can be agreed by condition.

Outline Construction Management Plan - Noted.

Compensation and Net Gain -The figure being suggested as an amount for compensation and net gain (£6200) is noted. Whilst I substantively agree with how the figure has been derived, given that this is based on previously calculated amounts that date back almost 20 years, I consider that an allowance should be made for inflationary increases over that period of time. What rate of inflation is used and how this influences the proposed payment is not a matter I am able to advise on and should be for the District Council to consider and agree.

Planning Conditions - In light of the above, and taking into account previous comments, if the Council is minded to approve the application, conditions should be required for the seed mix, robust method statements for the protection of the LWS and reptiles, implementation of the CEMP (which includes a pre-works check for badgers, sensitive lighting scheme and precautions with regards to breeding birds), and a Landscape and Ecological Management Plan.

The figure for compensation and net gain should be secured by S106, and either paid to Lewes District or to Newhaven Town Council, to be a contribution towards implementation of recommendations from the Ouse Estuary Nature Reserve hydrological study.

In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective

**South Downs National Park** – The site for the proposed development is approximately 100-150 metres south-west of the boundary of the South Downs National Park (SDNP). The site is close to and within the context of the existing infrastructure and industrial built environment in this part of Newhaven.

Notwithstanding this context, it would be appropriate to consider any noise implications that would be generated from the road on the tranquillity of the nearby National Park.

In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). It is noted that the submitted lighting assessment is has considered the impact of the infrastructure lighting required in connection with the development, against the Dark Skies reserve status of the SDNP. In addition to this, it would be helpful if

clarification can be provided as to whether the proposed lighting would meet the lighting standards of the Institute of Lighting Professionals (ILP) for this zone.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park; this document can be found at: <http://www.southdowns.gov.uk/about-us/integrated-landscape-character-assessment>

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Lewes District Council, as a relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at:  
<http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues at: <https://www.gov.uk/government/>

**ESCC SUDS** – Mill Creek is adjacent to the application site and as a consequence part of the site is within the extent of Flood Zone 2. The creek is a designated Main River, making the management of the flood risk associated with it the responsibility of the Environment Agency (EA).

It is our understanding that surface water from the application site will be managed through carriage drainage to gullies which are connected to the proposed swales and pond and finally discharge to the Mill Creek. This is acceptable in principle subject to an EA Discharge Permit.

The submitted Micro Drainage calculations show the gross catchment areas which each section of the swale will serve; however, the General Arrangement (drainage layout) drawing number: PB7307-RHD-DE-HN-DR-D-0100; Rev: P09, shows only three road gullies along the entire road. The number of gullies will have implications on the catchment areas and the functionality of the entire swale along the proposed road. Therefore, the applicant should submit hydraulic calculations commensurate with the proposed drainage layout. The drainage layout should include the full proposed drainage system with referenced drainage features, the catchment areas for each gully/section of the swale, and the final proposed ground levels since the road will have a side hung profile.

We note that the proposed outfall will be placed above the expected Mean High Water level, which is 2.2m according to the supporting hydraulic calculations. However, there is no supporting information to show where this value came from. The applicant should include information of the expected Mean High Water levels within the Mill Creek at the proposed outfall location. If the proposed outfall is placed below the mentioned level, the detailed hydraulic calculations should consider a surcharged outfall equivalent to the Mean High Water Springs (MHWS) level. Also the applicant should submit hydraulic calculations for the submerge condition based on the predicted 1 in 100 year flood level showing how that even will be managed safely.

British Geological Survey (BGS) data indicates that the entire site is at risk of ground water flooding and that groundwater on site is less than 3m below ground level. High groundwater could have an impact on both the hydraulic capacity and the structural integrity of the proposed pond and swale. Therefore, the applicant should carry out groundwater monitoring between the autumn and spring to demonstrate that there will be at least 1m unsaturated zone between base of the storage structures. If this cannot be

achievable, the applicant should submit information on how impacts of high groundwater will be managed in the design of the drainage system to ensure that storage capacity is not lost and structural integrity is maintained.

It is noted that the surface water drainage system has been designed to allow for a 20% climate change factor which is reasonable. However, consideration should be given to the 40% climate change event as a sensitivity test in accordance with the latest Environment Agency climate change allowance guidance.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Surface water discharge rates not exceeding 2.5 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and should be commensurate with the proposed drainage layout.
2. The details of the outfall of the proposed swale and attenuation pond, and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the swale and attenuation pond should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
  - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
  - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
6. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

Objections received from 7 local residents on the following grounds:

- Effect on wildlife
- Noise and disturbance
- Over development



- Continued development of the area
- Potential for increased traffic in wildlife sensitive area
- Additional pollution
- Building in the countryside
- Effect on AONB
- Lack of information
- Lack of infrastructure
- Loss of open space
- Loss of right of way
- Out of character
- Overbearing building/structure
- Smell/fumes
- Traffic generation
- Pollution on a family beach
- Stop using Newhaven as a dumping ground
- Historical significance of site
- Flooding
- Potential erosion of strategic gap
- No need for development

Sussex Wildlife Trust: The Sussex Wildlife Trust (SWT) objects to this application. As acknowledged in the Environmental Report (ER) and Extended Phase 1 Habitat Survey the proposed link roads are within Tide Mills Local Wildlife Site (LWS) and will result in the permanent loss of habitat. However, there appears to be no indication in these documents that the reduction in the physical extent of the LWS has been properly considered and will be compensated for, or that the proposal will result in net gains to biodiversity as required by paragraph 170 of the National Planning Policy Framework (NPPF). LWSs are non-statutory sites designated at a county level which are recognised as providing a comprehensive, rather than representative, suite of sites across the country. They are fundamental components of the UK's ecological network and need to be valued appropriately. Tide Mills LWS contains both priority habitat and species and has already been degraded in a piecemeal manor by previous Lewes District Council and East Sussex County Council planning decisions. To allow further destruction without adequate mitigation and compensation is contrary to Core Policy 10 and NPPF paragraph 175.

SWT is disappointed to see that the permanent loss of 1.23ha of the habitat in the Tide Mills LWS is only categorised as minor adverse in paragraph 2.5.1 of the ER and disagrees that because the proportion of the LWS that is going to be lost is apparently small, this negates the need to mitigate the whole loss. Tide Mills LWS is not uniform in its extent. It contains a mosaic of habitats each of which have their own value, however the cumulative value of this mix, especially in terms of the range of species supported, is larger than the sum of its parts. It is well documented that the area to the south of Mill Creek is of particular value for birds and reptiles where other parts of the LWS may not be.

SWT would like to see further consideration of the mitigation required in terms of the loss of LWS habitat and demonstration that there will be an overall net gain to biodiversity. We also note that there is no scope for further enhancements to the existing nature reserve. Any mitigation should include bringing a wider area of the LWS into positive management.

## **6. PLANNING CONSIDERATIONS**

### **Principle**

6.1 The proposed link roads will create access to the East Quay of Newhaven Port, which is allocated in the extant Local Plan for employment use (policy NH20) and in the soon-to-be adopted Local Plan Part 2 (policy E1).

6.2 It is recognised that the Port will play an increasingly important economic role in the District and its expansion and enhancement is supported by CP4, in order to help revitalise the economy of the coastal area. The area that is covered by policy E1 has previously been constrained by poor vehicular access. The constriction of the PAR, together with these two new link roads, will unlock capacity for new employment space in this part of Newhaven and significantly enhance the development potential of the site.

6.2 The site falls within the Planning Boundary, so the proposal is not in conflict with policies CT1 and DM1.

### **Ecology**

6.3 One of the key issues of concern has been the impact of the proposal on the ecology in the area. The proposed development will result in the loss of 1.13ha of habitat, which is made up of:

- Permanent loss of 0.90ha of coastal and floodplain grazing marsh;
- Permanent loss of 0.14ha of neutral semi-improved grassland;
- Permanent loss of 0.09ha of dense scrub; and
- Permanent loss of 0.05ha of bare ground.

6.4 During the course of the application, agreement was reached between the developer and the County Ecologist for satisfactory off-site mitigation measures to compensate for the loss, including a net habitat gain of 10%. Due to the limited land available for on-site habitat creation opportunities, options for off-site habitat creation were agreed to be the most appropriate. It is proposed that a financial contribution towards the Ouse Estuary Nature Reserve hydrological study recommendations will be made by Newhaven Port to LDC through a Section 106 Agreement, to address the concerns raised by the ESCC Ecologist.

6.5 The total financial contribution, to be secured by s106, has been calculated as £10,000, including habitat compensation, net gain considerations and inflation.

6.6 The County Ecologist is satisfied with the offer and now supports the proposal, subject to conditions.

6.7 The objections raised by Sussex Wildlife Trust are noted. Subsequent discussions and agreement reached with the applicant as outlined above are supported by the County Ecologist resulted in a suite of mitigation measures which are considered to be satisfactory.

6.8 It is considered that, on balance, the proposal does not conflict with policies ST11, CP10 and DM24.

### **Design and amenity**

6.9 Policies ST3, CP11 and DM25 cover broad aspects of good design, including some aspects of amenity. The proposal is compliant with the aims of the relevant aspects of these policies.

6.10 Policies ST30 and CP9 are specifically related to air quality. The application was accompanied by a detailed Environmental Report covering, amongst other things, impact

on air quality during construction and the measures that will be taken to mitigate the impact. These are considered to be satisfactory.

6.11 Post construction, it is considered that the proposal accords with the relevant aspects of these policies in that it will lead to an improvement in air quality to residents on Beach and Railway Roads by moving Port related traffic onto the PAR.

## **Lighting**

6.12 The proposal will involve the installation of four new lighting columns, in addition to the one existing column in the vicinity. A Lighting Impact Report was submitted with the application, which, taking into consideration policy SD8 (Dark Night Skies) of the SDNP Local Plan (July 2019), concludes:

*"The impact of the Proposed Development's lighting was considered in accordance with industry recognised best practices, guidelines and standards applicable for lighting such environments. Based upon the Baseline Lighting Assessment and the information available at the time of the assessment, the overall artificial lighting impacts associated within the Proposed Development on the surrounding area will be minimal, if recommended mitigation measures are implemented.*

*Additionally, the observable impact from the assessed viewpoints would be minor adverse. In terms of potential impacts towards the South Downs National Parks, to the northeast of the site, which is a Dark Sky Reserve, this is assessed to be negligible, based on the current lighting surrounding the Newhaven Port."*

6.13 It is considered that from this aspect, the proposal will not lead to any harm to the SDNP. Details of the lighting columns are required by condition.

## **Flood Risk**

6.14 A detailed Flood Risk Assessment was submitted with the application which concludes that

*"The site is at:*

- *Low risk of flooding from fluvial sources in both defended and undefended scenarios;*
- *Low risk of flooding from sea (tidal) sources in the defended and undefended scenarios;*
- *Low risk of flooding from groundwater sources;*
- *Very low risk of flooding from surface water sources;*
- *Low risk of flooding from sewers; and*
- *Very low risk of flooding from reservoirs, canals, and other sources.*

*Including an allowance for climate change, the indicative maximum water depth for the undefended scenario would be 0.32m for a 1 in 200 year event by 2070 and 0.91m for a 1 in 200 year event by 2115. The indicative maximum water depth for the defended scenario would be 0.39m for a 1 in 200 year event by 2070 and 1.11m for a 1 in 200 year event by 2115. A Surface Water Drainage Strategy has been developed for the site and the primary design mitigation against increased surface water flood risk would be the use of swales within the surface water drainage design.*

*An Environmental Permit for Flood Risk Activities may be required for the Proposed Development as it crosses the embankment in the south which forms part of the tidal flood defence. It is recommended that the Emergency Evacuation Plan for Newhaven Port is extended to include the Proposed Development following construction.*

*Access and egress from the Proposed Development requires users to pass through Flood Zone 3 in all directions. However, its use is transient in nature and therefore it is recommended that the Proposed Development be evacuated should a flood warning be issued. On the basis of the flood risk to the site and the proposed flood risk management techniques, including resistance measures, it is considered that the Proposed Development is appropriate in line with the National Planning Policy Framework"*

6.15 The SuDS Team has raised no objection to the proposal and has recommended conditions to be attached to the decision.

6.16 It is considered that, subject to the conditions, the proposal would not be in conflict with policy CP12.

### **Noise**

6.17 The Environmental Report also covers noise mitigation measures during construction which are considered to be satisfactory and to meet industry standards.

6.18 The introduction of a new road will clearly increase noise levels in the area. However this has to be considered against the background of the existing noise levels arising from the existing activities of the Port. It should also be recognised that this area has been allocated for the expansion of the Port, which will inevitably bring about increased noise levels. However, this should be balanced against the fact that the development, together with the PAR, will remove HGV traffic from residential areas to the north.

6.19 Policy DM23 seeks to ensure uses such as residential are directed away from areas that would generate noise levels that would lead to significant loss of amenity. Given the aspirations for the area, it is considered that there would be no conflict with this policy.

### **Traffic**

6.20 The Highways Authority supports the proposal as:

*".. a key priority for the County Council (as acknowledged in the Council Plan) as we and partners consider it to be an integral piece of infrastructure that will aid in the economic regeneration of Newhaven. In particular, the Port Access Road will provide improved connectivity into Newhaven Port from the strategic road network, supporting the delivery of the Enterprise Zone objectives and unlocking employment land within the Port".*

6.21 It is recommended that the proposed roads be constructed to adoptable standards and are of sufficient width to accommodate anticipated vehicle sizes. An Informative has been added to this effect.

6.22 One of the objectives of policy CP13 is to work with other agencies to improve accessibility to support sustainable communities. The proposal is consistent with the aims of this policy.

### **Public access**

6.23 The proposed diversion of footpath 7B is supported by the Rights of Way team and is considered that it will improve connectivity between Tide Mills and the beach, and the path network to the north of Mill Creek. As noted above, the diversion will not have any impact on connections to the existing cycle way to the north. It is East Sussex County Council's intention to provide a link off their roundabout on to Footpath 7b and it is understood that

they are continuing to progress a scheme for that purpose. This is indicated on the submitted plan.

6.24 The link roads past the security barrier will be for Port traffic only, and no public access can be provided beyond this point for safety and security purposes as it would allow unchecked access into the working areas of the Port. Existing pedestrian access to the beach will be maintained by the diversion of Public Footpath 7b.

6.25 In this respect, the proposal is fully compliant with policy DM35

### **Conclusion**

6.26 The proposal will open up the Employment Site allocated under policies NH20 and E1. Once developed, the site will help to consolidate economic growth and regeneration in Newhaven, the impacts of which will reach beyond the area.

6.27 The concerns raised in respect of the impact on ecology have been addressed with mitigation measures agreed with the County Ecologist.

6.28 In all respects the proposal is considered to comply with relevant local and national planning policies. Approval is therefore recommended.

## **7. RECOMMENDATION**

7.1 That planning permission is granted, subject to a S106 agreement to secure financial contribution of £10,000 toward habitat compensation, and subject to the conditions below.

7.2 Should the S106 fail to be signed within 6 months of the committee decision, the application should be refused under delegated powers.

### **The application is subject to the following conditions:**

1. Prior to the construction of the road, details of the surface water discharge rates not exceeding 2.5 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings shall be submitted to and approved in writing by the LPA in consultation with the LLFA. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and should be commensurate with the proposed drainage layout.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

2. Prior to the commencement of development the details of the outfall of the proposed swale and attenuation pond, and how it connects into the watercourse should be provided as part of the detailed design, and shall be submitted to and approved in writing by the LPA in consultation with the LLFA. This should include cross sections and invert levels

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely, shall be submitted to and approved in writing by the LPA in consultation with the LLFA.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

4. The detailed design of the swale and attenuation pond should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided. The details shall be submitted to and approved in writing by the LPA in consultation with the LLFA prior to the commencement of development.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
- b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

6. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with policies CP11 and CP12 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

7. Before the development hereby approved is commenced on site, details of the proposed seed mix to be incorporated within the Landscape Proposals as shown on approved drawing 6812\_006 shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent unless otherwise agreed in writing.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation or in accordance with the programme approved in writing with the Local Planning Authority.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

9. Before the development hereby approved is commenced on site, details of the methodology for a sensitive, supervised clearance of reptiles and a suitable receptor site, shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent unless otherwise agreed in writing.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

10. Before the development hereby approved is commenced on site, the measures set out in the approved CEMP in respect of protected species shall be carried out in full.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits in accordance with policies ST11 and CP8 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

11. Before the development hereby approved is commenced on site, details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent unless otherwise agreed in writing.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies ST3 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

12. No development shall take place until full details of the proposed lighting columns have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to policies ST3, CP11 and DM25, of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework.

14. No development that would result in the stopping up of a public footpath/right of way shall take place until details for the footpath diversion, and the creation of a footpath link from the diverted footpath to the east of the road back up to the new roundabout, as shown on approved plan PB7307-RHD-DE-HN-DR-D-0100 Rev P09, shall be submitted to and approved in writing by the LPA and shall thereafter be constructed in accordance with the approved details before the road is brought into use.

Reason: In the interests of improving accessibility to the wider footpath network having regard to Policy DM35 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

15. The road hereby approved shall not be brought into use until the details for the provision of 2 x secure cycle stands to be provided in the vicinity of the new roundabout have been submitted to and approved in writing by the LPA and shall be implemented as approved.

Reason: In the interests of improving accessibility and to enhance the shared path constructed along the Port Access Road having regard to Policy CP13 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

### **INFORMATIVE(S)**

1. The applicant is advised that the roads approved by way of this planning permission should be built to an adoptable standard and have sufficient width to accommodate anticipated vehicle sizes. The proposed roads that connect to this are shown on drawing 'General Arrangement' DR-D-0100 P09. The infrastructure shown on this drawing such as security building, parking bays, security barriers should all be on the private section of the road and kept clear of the proposed adopted highway. The initial arm sections of the Port Access Roundabout need to be retained as public highway. An overlay plan is required setting out the extent of the public highway and the port associated security infrastructure clear of it.

2. The applicant's attention is drawn to the necessity to ensure that no surface water is allowed to flow from the development onto the highway and similarly no surface water from the highway should be allowed to flow into the site. The provision of positive drainage measures will be required to collect any flow of surface water.

### **This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	20 May 2019	Transport Statement
Proposed Layout Plan	20 May 2019	D-0100 General arrangement
Biodiversity Checklist	20 May 2019	Habitat Survey
Waste Minimisation Statement	20 May 2019	Waste Assessment Report
Lighting Detail	20 May 2019	Lighting Impact Assessment Report
Additional Documents	20 May 2019	Preliminary Risk Assessment
Flood Risk Assessment	20 May 2019	Flood Risk Assessment
Additional Documents	20 May 2019	Environmental Report
Additional Documents	20 May 2019	Drainage Strategy
Other Plan(s)	20 May 2019	6812_001 Landscape Designations _ Context

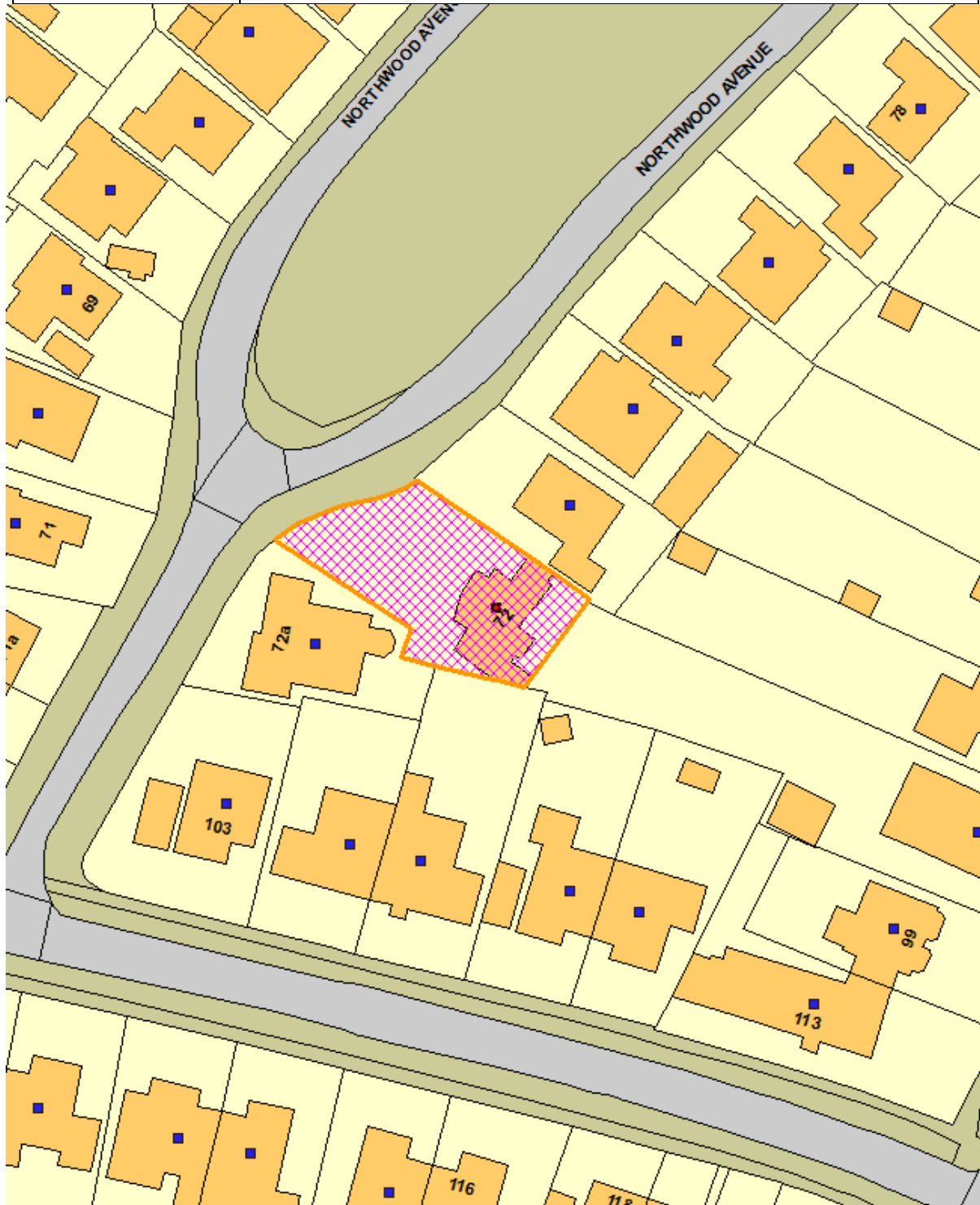


Additional Documents	20 May 2019	Appendices to Townscape / Landscape and Visual Impact Assessment
Additional Documents	20 May 2019	Landscape and Visual Impact Assessment
Additional Documents	20 May 2019	LANDSCAPE PROPOSALS, MAINTENANCE AND MANAGEMENT PLAN
Landscaping	20 May 2019	6812_006 Soft Landscape Proposals
Design & Access Statement	20 May 2019	Planning, Design & Access Statement
Location Plan	20 May 2019	Location Plan
Other Plan(s)	27 January 2020	Public Rights of Way Plan
Additional Documents	23 January 2020	Revised CEMP

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# Agenda Item 8

<b>APPLICATION NUMBER:</b>	LW/19/0882		
<b>APPLICANTS NAME(S):</b>	Mr A Benham	<b>PARISH / WARD:</b>	Telscombe / East Saltdean & Telscombe Cliffs
<b>PROPOSAL:</b>	Planning application for demolition of existing bungalow and erection of replacement single family dwelling		
<b>SITE ADDRESS:</b>	72 Northwood Avenue, Saltdean, East Sussex, BN2 8RG		
<b>Recommendation</b>	Grant planning permission		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies to the south east of Northwood Avenue, a wholly residential area characterised by detached bungalows and chalet bungalows of varied scale and appearance. The access road is unmade.

1.2 The site is occupied by a detached 1950s' bungalow with a hipped form and a render and concrete tile finish. It has been extended with various flat-roofed/ lean-to extensions. Ground levels fall from west to east. There is off-street parking on an unmade driveway along the south western edge of the site and a relatively large garden to the front of the property both of which slope down from the road to the front of the bungalow. There is no formal turning area on the site. There is a small paved yard to the rear of the property. The boundary treatments to the sides and rear are a mixture of tall fences, walls and shrubs. The front of the site is bounded by a low wall. There is a grass verge beyond it which is used for informal parking. The site is not within a conservation area.

1.3 The application seeks planning permission for the demolition of the existing bungalow and its replacement with a three bedroom chalet bungalow which would be sited closer to the road and have a larger footprint and ridge height. The proposed dwelling would be finished with brick, timber-effect cladding, uPVC joinery and a clay tiled roof. It would have an integral garage with space for one car. The driveway would be relocated to the north west of the site.

## 2. RELEVANT POLICIES

**LDLP: – CP2 – Housing Type, Mix and Density**

**LDLP: – CP11 – Built and Historic Environment & Design**

**LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage**

**LDLP: – CP13 – Sustainable Travel**

**LDLP: – CP14 – Renewable and Low Carbon Energy**

**LDLP:- DM1 - Planning Boundary**

**LDLP:- DM22 – Water Resources and Water Quality**

**LDLP:- DM24 – Protection of Biodiversity and Geodiversity**

**LDLP:- DM25 – Design**

## 3. PLANNING HISTORY

[PREAPP/19/0145 – Demolish the existing dwelling and erect new dwelling. Response summarised as follows:

- Footprint should be pulled back to provide a better transition between adjoining dwellings.
- Care should be taken to avoid any overlooking from the first floor windows, in particular No.72a.
- Surrounding dwellings are individually styled however have some distinctive features such as front gables, hanging tiles, brick and plain tiles, which would be a good starting point for detailed design.

- CP14 of LDLP1 should be considered.

Approved applications for a replacement bungalow on the site, most recently under LW/13/0736 have expired.

Applications relating to the demolition of the bungalow and its replacement with a pair of semi-detached dwellings under LW/06/0040 and LW/05/1617 were refused on the grounds the development would be out of keeping in terms of excessive footprint, bulk, height and unsympathetic design; detrimental to neighbouring amenity in terms of overlooking, loss of light and obtrusiveness; and provide insufficient parking.]

**LW/06/0407** - Erection of a replacement bungalow with detached garage - **Approved**

**LW/13/0736** - Demolition of existing bungalow and construction of new dwelling - **Not Proceeded With**

**E/51/0005** - Proposed garage. - **Refused**

**E/54/0047** - Planning and Building Regulations Applications for proposed extension of loggia. Building Regulations Approved. - **Approved**

**E/53/0436** - Planning and Building Regulations Applications for proposed conversion of garage into living room and addition of garage. Building Regulations Approved. - **Approved**

**LW/05/1617** - Demolition of existing bungalow and erection of a pair of semi- detached houses - **Refused**

**LW/06/0040** - Demolition of bungalow and erection of two semi-detached houses - **Refused**

#### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**Main Town Or Parish Council** – Parish Council object to the application due to overdevelopment of the site and loss of privacy for the neighbours.

**Environmental Health** – No objection to the proposal subject to conditions relating to hours of work and dust management and informatives.

**District Services** – Bins to be brought to highway for collection. There should be no steps to bin store.

**ESCC Highways** – No comments to make. Reference to Minor Planning Application Guidance 2017 Minor Planning Application Guidance (2017).

#### **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

An objection was received from the occupants of a neighbouring property to the rear which raises concerns about the lack of obscure glazing to the rear-facing bedroom window and loss of privacy.

#### **6. PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of the application include the principle of development; the character and appearance of the area; residential amenity; accessibility; biodiversity; and renewable energy/ sustainable building design.

### **Principle of development**

6.2 The site is within the Peacehaven and Telscombe planning boundary where development is supported in principle under DM1 of LDLP2 provided it accords with other policies. The existing dwelling is dated and is not of architectural or historic merit. The principle of its demolition and replacement is acceptable.

### **Character and appearance of the area**

6.3 The dwelling's proposed layout would create a transition between the more uniform and spacious pattern of development to the north and No.72a, which has a much smaller plot and limited separation distance to the road. It would also provide a more usable private amenity space to the rear of the site.

6.4 The site lies between two relatively modest bungalows however there are examples of taller chalet bungalows in the immediate area. The larger footprint, mass and higher ridge would not be excessive or out of keeping with surrounding development taking into account the relatively varied character of the area, the smaller plot and siting of No.72a closer to the road and the proposed dwelling's staggered building line and varied roof form. Whilst being located further to the front of the site and being a higher building than the existing, it is not considered that the proposal would be overbearing to either neighbour.

6.5 The proposed design is relatively conventional with a mixture of clay brick, cream timber-effect cladding, clay roof tiles and white uPVC joinery however would replace a building of no particular architectural or historic merit and would be sympathetic to surrounding development.

6.6 The proposal would therefore accord with Policies CP11 of LDLP1 and DM25 of LDLP2.

### **Residential amenity**

6.7 There are a number of clear-glazed windows on the facing side elevations of the adjoining bungalows to the north and south (Nos 72a and 73 respectively). There is also a conservatory on the north eastern corner of No.72a. The rear gardens of properties to the east and south east abut the rear boundary of the site.

6.8 There would be no material harm to neighbouring amenity through overshadowing or an overbearing impact taking into account the orientation of the site and the layout and form of the proposed dwelling; the effect of existing tall boundary treatments along the sides of the application site; and the separation distance to dwellings to the east/ south and depth of their gardens.

6.9 The comments from the Town Council in relation to privacy has been noted, however it is considered that there would be no material harm through overlooking of neighbouring properties from side-facing windows as these would be a combination of rooflights and obscure glazed units with high sills.

6.10 The potential to erect a sizeable dormer extension with clear-glazed windows on the rear elevation of the existing dwelling under permitted development rights is a material consideration. The proposed dwelling would be sited further from the rear boundary than

the existing dwelling. In any case there would be no material harm through overlooking of properties to the south and east taking into account the separation distance involved and the depth of their rear gardens. Planting along the rear boundary would provide a degree of mitigation and could be secured by condition.

6.11 Construction hours are limited by condition in the interests of neighbouring amenity. A condition requiring details of dust management would not be justified for a development of this scale.

6.12 The proposal would provide a satisfactory environment for future occupants of the proposed dwelling in terms of outlook, light, privacy and external amenity space.

6.13 The proposed development therefore accords with Policies CP11 of LDLP1 and DM25 of LDLP2.

### **Accessibility**

6.14 The proposal would relocate the driveway and retain off-street parking including one garage space. While drivers would be required to reverse off the site this is currently the case. A low level wall and planting along the frontage could be secured as part of a landscaping scheme to maintain visibility.

6.15 The application site would provide ample scope for the provision of secure and covered cycle storage which is secured by condition to encourage sustainable modes of transport.

6.16 The proposed development accords with the objectives of Policy CP13 of the LDLP1.

### **Sustainable building measures**

6.17 The application is not supported by a sustainability statement to demonstrate how the scheme would meet the objectives of CP14 of LDLP1 in terms of renewable/ low carbon energy and sustainable use of resources.

6.18 The plans show an electrical vehicle charging point in the proposed garage and the proposed driveway would be finished in permeable block paving however there is scope for PV panels or other forms of renewables on the site as well as conservative water consumption. Further details are secured by condition to meet the requirements of Policy CP14.

### **Ecological Impact**

6.19 There is scope for biodiversity enhancement in the form of a bat/ bird nesting box (or a suitable alternative) and soft landscaping in accordance with DM24 and the NPPF. Further details are secured by condition.

## **7. RECOMMENDATION**

7.1 The proposal would be in keeping with the character and appearance of the area and would not result in material harm to neighbouring amenity. The proposal would preserve highway safety. There scope to meet policy requirements in terms of sustainable design and use of resources as well as biodiversity enhancement.

7.2 Therefore is recommended that planning permission is granted.

**The application is subject to the following conditions:**

1. Notwithstanding the approved plans, proposals for the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include details of boundary treatments around the perimeter of the site and details of hedge and/or tree planting along the front and rear boundaries (including the number, size and species to be planted).

Upon approval:

- a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the dwelling or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.

Reason: In the interests of visual amenity, neighbouring amenity, highway safety, sustainable urban drainage and achieving biodiversity enhancement in accordance with Core Policies 10, 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy; DM22, DM24 and DM25 of Lewes District Local Plan Part Two and the NPPF 2019.

2. Prior to the first residential occupation of the dwelling hereby permitted, measures to reduce carbon energy use; facilitate renewable energy installations; and lower household water consumption, shall be put in place, in accordance with details that shall be submitted to and approved in writing by the local planning authority. These measures shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with Policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the NPPF 2019.

3. Prior to the first residential occupation of the development hereby permitted, an electric vehicle charging point shall be provided in the garage as shown on the approved plans or in a convenient location adjacent to the parking area and be ready for use. The electric vehicle charging point shall be retained thereafter and kept in good working order.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the NPPF 2019.

4. Prior to the first occupation of the dwelling hereby permitted, a secure and sheltered cycle storage facility shall be provided within the curtilage of the dwelling in a location which is convenient to use, in accordance with details that shall first be submitted to and approved in writing by the local planning authority. The cycle storage facility shall be retained thereafter.

Reason: In order to reduce private car use and encourage sustainable forms of transport and to reduce local contributing causes of climate change, in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part 1 and the NPPF 2019.



5. Prior to the first residential occupation of the development hereby permitted, the car parking shown on the approved plans shall be provided in accordance with the approved plans. The parking area shall be retained as such thereafter, unless otherwise agreed in writing by the local planning authority, and the spaces shall not be allocated to staff, customers or residents, but shall be unallocated.

Reason: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, in accordance with CP13 of Lewes District Local Plan Part One: Joint Core Strategy; DM25 of Lewes District Local Plan Part Two and the NPPF 2019.

6. Details of the specification, design and location of bat or bird nest boxes/bricks (or suitable alternatives) to be installed on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The boxes/ bricks (or agreed alternatives) shall be installed in accordance with the approved details prior to first occupation of the dwellings hereby approved and thereafter retained.

Reason: In the interests of biodiversity enhancement in accordance with CP10 of Lewes District Local Plan Part One: Joint Core Strategy; DM24 of Lewes District Local Plan Part Two; and the NPPF 2019.

7. All hard surfaces of the development hereby approved shall be permeable to allow for natural soakage of surface water into the land or direct surface water run-off to soakaways or permeable surfaces within the application site.

Reason: To ensure the appropriate management of surface water on the site and in accordance with CP12 of the Lewes District Local Plan Part One; DM22 of Lewes District Local Plan Part Two; and the NPPF 2019.

8. The external materials and finishes to be used in the construction of the development hereby permitted shall be as specified in the submitted Design and Access Statement and shown on the approved plans.

Reason: In the interests of visual amenity having regard to Policies CP11 of the Lewes District Local Plan Part 1; DM25 of Lewes District Local Plan Part 2; and the NPPF 2019.

9. The sills of the high-level dormer windows on the south west side elevation of the development hereby permitted shall be no less than 1.7m in height above internal finished floor level. All first floor windows on the south west side elevation shall be glazed with obscure glass sufficient to prevent external views.

Reason: To prevent perceived and actual overlooking of neighbour properties in accordance with CP11 of the Lewes District Local Plan Part One: Joint Core Strategy; DM25 of Lewes District Local Plan Part 2; and the NPPF 2019.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order), no development falling within Classes A, B or C of Part 1 of Schedule 2 of the Order shall be erected/ installed on the dwelling hereby approved without express planning consent from the Local Planning Authority first being obtained.

Reason: In view of the siting of the development together with the proximity and orientation in relation to neighbouring properties, further development of the site has the potential to significantly adversely affect residential amenity and therefore should be regulated in accordance with the aims and objectives of Policy CP11 of the Lewes District Local Plan Part One; Policy DM25 of Lewes District Local Plan Part Two; and the NPPF 2019.

11. Construction work and deliveries associated with the development hereby permitted shall be restricted to between the hours of 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays and not at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity having regard to Policy CP11 of the Lewes District Local Plan Part One; Policy DM25 of Lewes District Local Plan Part Two; and the NPPF 2019.

**INFORMATIVE(S)**

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. Waste management advisory comment. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. There should be no bonfires on site.

3. The applicants should undertake an asbestos survey prior to demolition of the current building and ensure that the relevant Health and Safety Regulations and Guidance are adopted during the demolition of the building should asbestos containing materials be present within the dwelling.

4. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**This decision is based on the following submitted plans/documents:**

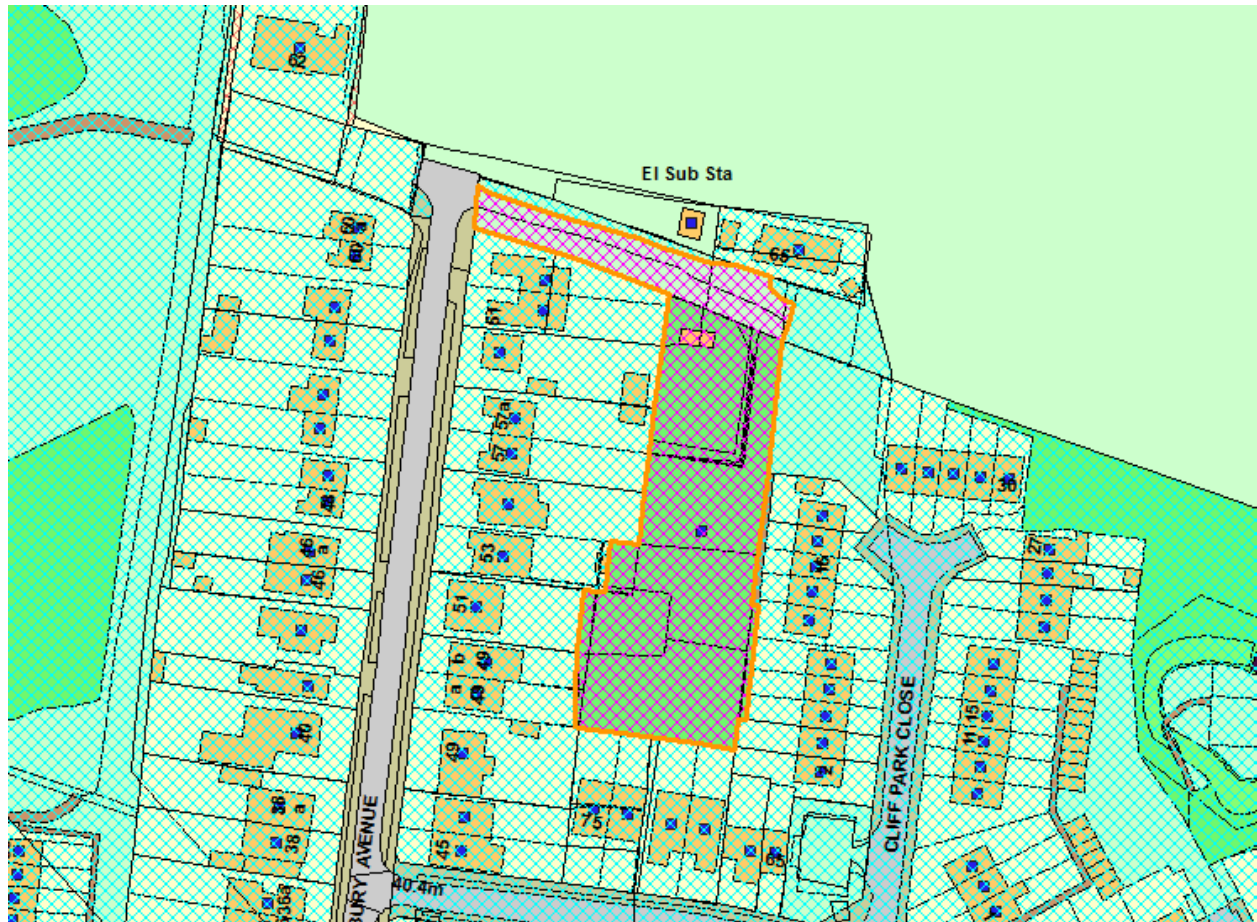
<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	9 December 2019	01-1219-04
Proposed Block Plan	9 December 2019	01-1219-09
Proposed Roof Plan	9 December 2019	01-1219-07
Proposed Elevation(s)	23 January 2020	01-1219-08A
Proposed Floor Plan(s)	30 January 2020	01-1219-05B
Proposed Floor Plan(s)	23 January 2020	01-1219-06A

**Application Details**

	Existing	Proposed	Gain/Loss
Parking - Cars -			
Unit	2	2	
Parking - Bicycles -			
Unit	0	2	

# Agenda Item 9

<b>APPLICATION NUMBER:</b>	LW/19/0877		
<b>APPLICANTS NAME(S):</b>	Mr P Morley	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven East
<b>PROPOSAL:</b>	Planning application for proposed erection of single storey detached bungalow		
<b>SITE ADDRESS:</b>	Land rear of 53 Cissbury Avenue, Peacehaven, East Sussex		
<b>Recommendation</b>	Grant Planning Permission		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application site lies within the Planning Boundary of Peacehaven and is located in the northern part of the town. The site comprises land to the rear of properties in Cissbury Avenue and specifically to a plot of land measuring 17.7m x 17.7m to the rear of 53 Cissbury Avenue and having an area of approximately 315 square metres.

1.2 The plot of land lies between two other plots, both of which benefit from extant planning permission for development as follows:

**LW/17/0193 - Planning permission for a block of four flats occupying land to the north of the application site.**

**LW/17/0760 - Planning permission for two detached bungalows on a backland plot south of the application site.**

The application site is in between these two approved developments. The site is not located within a conservation area.

### PROPOSAL

1.3 The application seeks planning permission for the construction of a detached 2-bedroom bungalow dwelling measuring 11.8m across and 7.1m in depth. The side elevation of the bungalow would be 4m from the boundary of the site with the back gardens of existing homes in Cissbury Avenue and access to the site would be via the approved roadway leading to the pair of previously approved bungalows to the south (ref. LW/17/0760).

1.4 Each bungalow would have a simple and traditional form with pitched roof and gabled ends. The ridge height would be 4.5m above ground level and the eaves 2.3m. No windows or other openings are proposed on the side elevations.

1.5 External materials and finishes are proposed to be concrete interlocking roof tiles; red multi stock brick walls; and white uPVC windows and doors.

1.6 The ground floor plan would comprise two bedrooms; bathroom; kitchen; and living room. A bicycle store is proposed on one side along with a car parking space in front, which would have an electric vehicle charging point. No accommodation is proposed within the loft space. Boundaries would comprise 1.8m high close-boarded timber fences.

1.7 The application is a revised scheme following the refusal of application LW/19/0183 on 4 July 2019, which sought planning permission for a pair of semi-detached bungalows within the same plot. The previous reasons for refusal were as follows:

1. *The proposal by way of its limited site area, form of the building, and layout of the site, would result in substandard accommodation for future occupiers, failing to meet National Space Standards for both room and dwelling size, the small garden size, and the overlooking from the approved buildings to the rear and as a result of these poor living conditions, contrary to policies ST3 and DM25 of the Lewes District Local Plan.*

2. *The proposal fails to provide for refuse and recycling storage on the site, contrary to policy DM26 of the Lewes Local Plan Part 2, and also fails to provide for electric vehicle charging points nor does it provide solar panels or any other renewable energy provisions or energy reduction and efficiency provisions and as such does not comply with policies CP9, CP13 and CP14 of the Lewes Local Plan.*

## 2. RELEVANT POLICIES

**LDLP: – ST03** – Design, Form and Setting of Development

**LDLP: – CT01** – Planning Boundary and Countryside Policy

**LDLP: – SP2** – Distribution of Housing

**LDLP: – CP11** – Built and Historic Environment & Design

**LDLP: – CP13** – Sustainable Travel

**LDLP: – CP14** – Renewable and Low Carbon Energy

**LDLP: – DM25** – Design

## 3. PLANNING HISTORY

**LW/08/1158** - Erection of five dwellings comprising of one detached four bedroom two storey house & two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/11/1254** - Renewal of extant planning approval LW/08/1158 for erection of five dwellings comprising of one detached four bedroom two storey house and two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/13/0612** - Erection of four self-contained two bedroom flats - **Approved**

**LW/14/0367** - Erection of four new dwellings - two pairs semi-detached single storey bungalows - **Approved**

**LW/19/0877** - Proposed erection of single storey detached bungalow -

**E/70/0721** - Planning and Building Regulations application for boilerhouse for nursery. Building Regs Approved. Completed. - **Approved**

**LW/00/0823** - Outline application for construction of nine single family dwellings - **Withdrawn**

**LW/08/1158** - Erection of five dwellings comprising of one detached four bedroom two storey house & two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/09/0867** - Amendment to approved plan no LW/08/1158 - revisions to plot 3. Variation of condition 5 for access road only to extend as far as plot 3. Variation of condition 6 for turning area to be constructed on completion of dwellings to plots 1 and 2. - **Approved**

**LW/11/1254** - Renewal of extant planning approval LW/08/1158 for erection of five dwellings comprising of one detached four bedroom two storey house and two pairs of three bedroom semi-detached chalet bungalows - **Approved**

**LW/13/0612** - Erection of four self-contained two bedroom flats - **Approved**

**LW/17/0193** - Erection of block of four self-contained flats (renewal of approval reference LW/13/0612) – **Approved**

**LW/17/0760** - Erection of two pairs of semi-detached bungalows – **Approved**

**E/70/0721** - Planning and Building Regulations application for boilerhouse for nursery.  
Building Regs Approved.  
Completed. - **Approved**

**E/49/0328** - Planning and Building Regulations Applications for proposed four greenhouses. Building Regulations Approved. - **Approved**

**LW/03/1293** - Construction of a two storey (with storage in roofspace) 15 bedroom nursing home and a single storey 6/8 bedroom respite care home - **Approved**

**LW/00/1973** - Erection of single family dwelling - **Approved**

**LW/00/0823** - Outline application for construction of nine single family dwellings - **Withdrawn**

#### 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Main Town Or Parish Council** – Objection

Density of layout and over development - too large for plot. Back garden development - building another property within the confines of the existing one or large extension to property.

Subject to Environmental survey.

**ESCC Highways** – No objection

Thank you for consulting the Highway Authority on application no LW/19/0877. On this occasion it is not considered necessary to provide formal Highway Authority comments and the minor planning application guidance (2017) should be consulted.

**District Services** – As long as there is access for LGV vehicles. All bins need to be presented at the curtilage of the property on the morning of collection. Bin stores / areas not to be down steps.

**Environmental Health** – No objection

No objection to the proposal, but it is recommended that the hours of all construction-related activities are restricted to reduce the potential for disturbance to existing residents.

#### 5. REPRESENTATIONS FROM LOCAL RESIDENTS

A representation has been received from 75 Downland Avenue, logged as being neutral but raising objections on the following points:

Not clear position of proposed dwelling in relation to the house/back garden fence of the author's property - potential loss of light or overshadowing

The height of the property is not clear - potential for overlooking/loss of privacy from upper floor windows

Loss of old cedar tree

Loss of apple trees and other trees

Natural habitat for dormice, slow worms, crested newts and toads, all of which are protected - an assessment in line with the Conservation of Habitats and Species Regulations 2017 may be required  
The site may also be inhabited by insects, birds, plants and bats

## 6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include whether the amended proposal overcomes the reasons for the refusal of the previous planning application, LW/19/0183; and sustainable building design.

### Previous reason for refusal

6.2 The previous application proposed two semi-detached bungalows. In principle the development was considered to be acceptable, but there were concerns largely related to the amenity of future occupiers, including limited site area; form of the building; layout of the site; small garden size; and overlooking from approved buildings, notably the two storey block of flats to the north of the application site. In addition to this there were concerns in respect of refuse storage; electric vehicle charging points; and sustainable building design.

### **Limited site area, form, layout and garden size**

6.3 These considerations, taken from the first reason for the refusal of application LW/19/0183, may be grouped together.

6.4 Although the size of the plot is broadly the same, the current application seeks a single bungalow dwelling as opposed to a pair of semi-detached bungalows. It necessarily follows that the site area per dwelling is no nearly twice what it was before and this is considered to be acceptable. The density of the development is considered to be acceptable and allows the development to meet the council's adopted standards for development.

6.5 In terms of the built form the proposed elevations show a traditional approach, the bungalow having a pitched roof and gable ends. Whilst this design is neither innovative nor of exceptional standard, it is considered to be appropriate for this backland site, and in keeping with the design of the previously approved bungalows on the plot to the south of the application site. Accordingly no conflict is identified with policies ST3 or CP11 of the Lewes District Local Plan Part 1 or policy DM25 of the emerging Lewes District Local Plan Part 2.

6.6 In terms of layout, the proposed dwelling would be situated towards the front of the plot, but would still benefit from soft landscaping to the frontage and a reasonable buffer of soft landscaping between the nearby parking spaces and turning area. There is space to the eastern side of the property for refuse and recycling storage and ample room to provide a cycle store. Furthermore, there is side garden between the property and the boundary with 55 Cissbury Avenue, and the eastern flank elevation would line up with that of the approved flats on the site to the north, thereby respecting the building line as seen from the access road. The layout as revised is considered to be acceptable.

6.7 The rear and side garden of the proposed dwelling would be at least 10.5m in length and would have an area of some 230 square metres. This is considered to be sufficient for a property of the scale proposed and the living conditions of future occupiers would not be compromised and would not represent an overdevelopment of the site.

## **Overlooking from approved buildings**

6.8 The distance between the rear elevation of the proposed development and the rear elevation of the approved flats to the north of the application site has been increased from 15.5m to 18.6m, giving another 3.1m separation between the two buildings. This falls short of the standard 21m but is nonetheless a significant improvement. First floor windows on the rear elevation of the flats would be bedrooms and overlooking into the back garden of the proposed bungalow would be achieved and some overlooking, at an angle, in the rear windows of the proposed development. Looking at the layout of existing housing in the vicinity of the application site this remains a shorter distance of separation than would be most desirable but it is just 2m short of meeting the established principle of 21m separation. As such, on balance, it is considered that the revised scheme overcomes this concern.

## **Refuse/Recycling storage and Sustainable Building Measures**

6.9 The applicant has submitted a sustainability statement which states that the levels of thermal insulation for the new dwelling will be set by Building Regulations and the use of modern materials will help improve the energy efficiency of the building in accordance with policy CP14 of the Local Plan. However, current planning policy requires energy efficiency and conservation to exceed Part L of the Building Regulations. Water consumption is proposed to be no more than 110 litres per person per day, but no details as to how this may be achieved have been submitted. In addition, it is noted that the front roof slope of the new dwelling would be south facing, and this provides an opportunity for photo-voltaic and/or solar panels, no details of which have been submitted. In order to fully comply with the requirements of policy CP14 of the Local Plan, a planning condition will be necessary in order to secure further details.

6.10 A charging point for an electric vehicle is to be provided, but it is not clear from the submitted plans what type of charging point or where it would be located. Further details can be secured by imposing a planning condition.

## **Impact on flora and fauna**

6.11 The potential impact of the proposed development on protected species has been raised due to the characteristics of the site, including the potential impact on the badger community.

6.12 Policy CP10 of the Local Plan Part One, "Natural Environment and Landscape Character", requires that the natural environment of the district, including landscape assets, biodiversity, geodiversity, priority habitats and species and statutory designated sites, will be conserved and enhanced. Policy DM24 of the emerging Local Plan Part Two, "Protection of Biodiversity and Geodiversity", states that development which would result in damage or loss of irreplaceable habitats, and habitats and species of principal importance for biodiversity, will only be permitted where the benefits of the development clearly outweigh the damage to the conservation interest of the site and any loss can be mitigated to achieve a net gain in biodiversity and/or geodiversity.

6.13 The applicant has submitted a Preliminary Ecological Appraisal of the site and this has been reviewed by the Council Ecologist. The ecology report assesses the site to comprise entirely of dense scrub, scattered trees, grassland, bracken with occasional outbuildings in various states of repair, with the habitats present suitable to support birds, reptiles / amphibians, bats, badger, and hedgehog. Multiple protected and notable species are present within the immediate locality including for bat, slow worm, common lizard,



hedgehog, and birds, as also referenced in the Preliminary Ecological Assessment. However, no badger activity was directly recorded.

6.14 The assessment sets out further survey requirements, notably for reptile species and whilst such surveys would normally be expected to be carried out prior to the finished design and layout of a development proposal, in this instance it is considered that a planning condition requiring this survey would be acceptable, particularly also as all of the land around the application site already benefits from planning permission for residential development.

6.15 The Preliminary Ecological Assessment also sets out mitigation and enhancement measures to be incorporated into the development, including for bats, badgers and nesting birds and the Council Ecologist raises no objections to the proposed development subject to a condition to ensure that these mitigation and enhancement measures are implemented.

## **7. RECOMMENDATION**

7.1 The proposed development is considered to be acceptable and, on balance, overcomes the two previous reasons for the refusal of the previous application, LW/19/0183. The development does not prejudice the adjoining extant permissions for development from coming forward, and equally, should those developments not be implemented, the development is capable of being implemented without undue harm to either visual amenity or neighbour amenity.

### **The application is subject to the following conditions:**

1. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B or C of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In view of the siting of the development together with the proximity and orientation in relation to neighbouring properties, further development of the site has the potential to significantly adversely affect residential amenity and/or have a detrimental visual impact on the wider street scene and therefore should be regulated in accordance with the aims and objectives of retained policy ST3 and policy CP11 of the Lewes District Local Plan Part One, policy DM25 of the emerging Lewes District Local Plan Part Two, and having regard to the National Planning Policy Framework.

3. Prior to the first residential occupation of the new dwelling hereby permitted, the electric vehicle charging point shall be provided and be ready for use in accordance with details (to

include the siting and the product type) that shall first be approved in writing by the local planning authority. The electric vehicle charging point(s) shall be retained thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

4. Notwithstanding the Sustainability Statement submitted, prior to the first residential occupation of the dwelling hereby permitted, measures to reduce carbon energy use; facilitate renewable energy installations; and lower household water consumption, shall be put in place in accordance with details that shall first be submitted to and approved in writing by the local planning authority. These measures shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

5. The external materials and finishes used in the construction of the development hereby permitted shall be in accordance with the submitted details, including interlocking concrete tile roof; local clay multi-colour stock brick; white uPVC windows and doors; and black uPVC rainwater and soil pipes.

Reason: In order to ensure a satisfactory appearance to the development having regard to policies ST3 and CP11 of the Lewes District Local Plan Part 1 and policy DM25 of the emerging Lewes District Local Plan Part 2, and having regard to the National Planning Policy Framework.

6. Prior to the first occupation of the new dwelling hereby permitted, a secure and sheltered cycle storage facility shall be provided within the curtilage of the dwelling in a location which is convenient to use, in accordance with details that shall first be submitted to and approved in writing by the local planning authority. The cycle storage facility shall be retained thereafter.

Reason: In order to reduce private car use and encourage sustainable forms of transport and to reduce local contributing causes of climate change, in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part 1 and having regard to the National Planning Policy Framework.

7. Prior to the first residential occupation of the new dwelling hereby permitted, the off-street car parking space shown on the approved plans shall be provided and made available for use. The parking space shall be retained as such thereafter and used only for the parking of vehicles associated with the occupiers of and the visitors to the new dwelling.

Reason: In the interests of highway safety, amenity and to ensure adequate provision of car parking in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1 and having regard to the National Planning Policy Framework.

8. No development shall take place until a pre-works badger survey and a reptile survey, have been undertaken, in order to establish that no new setts have become established and to coincide with potential reptiles being active, generally in dry, warm weather and greater than 9 degrees Celsius air temperature).

Reason: In the interests of safeguarding protected species and their habitats and to maintain and enhance the ecological characteristics of the site in accordance with policies CP10 and DM24 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

9. The development hereby permitted shall be carried out and implemented in full accordance with the mitigation and enhancement measures set out in Section 4 of the approved Preliminary Ecological Assessment.

Reasons: In the interests of offsetting and achieving net biodiversity gain at the site and in order to comply with policies CP10 and DM24 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

**INFORMATIVE(S)**

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The developer is advised to consider ways of reducing contributing causes of climate change including proposals for the implementation of the highest feasible standards of sustainable construction techniques and the use of low carbon and renewable energy installations within the development.

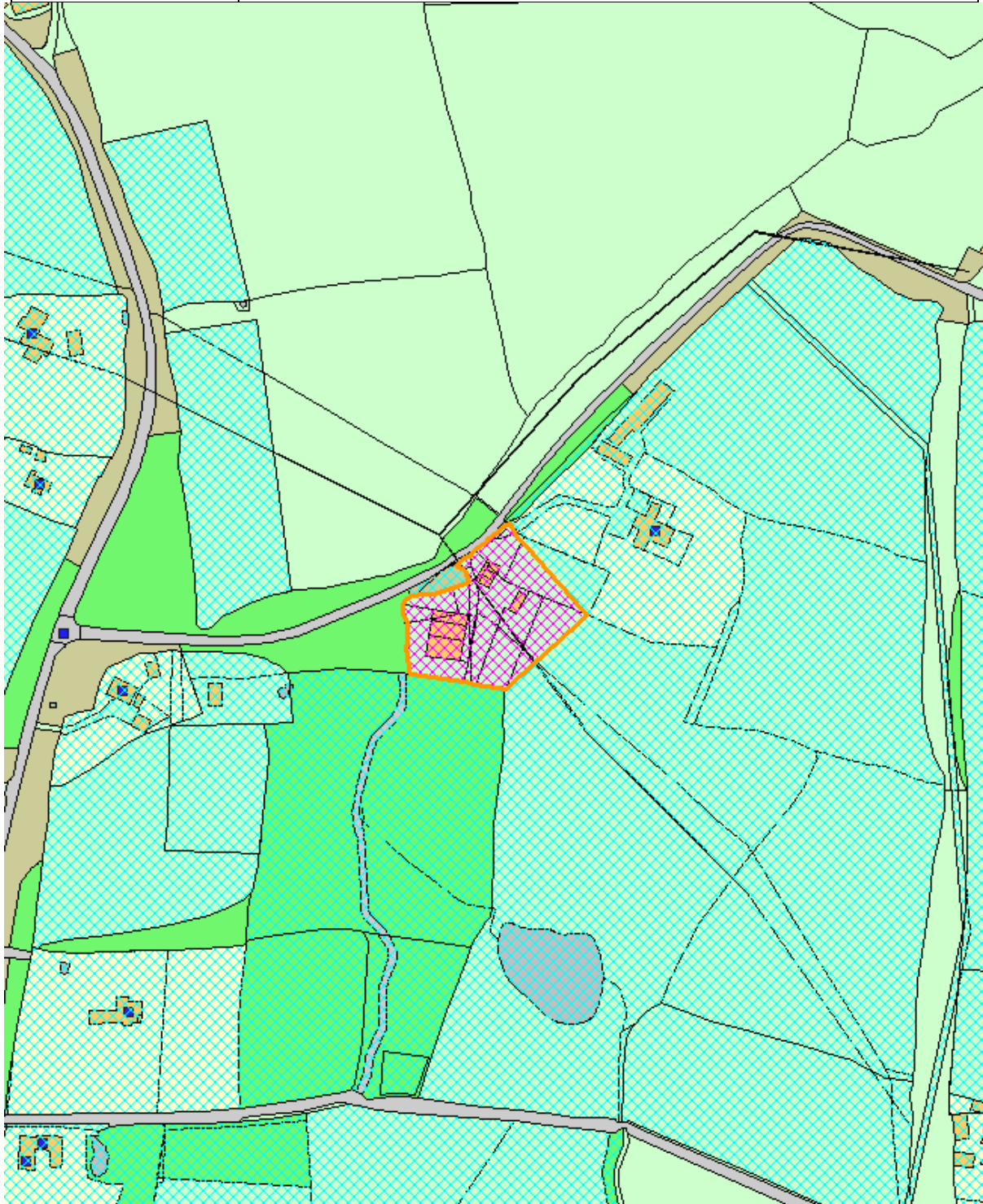
**This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Technical Report	5 December 2019	02-1119-12
Planning Statement/Brief	5 December 2019	02-1119-10
Design & Access Statement	5 December 2019	02-1119-11
Other Plan(s)	5 December 2019	02-1119-08
Proposed Levels Plan	5 December 2019	02-1119-09
Location Plan	5 December 2019	02-1119-05
Proposed Block Plan	5 December 2019	02-1119-07
Proposed Elevation(s)	5 December 2019	02-1119-03
Other Plan(s)	5 December 2019	02-1119-04
Proposed Floor Plan(s)	5 December 2019	02-1119-01
Proposed Roof Plan	5 December 2019	02-1119-02
Technical Report	5 December 2019	02-1119-12

Planning Statement/Brief	5 December 2019	02-1119-10
Design & Access Statement	5 December 2019	02-1119-11
Other Plan(s)	5 December 2019	02-1119-08
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Proposed Block Plan	5 December 2019	02-1119-07
Proposed Elevation(s)	5 December 2019	02-1119-03
Other Plan(s)	5 December 2019	02-1119-04
Proposed Floor Plan(s)	5 December 2019	02-1119-01
Proposed Roof Plan	5 December 2019	02-1119-02

# Agenda Item 10

<b>APPLICATION NUMBER:</b>	LW/19/0589		
<b>APPLICANTS NAME(S):</b>	G Hancock	<b>PARISH / WARD:</b>	Streat / Plumpton Streat E.Chiltington St John W
<b>PROPOSAL:</b>	Planning application for removal of barn, stable and cowshed for the provision of a 4 bed detached house with double garage		
<b>SITE ADDRESS:</b>	Hortons, Hemsleys Lane, Streat, East Sussex, BN6 8SB		
<b>GRID REF:</b>			



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The site is occupied by an assortment of agricultural/equestrian buildings including a large, metal framed barn, a brick built stable block and a brick built cow byre. All buildings are within a small field adjacent to the residential curtilage of Hortons. The site has designated access from Streat Lane via the existing track serving Hortons. Other than the access track and the built area, the site is entirely surfaced in grass. There are no trees within the site interior but the southern boundary is flanked by the edge of Deans Wood, which is ancient woodland. Other boundaries are marked by a mix of low timber post and rail or wire fencing, with a section of hedgerow along the northern site boundary, which is shared with Hortons. There is a gentle downward slope running from north to south. A public footpath traverses the site, running from the lane and crossing into the neighbouring field. Part of a sand school extends into the site curtilage.

1.2 The character of the surrounding area is overwhelmingly rural and consists of a mosaic of irregularly shaped fields, most of which are enclosed by hedgerow and are interspersed with patches of woodland. There is long distance overlooking from the South Downs, which are approximately 2.5km to the south of the site.

1.3 The proposed development involves the demolition of all existing buildings and replacement with a two-storey detached dwelling and a detached double garage block. The existing access track would be utilised, with a slight increase in hard surfacing adjacent to the proposed garage building. The existing sand school is to be removed.

1.4 The proposed dwelling would measure approximately 12.95 metres in width by 10.5 metres in depth. The footprint would be broadly H-shaped with two staggered wings, each with an east/west orientated gable roof over and a central section with a north/south orientated gable roof. The eaves height of all roofing would be 4.15 metres with ridge height at 6.35 metres on the western gable ends, 6.45 metres on the eastern ends and 6.95 metres on the central roof.

1.5 The proposed garage measures approximately 7.1 metres in width by 6.6 metres in depth. Roof ridge height would be 2.78 metres with the eaves at 1.95 metres. The figures below provide a comparison between existing building coverage within the site and the combined footprint of the proposed scheme:-

Existing Site Coverage (approx. m<sup>2</sup>) - 595.5 m<sup>2</sup> (422.5 m<sup>2</sup> building footprint)

Proposed Site Coverage (approx. m<sup>2</sup>) - 325.6 m<sup>2</sup> (169.7 m<sup>2</sup> building footprint)

## 2. RELEVANT POLICIES

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

**LDLP: – ST03 – Design, Form and Setting of Development**

**LDLP: – ST30 – Protection of Air and Land Quality**

**LDLP: – CP8 – Green Infrastructure**

**LDLP: – CP10 – Natural Environment and Landscape**

**LDLP: – CP11 – Built and Historic Environment & Design**

**LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage**

**LDLP: – CP13 – Sustainable Travel**

**LDLP: – CP14 – Renewable and Low Carbon Energy**

**LDLP:- DM25 - Design**

**LDLP: – DNPD1 – DS 1 - Development strategy**

**LDLP: – DNPC2 – CONS 2 - Standards for design of new dev**

**LDLP: – DNPC6 – CONS 6 - Conserve landscape & imp views**

**LDLP: – DNPC8 – CONS 8 - Preserve dark night skies**

**LDLP: – DNPC9 – CONS 9 - Protect & enhance habitats**

**LDLP: – DNPC13 – CONS 13 - Protect and enhance links**

### **3. PLANNING HISTORY**

**E/60/0565** - Outline Application to erect one agricultural dwelling house for tenant farmer at Briggs Farm. - **Refused**

**LW/88/1722** - Erection of a new porch / sun lounge - **Approved**

**LW/17/0913** - Change of use from barn/piggery and cattle byre to form two units of residential accommodation - **Withdrawn**

**LW/18/0643** - Proposed barn conversion to residential accommodation -

**E/71/0990** - Planning and Building Regulations Applications for demolition of existing buildings and erection of farmhouse and farm buildings. Building Regs Approved. Completed. - **Approved**

**E/71/0952** - Siting of caravan for building worker. Restrictive Planning Condition. Temporary Permission Expires 31/12/1972. - **Approved**

**E/74/0109** - Planning and Building Regulations Applications for piggery buildings and temporary siting of caravan for agricultural worker. Building Regulations Approved. No Effect Notice. Restrictive Planning Condition No 2. Temporary Permission Expires 28/02/1977. - **Approved**

**LW/74/1788** - Outline Application for bungalow for agricultural worker. - **Refused**

**E/72/1178** - Planning and Building Regulations Applications for dairy building, Dutch Barn and covered yard. Building Regulations Approved. Commenced. - **Approved**

**E/72/0105** - Planning and Building Regulations Applications for two agricultural buildings. Building Regulations Approved. Completed. - **Approved**

**LW/75/1751** - Outline Application for single bungalow. - **Refused**

**LW/75/0380** - Planning and Building Regulations Application for stables and tack room. Building Regs Approved. Restrictive Planning Condition No.1. - **Approved**

**LW/87/0376** - Section 32 Retrospective Application for continued use of mobile home forming ancillary accommodation to main dwelling house. Restrictive Planning Condition No.1. Temporary Permission expires 30/04/1988. - **Approved**

**LW/77/0242** - Conversion of garage to Rumpus room; bedroom added above; replacement of garage; loggia in place of porch. - **Approved**

**LW/94/0681** - Continued use of stables and tack room without complying with Condition No 1 attached to planning permission LW/75/0380 (personal to Mr & Mrs P Hanley). - **Approved**

**LW/94/0627** - Convert integral garage into living room with bay window. - **Approved**

#### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**Main Town Or Parish Council** – No comments received.

**Planning Policy Comments** – The principal planning policies that should be taken into consideration in determining the acceptability of the proposed development are Policy DS1 of the DSWNP, Policy DM1 of the Submission LPP2 and 'saved' Policy CT1 of the LDLP 2003. The proposed development is fundamentally in conflict with the local planning policies listed above. It also fails to comply with paragraph 79 of the NPPF. Furthermore, the applicant has not demonstrated that there is a compelling need for a new dwelling in this location that is sufficient to outweigh the conflict with the approved development plan for the area.

**OFFICER RESPONSE:** It is considered, for the reasons set out in the report, that the proposed dwelling would not represent an isolated form of development and would represent an opportunity to reduce building coverage on the site and move buildings away from the ecologically sensitive ancient woodland, to the benefit of visual amenity and biodiversity.

**ESCC Rights Of Way** – Because the diversion is needed for the development, it would need to be an order made by yourselves under Section 257 of the T&CP Act so I would be grateful if you would make the diversion a specific condition.

**ESCC Highways** – Access

Hortons is located on Hemsleys Lane. Hemsleys Lane is a single track unclassified road, the U5998, which becomes a private road east of Hortons, leading to Deans Farm. The proposed dwelling will utilise the existing access on Hemsleys Lane which serves the barn, stables and cowshed. The existing access to the proposed dwelling is 9m wide reducing to 3.2m wide at 5m from the edge of the carriageway which is satisfactory. Construction of the access is satisfactory.

Taking into account the nature of the Hemsleys Lane, the low levels of traffic and the low speeds, the visibility at the existing access onto Hemsleys Lane is considered to be adequate.



## Parking

The dwelling has been provided with a double garage 10.7m wide by 6.5m deep which is sufficient for up to 3 vehicles. It should be noted that a garage can only be classed as a parking space if it meets the minimum dimensions of 3m x 6m and that ESCC's 'Guidance for Parking at Residential Developments' stipulates that garages will only count as 1/3rd space each due to their limited use. There is also space for vehicles to park at the front of the garage. I am therefore satisfied that the level of parking provision is adequate.

Two cycle parking spaces should be provided in accordance with the East Sussex County Council's adopted parking.

## Trips

The trips generated by the existing barn, stables and cowshed are unknown. The proposed 4 bed dwelling is likely to generate approximately 4-6 trips per day. Although this may result in a minor increase in use of the site I have no major concerns regarding the impact on the site access and the surrounding highway network.

## Sustainability

The proposed dwelling is approximately 2.5 miles from the village of Plumpton Green which has services, bus stops and a railway station. It is possible to cycle to Plumpton Green but it is likely that the dwelling will be reliant on vehicular travel.

## Conclusion

I have no objection to this application subject to conditions:

**Natural England** – Natural England has no comments to make on this application.

**Southern Water Plc** – Environment Agency shall be consulted directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received.

## 6. PLANNING CONSIDERATIONS

Principle:

6.1 Para. 79 of the Revised National Planning Policy Framework states that planning decisions should avoid the development of isolated homes in the countryside. Although the site falls outside of the settlement boundary, it is considered that the dwelling would not appear isolated due to its proximity to neighbouring dwellings and the fact that there is an established presence of sizeable buildings on the site.

6.2 Policy DM4 of the emerging Lewes District Local Plan Part 2 supports the conversion of rural buildings to residential in circumstances where the site is not in an isolated or exposed location and that the development of the site can offer an enhancement to the wider surrounding area.

6.3 In this instance, there are buildings with sizeable footprints occupying the site. However, due to their distribution it would not be feasible to convert them into a singular dwelling. Furthermore, the largest structure, a metal framed barn which could be converted under permitted development rights, is within close proximity to ancient woodland. The proposed development, whilst not utilising an existing building, would aggregate the building coverage within the site to a single area, away from the ancient woodland, and would also significantly decrease the overall footprint of buildings within the site. As such, it is considered that the erection of a purpose built dwelling would represent more suitable development within the site than the re-use of the existing buildings. It is also noted that policy DS1 of the Ditchling, Streat and Westmeston Neighbourhood Plan supports appropriate redevelopment of sites in existing use.

#### Residential Amenity:

6.4 The proposed dwelling would be positioned adjacent to Hortons, a two-storey detached dwelling, but with a significant buffer maintained between each building. It is therefore considered that the proposed dwelling would not introduce any unacceptable overlooking or overshadowing towards the neighbouring property, nor would it appear overbearing when viewed from it.

#### Living Conditions for Future Occupants:

6.5 The proposed dwelling would provide four bedrooms and have a Gross Internal Area (GIA) of approximately 214 m<sup>2</sup>. This comfortably exceeds the 124m<sup>2</sup> minimum GIA required for a two-storey four bedroom dwelling as defined in the DCLG's Technical housing standards - nationally described space standard (2015).

6.6 The layout of the building avoids overly long corridors and awkwardly shaped and/or cramped rooms. All habitable rooms are well served by clear glazed windows that will allow for good levels of access to natural light and ventilation. Ample space would be available for outdoor amenity.

#### Visual Amenity/Design:

6.7 The site is located outside of the settlement boundary, with the surrounding and wider landscape being rural in nature and dominated by enclosed fields, hedgerow and patches of woodland with uninterrupted views to the south towards the Downs. There are sporadic clusters of residential and/or agricultural buildings which are generally positioned close to the highway.

6.8 Whilst the proposed development involves the erection of a new dwelling outside of the settlement boundary, the building would be positioned on a site where there is an established presence of agricultural/equestrian buildings. The site is also adjacent to an existing residential dwelling, Hortons. The cumulative footprint of the proposed dwelling and the ancillary garage block would be far lower than that of the existing buildings and the built area of the site would also be concentrated to one area rather than distributed across the site as is the case now. The site is an enclosed field and it is considered a residential curtilage could be formed without disrupting the spatial characteristics of the field network, provided sympathetic boundary treatment is used.

6.9 Due to the positioning of the proposed dwelling adjacent to an existing property, the established presence of buildings on the site and the enclosed nature of the site, it is considered that the proposed dwelling and residential curtilage could be incorporated without appearing incongruous or disruptive within the rural environment. A suitable amount of space would be maintained between buildings to ensure the sense of space and openness in the surrounding environment is not compromised and that views towards the South Downs will remain largely unaffected.

6.10 The proposed dwelling is considered to be relatively modest in size, particularly when seen in context with the existing dwelling at Hortons, which is larger. The ridge height of the building has been kept to a minimum, and would only be approximately 0.5 metres above that of the ridge line of the existing metal framed barn. The ancillary garage building would maintain clear subservience towards the existing dwelling and would be similar in appearance to the existing cattle byre which is to be removed. The parking provided by the garage would help minimise the visual impact of parked cars, helping to maintain the rural appearance of the wider area.

#### Highways/Public Right of Way:

6.11 It is anticipated that the proposed development would result in an additional 4-6 vehicular trips per day. Due to the modest increase involved, it is not considered that the proposed development would result in any unacceptable traffic impact.

6.12 The site has an existing access in place from Streat Lane (via the Hortons access road) and also has an internal driveway serving the existing equestrian/agricultural buildings. The proposed development would utilise the existing access and part of the existing driveway. It is considered that the driveway is of sufficient width to allow for safe access/egress and that visibility at the access point is adequate to maintain the safety of pedestrians and motorists.

6.13 The site is in a relatively isolated location and the nearest substantial settlement is Plumpton Green, which is approximately 2.5 miles driving distance from the site. As such, it is likely that future occupants would rely on motor vehicles. The amount of parking available within the proposed garage building as well as on the hard surfacing to the front of the property is considered to be sufficient to prevent the risk of vehicles parking on the surrounding highway network and causing an obstruction or safety hazard.

6.14 In order to encourage the use of more sustainable forms of transport, a condition will be attached to any approval requiring the provision of a minimum of one electric vehicle charging point as well as secure and covered bicycle parking.

6.15 A public right of way (footpath 11) crosses the site and passes through the area that would be occupied by the proposed dwelling. As a result, the footpath would need to be diverted in order to maintain connectivity. The footpath would be diverted towards the northern boundary of the site and would pass through the area currently occupied by the sand school. It is considered this diversion, which would not significantly increase the length of the path and, provided suitable space is provided and the path is sympathetically landscaped, the overall character of the footpath would not be compromised. Views from the footpath towards the South Downs would also remain available. Notwithstanding this, a diversion order will need to be made under Section 257 of the Town & Country Planning Act. This will need to be submitted by the Local Planning Authority and will be carried out upon submission of full details of the footpath diversion route and management and maintenance measures, which will be secured by way of a planning condition.

## Landscaping & Ecology:

6.16 The site is largely surfaced in grass and is bordered by woodland and hedgerow in places. It is considered that formal landscaping should be kept to a minimum as the introduction of decorative planting may introduce a domestic appearance that is discordant with the natural rural environment surrounding the site. However, a landscaping scheme that includes enhancements and extensions to the existing hedgerow network should be secured as a means to provide sympathetic screening to the site as well as to provide ecological gains. Areas of the site where existing buildings are to be removed should also be restored in a sympathetic way, with grassland reinstated. A hard landscaping scheme will also need to be secured. This would include details of materials to be used for the hardstanding area to the front of the dwelling, which should be porous in order to improve site permeability, as well as details of any boundary fencing, which would need to be modest in height and avoid the use of fencing panels which would introduce an overly domestic appearance to the site.

6.17 The proposed development would move buildings away from the ancient woodland to the west of the site and, as such, the woodland environment would be likely to have reduced disturbance as opposed to the current situation.

6.18 A Preliminary Ecological Appraisal has been submitted with the application. The following observations were made:-

- The site is bordered by ancient woodland but no long term impacts foreseen due to limited scale of development;
- The cattle byre building was identified as having a high likelihood of supporting crevice roosting bats;
- There could be birds nesting in existing buildings and shrubs. No evidence of barn owls found;
- Site is negligible as a habitat for reptiles as grass is mown short;
- There is a small, seasonal pond to the south of the site which may provide habitat for amphibians but the surrounding terrestrial habitat is of negligible value;
- No evidence of badger on site and no setts present nearby;
- Boundary undergrowth provides habitat for hedgehogs;

6.19 A number of recommendations have been made to help mitigate impact on surrounding habitat both during and after construction works. These include the following:-

- Planting of a wildflower buffer along woodland margins;
- Dust suppression during construction (covering and/or wetting spoil and debris);
- Three bat emergence/re-entry survey required for cattle byre. To be carried out during active bat season;
- Control of external lighting;
- Works should be undertaken outside of bird nesting season;
- Provision of bird boxes within walls of new building and on suitable trees;
- Leaving areas to the south of the site with longer grass and creating log piles for use by reptiles and invertebrates;
- Retain pond for use by amphibians;
- Provision of fruit trees to encourage foraging badgers;
- Gaps maintained in boundary fences to allow for commuting routes for hedgehogs;
- Provision of hedgehog house in a shady corner of the site;

6.20 It is considered that, provided these measures are incorporated into the development, impact on biodiversity can be mitigated and ecological enhancements can also be provided.

6.21 It is considered that, in this specific instance, a new dwelling in this rural location is acceptable due to the established presence of buildings with a larger footprint which could be converted to residential accommodation and the opportunity provided to relocate buildings away from the ancient woodland to the west of the site.

6.22 The proposed dwelling could be accommodated within the site without compromising the rural character of the surrounding landscape. There would be no harmful impact upon the amenities of neighbouring residents.

6.23 The development includes ample on-site parking provision and access arrangements.

6.24 There would be no unacceptable adverse impact upon biodiversity and habitat, provided appropriate mitigation measures are carried out, and there is an opportunity for ecological enhancements to be implemented.

## **6. RECOMMENDATION**

7.1 It is therefore recommended that the application is approved, subject to conditions.

### **The application is subject to the following conditions:**

1. No development approved by this permission shall be commenced until full details of the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of the dwelling on site whichever is the sooner.

Reason: In order to ensure the development does not generate any unacceptable increase in risk of surface water flooding or contamination of land or the water table, in accordance with saved policy ST30 of the Lewes District Local Plan (part one), policies DM20 and DM22 of the emerging Lewes District Local Plan (part two) and policy CP12 of the Lewes District Joint Core Strategy.

2. No external lighting shall be provided, installed or operated in the development, unless and until full specifications of the lighting and details of mitigation measures to be taken to prevent glare and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interest of the maintaining the intrinsically rural character of the surrounding area in accordance with saved policies CT1 and ST3 of the Lewes District Local Plan (part one), policies DM1 and DM25 of the emerging Lewes District Local Plan (part two) and policy CP11 of the Lewes Joint Core Strategy and policy CONS8 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

3. Prior to the first occupation of the dwelling hereby approved, a detailed hard and soft landscaping scheme shall be submitted to, and approved, by the Local Planning Authority.

These details shall include indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, in the course of the development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and any proposed to be planted as part of the approved landscaping scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following either the substantial completion of the development or the occupation of the development, whichever is the sooner.

Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to ensure that the site is sympathetically landscaped in context with its rural surroundings in accordance with saved policies CT1 and ST3 of the Lewes District Local Plan (part one), policies DM1, DM25 and DM27 of the emerging Lewes District Local Plan (part two) and policy CP11 of the Lewes Joint Core Strategy and policy CONS6 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

4. Prior to the first occupation of the dwelling hereby approved, all mitigation measures set out in the accompanying Preliminary Ecological Appraisal shall have been provided. These measures shall thereafter be adhered to/maintained in place throughout the lifetime of the development.

Reason: In the interest of preserving and enhancing habitat and biodiversity in accordance with policy CP8 of the Lewes District Joint Core Strategy and policy DM14 of the emerging Lewes District Local Plan (part two) and policy CONS9 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

5. No works can commence on the construction of the dwelling or garage hereby approved, until a Diversion Order for the Public Right of Way that runs through the site has been made and confirmed by East Sussex County Council.

Reason: To protect the route of the Public Right of Way that runs through the site in the interest of maintaining green infrastructure in accordance with policy CP8 of the Lewes District Joint Core Strategy and policy CONS13 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

6. Prior to the first occupation of the dwelling hereby approved, all existing buildings and the sand school shall be demolished, all materials removed from the site and the land restored to a suitable standard as per details to be submitted as part of the landscaping scheme subject of condition 4 of this approval.

Reason: To prevent an over-proliferation of buildings on the site and to prevent negative impact upon the visual amenity of the site and the wider surrounding area, in accordance with saved policies CT1 and ST3 of the Lewes District Local Plan (part one), policies DM1, DM25 and DM27 of the emerging Lewes District Local Plan (part two) and policy CP11 of the Lewes Joint Core Strategy and policy CONS6 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

7. Prior to the demolition of any of the existing buildings on site, bat surveys shall be undertaken by an agreed expert to establish the presence or absence of bats in the internal roof space. Details of appropriate mitigation measures and contingency plans should be submitted to and agreed in writing by the Local Planning Authority. Should bats be found, the appropriate mitigation measures and contingency plans shall be implemented in accordance with the approved details.

Reason: To ensure the development does not result in harm to protected species, in accordance with policy CP8 of the Lewes District Joint Core Strategy and policy DM14 of the emerging Lewes District Local Plan (part two) and policy CONS9 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

8. Prior to the commencement of any construction works above slab level, a schedule of all external materials and finishes to be used on the proposed building (including balustrading), shall be submitted to and approved by the Local Planning Authority and the development thereafter constructed on accordance with those details.

Reason: In the interest of visual amenity, in accordance with saved policy ST3 of the Lewes District Local Plan (part one), policy DM25 and DM27 of the emerging Lewes District Local Plan (part two) and policy CP11 of the Lewes Joint Core Strategy.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-H and Part 2 of Schedule 2 Class A inclusive of that Order, shall be erected or undertaken on the site.

Reason: In order to prevent additional uncontrolled development on the site that may detract from the amenities of the surrounding rural landscape, including provision of new windows that may result in increased light spill or erection of new fencing and means of enclosure that may compromise the rural nature of the site and surrounding area, in accordance with saved policies CT1 and ST3 of the Lewes District Local Plan (part one), policies DM1, DM25 and DM27 of the emerging Lewes District Local Plan (part two) and policy CP11 of the Lewes Joint Core Strategy and policies CONS6 and CONS8 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

10. Prior to the occupation of the dwelling hereby approved, a minimum of 1 electric vehicle charging point shall be installed on the site and be maintained in an operational condition throughout the lifetime of the development.

Reason: In order to encourage the use of more sustainable forms of transport in accordance with para. 110 of the Revised National Planning Policy Framework, Policy CP13 of the Lewes District Joint Core Strategy and the Lewes District Council Electrical Vehicle Charging Points Technical Guidance Note.

11. No development associated with the construction of the dwelling shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential of the new dwellings as they are each completed, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

12. The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

13. The development shall not be occupied until a cycle parking area has been provided and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development

14. The development hereby approved shall not be occupied until all the existing buildings on the site have been demolished and all resulting material removed from the site.

Reason: In order to ensure that the site enhances the wider landscape in accordance with saved policies CT1 and ST3 of the Lewes District Local Plan (part one), policies DM1, DM25 and DM27 of the emerging Lewes District Local Plan (part two) and policy CP11 of the Lewes Joint Core Strategy and policy CONS6 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

### **INFORMATIVE(S)**

1. As the 'operator' of any septic tank or small sewage treatment plant you must check you meet the DEFRA General binding rules for small sewage discharges (SSDs) (2015). You must apply for a permit if you do not.

### **This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	15 August 2019	3217/SP01 Rev. A - Site Location Plan
Proposed Block Plan	15 August 2019	3217/SP02 - Site Layout Plan
Proposed Floor Plan(s)	15 August 2019	3217/P01 Rev. A - Proposed Floor Layouts and Elevations
Proposed Elevation(s)	15 August 2019	3217/P01 Rev. A - Proposed Floor Layouts and Elevations
Proposed Floor Plan(s)	15 August 2019	3217/P03 - Proposed Footprint/Site Coverage Assessment
Existing Floor Plan(s)	15 August 2019	3217/MS01
Existing Elevation(s)	15 August 2019	3217/MS01
Technical Report	15 August 2019	Phase 1 Environmental Site Assessment - CL101 Version 2
Technical Report	15 August 2019	Preliminary Ecological Appraisal
Proposed Elevation(s)	29 January 2020	3217/P02 Rev. A - Proposed Detached Garage Floor Layout and Elevations





**South Downs**  
National Park Authority

**Agenda Item 13**  
**Report PC19/20-45**

Report to	<b>Planning Committee</b>
Date	<b>13 February 2020</b>
Title of Report	<b>Summary of appeal decisions received from 19 September 2019 – 27 January 2020</b>
Purpose of Report	<b>To update SDNPA Members on appeal decisions received</b>

**Recommendation: To note the outcome of appeal decisions.**

**I. Overview**

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers both those appeals dealt with by the host authorities and directly by the South Downs National Park Authority.
- I.2 In summary, in the last 4 months there were:
- 53 appeal decisions (some dealt with concurrently), 38 of which were dismissed, 12 were allowed and 3 were partial or split decisions.
  - 7 applications were made by appellants for an award of costs, all were refused. 1 application for costs was made by the SDNPA. It was awarded.
  - No Judicial Reviews.
- I.3 The Authority's appeal performance in the last financial year (2018/19) was good with 68% of appeals being dismissed. Since the start of the current financial year, to 27 January, 68% of appeals have also been dismissed.
- I.4 No issues of strategic importance have been identified within the consideration of these appeals.

**TIM SLANEY**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Sarah Nelson  
Tel: 01730 819285  
email: [sarah.nelson@southdowns.gov.uk](mailto:sarah.nelson@southdowns.gov.uk)  
Appendices: I. Summary of Appeal Decisions  
SDNPA Consultees: Director of Planning, Legal Services

## Key to Appeals Reporting

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

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05031/OUT APP/Y9507/W/19/3221909	East Hants	The Grange, Farnham Road, Liss GU33 6JE	Erection of 5 detached dwellings on land known as Plot 4a.	<b>D</b>  19 September 2019
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>There was no completed legal obligation in respect of affordable housing, despite it being necessary. As affordable housing could not be secured through the use of a condition, the Inspector concluded that the scheme would not meet development plan requirements.</li> <li>The Authority was concerned that the site would under-deliver housing against the number allocated within the Neighbourhood Plan (which was 'about 7'). The Inspector considered it was possible for the two dwelling shortfall to be made up on other sites within the plan period.</li> <li>The development of the site had the potential to constrain future improvements to the access to the Grange which could prejudice the delivery of housing on a further allocated site. The potential resulting loss of 35 dwellings (out of a 150 home target for the village) would result in a significant under delivery when considered alongside the requirements of the development plan.</li> <li>The site is an undeveloped parcel of land accessed via a private driveway leading to the Grange. Some boundary hedging has been removed, but the area remains rural in its character. It is allocated for development and therefore there is an expectation that it will cease to be open and undeveloped. The proposal would ensure that the low density character of the built form is maintained.</li> <li>The Authority was concerned about the effect of a new access on the character and appearance of the area and the development brief for the site stated that it may share an access with the adjoining allocated site. The Inspector considered this was an aspiration of the plan and not sufficiently explicit to make it an absolute requirement and he was satisfied that an appropriate level of visibility could be achieved from the new access. An extant permission for the site had already secured the removal of some hedging to create a visibility splay and he therefore concluded that the scheme would not cause undue harm to the character and appearance of the area. However, this was not sufficient to overcome the lack of affordable housing or the potential impact on an adjoining allocated site and the appeal was dismissed.</li> </ul>				

**Costs Decision: Refused**

- The Authority refused planning permission for reasons of harm to the character and appearance of the area. The Inspector accepts this is a subjective opinion but it is part of the role of the Authority’s planners to undertake.
- The Authority’s evidence on visibility splays was light but clear.
- The reasons for refusal included a lack of sufficient information on the potential effect on the Wealden Heaths Special Protection Area (SPA); it appears that the Authority missed the applicant’s evidence on this matter. However, as early as possible it declared that it had no intention of defending this reason for refusal. The Inspector therefore did not consider extensive additional work was required.
- The Inspector concluded that he had not been able to find any areas in which the Authority’s behaviour had been unreasonable or had led to unnecessary or wasted expense and the application for costs was therefore refused.

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
Appeal A: APP/Y9507/C/18/3213716	SDNPA	Pleasant Rise Farm, Cuckmere Road, Alfriston, Polegate, East Sussex BN26 5TN	Appeal A: A material change of use of the land from agricultural to a mixed use of agriculture and a business camping use.  Appeal B: The erection of a shower /toilet block classed as unauthorised development along with any other associated camping structures.	<b>D</b>  23 September 2019

**Inspector’s Reasoning**

Appeal A

- The main issue was the impact of the use on the character and appearance of the surrounding area.
- The site (known as Pleasant View Camp Site) is popular with walkers and people seeking outdoor pursuits. It is generally bounded by woodland with open rising downland to the west. A large barn is used for equestrian purposes with a range of smaller buildings to the south.
- The area enforced against is within a very attractive natural landscape that adds considerably to the natural beauty of the area. It is in clear public view when using a public right of way.
- The Inspector considered that whilst tourism is encouraged, this is provided that it conserves and enhances natural beauty. The positioning of many tents has resulted in alien and incongruous features in the landscape and caused substantial harm to the natural beauty of the area. The use would not be for the whole year, but when it is occurring the harm is great and significantly affects the experience of the users of the right of way.
- The appellant considers this to be an extension of the existing caravan use, but the Inspector considered that even as an extension the area of camping is considerable and causes substantial harm. The existence of the existing licenced use does not justify further extension.
- Little has been provided to justify the proposal on the grounds of economic diversification and therefore it is not clear if the terms of Local Plan Policy SD40 would be complied with.
- Additional planting and enhancements to the ecology locally would do little to outweigh the harm. It is unlikely to be sufficient to screen the use with vegetation without the screening itself becoming a harmful feature in the relatively open character of the valley.

Appeal B

- The building replaces a previous building on the site. It is proposed to undertake some woodland planting to the front and side that will in time screen it. Bird nesting will be encouraged along with other ecological improvements that can be the subject of conditions.
- The use of the site has been found to be unsuitable for camping and, therefore, while the building is reasonably well designed it is still an alien and obtrusive feature in the countryside and causes harm to the character and appearance of the area. The Inspector did not consider that use for 28 days of the year for camping justified a permanent building and the all year round harm that results.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01138/FUL APP/Y9507/W/18/3214126	Chichester	The Black Fox Inn, Portsmouth Road, Milland, GU30 7JJ	Change of use from Class A4 public house to Class D1 children's nursery and pre-school with associated works.	<b>D</b>  25 September 19 <b>Informal Hearing</b>

**Inspector's Reasoning**

- The Authority did not refuse the development on the grounds of highway safety and the Highway Authority concluded that the development would be acceptable subject to conditions. However, concerns were raised by other parties. The main users of the development would be pre-school children who are particularly vulnerable and have little awareness of traffic. The site is away from the built-up area on a busy road and there is no footpath or cycle route. Staff and children would almost certainly access the facility by car. There is potential that the level of parking available for parents would be insufficient at busy times resulting in vehicles waiting on the road. The road is subject to fast moving traffic and visibility is restricted. There is no designated on street parking. The Inspector did not feel that a Travel Plan would overcome the unacceptable risk resulting from the insufficient parking and the resulting overspill.
- Policy SD43 of the Local Plan makes clear that education is considered a community infrastructure facility, this includes nursery and pre-schools. The policy states that the loss of a community facility will not be permitted unless there is evidence of a marketing campaign that demonstrates that there is no market demand for the existing use or an equivalent community use. The site has been marketed and attracted an offer from an equivalent community use and therefore the requirements of the policy have been met. In coming to this conclusion there is no need to consider whether the existing pub is viable.
- The pub had visitor accommodation (4 rooms). The accommodation is an ancillary element to its primary use as a community building. In these circumstances it was appropriate to regard the premises as a community use, rather than a tourism use which triggers different marketing requirements (when a change of use is proposed). Accordingly, there is no conflict with policy SD23 of the Local Plan, which seeks to prevent the loss of visitor accommodation.
- The location of the premises means that most trips would be by car. However the pub also generates trips and it is likely that it would be no less accessible or sustainable than the existing use.
- There would be no material change in character and appearance of the area arising from a variation in traffic. The site is already alongside a busy road.

- The scheme does bring with it a number of highways improvements, particularly to the area in front of the property, but this is insufficient to overcome the stated concerns relating to safe and suitable access and the appeal was dismissed.

**Costs Decision: Refused**

- The appellant argued that the proposal comprised a change of use to an equivalent community use and therefore there was no conflict with policy. The Authority provided a different interpretation of this policy, arguing that the proposed use was not a community use and insufficient marketing had taken place to justify its loss. Whilst the Inspector made clear that he agreed with the appellant, he felt it was a matter of planning judgement and policy interpretation which the appeal process fundamentally seeks to resolve. The Authority provided adequate justification as to why it took a different approach and, as such, they did not act unreasonably.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00273/FUL APP/Y9507/W/19/3228938	Chichester	Stables to the South of Hesworth Common, Fittleworth, West Sussex	The replacement of existing equestrian buildings with a building to be used for stabling and an associated self-contained unit of holiday accommodation.	<b>D</b> 26 September 2019

**Inspector’s Reasoning**

- The site comprises a gently sloping grassed paddock with a single storey ‘L-shaped’ dilapidated stable block with associated courtyard. Access to the site is via an unmade track through a deep strip of trees and vegetation. The majority of the site and stable building are screened from the lane by the vegetation but glimpsed views are possible.
- The area has a highly rural and tranquil quality, dominated by the woodland heath to the north and open landscape towards the south.
- The proposed stables and holiday accommodation would replace the existing stable block on the site. The form and extent of the building would be broadly comparable to that already on the site. The Authority did not object to the impact of the building itself on the landscape.
- The proposal includes a large area for parking and turning. This would introduce a more formal and domestic appearance to the site and result in an encroachment of development into the countryside that would detract from the generally undeveloped and rural appearance of the area.
- The parking of vehicles associated with the holiday let would be more sustained and take place over longer periods than would be the case with the existing use. This would add to the proposal’s intrusion to the landscape.
- The use and activity would be apparent from the lane and be an unwelcome pocket of urbanising development in the countryside. The tranquillity of the area would be unacceptably reduced.
- The site is located outside of any settlement boundary. Access to a bus stop and local services would involve walking along a narrow unlit lane. This, together with the distance involved, would reduce the likelihood of such journeys.
- Facilities at Fittleworth are relatively limited. Guests would need to travel further afield for much of what they need increasing the likelihood of journeys by private motor vehicle. Therefore the site would not provide a suitable location for the proposed development.
- Suggested ecological enhancements would be a benefit of the development, and the replacement building would enable use of more energy efficient materials but this did not outweigh the harm identified and the appeal was dismissed.

**Costs Decision: Refused**

- The applicant felt that the Authority did not engage during the process and that the submitted landscape information was not considered correctly. The Inspector felt it was clear from the report that the Authority had considered the impact on the wider landscape and there is no requirement to consult a Landscape officer. It was unfortunate that there was no further engagement with the applicant during the application process, but given that the Authority's concerns related to the principal of the development, it was unlikely that they would have been able to address concerns being raised. The Inspector concluded that there was no unreasonable behaviour.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06483/FUL APP/Y9507/W/19/3232375	Chichester	Manor Farm, East Marden, Chichester, West Sussex, PO18 9JE	The replacement of former agricultural buildings with 3no. dwellings for tourism use.	<b>D</b> 27 September 2019

**Inspector's Reasoning**

- The site is on the edge of East Marden, largely within the conservation area. It has an unkempt appearance with dilapidated buildings.
- The site contributes positively to the agricultural heritage due to its clear agricultural use and its location adjacent to the original farmhouse. Some of the buildings are likely to be remains of a more historic set of buildings. However, there is a lack of historic analysis that demonstrates the significance of the structures. This undermines the LVIA and the Inspector concluded that proposal would be harmful to the agricultural landscape and the cultural heritage of the SDNP.
- The low density, ad-hoc layout of the proposal would conflict with the prevailing character of the denser historic lay out and more uniform 20<sup>th</sup> Century layouts in the Conservation Area. The layout, parking, turning and landscaping would give a suburban appearance that does not respond to the rural and agricultural context. Its location makes it a prominent site and the proposal would appear incongruous.
- The appellant supplied additional information in order to justify the farm diversification credentials of the proposal. This was accepted by the Inspector, however, he concluded that the identified benefits did not outweigh the harm to the agricultural landscape and cultural heritage.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04145/FUL APP/Y9507/W/19/3229525	Winchester	1 Elm Crescent, Upham, Winchester, Hampshire, SO32 1JG	One new dwelling.	<b>D</b> 3 October 2019

**Inspector's Reasoning**

- The appeal site forms part of the garden belonging to 1 Elm Crescent which is part of a set of 3 pairs of semi-detached dwellings. The houses within the Crescent are of similar form and design.

- The introduction of a single detached dwelling at one end of the pairs of houses would represent a conspicuous intrusion into the ordered layout of the Crescent. Its proposed siting would jar with the clean building line and it would be at odds with the character of the Crescent.
- The proposal would result in a marked loss of the appeal site's openness and landscape qualities and would significantly change the appearance of this prominent site when viewed from within the site and adjacent land and properties.
- Upham does not have a settlement boundary. The village is treated as being countryside where there is a general presumption against new development. The Inspector found nothing to indicate that the proposal falls within the exceptional circumstances set out in Policy SD25 of the Local Plan and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05112/FUL  APP/Y9507/W/19/3230084	Chichester	Cowdray Farm Shop and Cafe, A272 Easebourne St to Heath End Lane, Easebourne, GU29 0AJ	Extensions and internal alterations to Cowdray Cafe.	<b>D</b>  10 October 2019

**Inspector's Reasoning**

- The main issue was the effect on the character and appearance of the host buildings and the setting of nearby heritage assets (Grade I listed Easebourne Priory and Refectory, Grade I listed Parish Church of St Mary, Grade II\* Cowdray House Registered Park and Garden and the Easebourne Conservation Area).
- The appeal buildings appear to be a former estate cottage and barn adjoining a range of former stables which collectively form an open courtyard arrangement. The buildings have been converted to form the café and farm shop.
- The Authority considers that the buildings are Non-Designated Heritage Assets. Although there was limited evidence of any process through which the group of buildings were assessed and registered as such, the Inspector considered that the grouped buildings were associated with a wider historic estate that is of great significance.
- The proposal would extend the former barn and the Inspector considered that this would result in a convoluted arrangement of add-on elements. The extensions would conceal the domestic proportions and features of the former cottage undermining the appreciation of its former use.
- The additional bulk of the extension would also undermine the primacy of the cottage building within its courtyard.
- Given the proximity and visual relationship of the proposal with the Grade I and II\* listed buildings and Registered Park and Garden, it would be an unsympathetic addition within views to and from these assets, thus harming their significance.
- Given the modest scale of the proposal relative to the size of the Conservation Area and its siting, the proposal would not result in more than negligible harm to it. It was also considered not to harm Nos. 2 and 3 Petworth Road (Grade II) or the setting of the gate piers at the courtyard entrance.

- The proposal would increase the number of covers in the café increasing capacity particularly in winter. This may increase turnover and result in the employment of additional staff. The economic benefits of the proposal could be used for the maintenance of a number of heritage assets, albeit that there is no mechanism to suggest that it was intended solely as an ‘enabling’ development.
- The Inspector concluded that the totality of the identified harm would not be outweighed by the benefits of the proposal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/02564/FUL  APP/Y9507/W/19/3229374  <b>Committee Overturn</b>	East Hants	The Queens Hotel, High Street, Selborne, Alton, GU34 3JH	Conversion and alterations of Queens Hotel building and barn to 4 dwellings, including demolition of single storey structures, and the erection of 1 detached dwelling within the grounds, with associated parking and landscaping.	<b>D</b>  11 October 2019 <i>Informal Hearing</i>

**Inspector’s Reasoning**

- During the appeal it was suggested that the premises were converted to office use with the intention of converting the upper floors to residential accommodation, at a time when these types of works could be carried out using permitted development rights. However the Inspector found no evidence that the premises were ever used for that purpose and the appeal was determined on the basis that it involved the conversion of a public house and barn.
- The Queens Hotel provides the only serviced accommodation within the village. The pub closed in 2016 but is still regarded as an important community facility.
- The premises had been marketed for more than 24 months. However there was no supporting trading or accounting information available. All fixtures and fittings as well as a number of internal walls were stripped out in 2016, therefore requiring significant expenditure to bring the premises back into working order. The value of the premises should therefore reflect its current state.
- There were two offers to purchase the freehold but they were declined. It was also noted that different parts of the site were marketed separately, for example the car park was separate to the pub contrary to the requirements of the Local Plan. The price that the property was being marketed at varied considerably.
- The inspector felt that they could not conclude that the premises were no longer viable, simply because the appellant had not been able to sell the site, for a price which does not appear to reflect the condition of the building.
- The Inspector noted that there was another pub nearby, but commented that there was no restriction on the numbers of such premises in any area and that they can cater for different needs and complement each other.
- It was therefore concluded that the scheme would result in the loss of a valued community facility and associated visitor accommodation which would be harmful to the surrounding community. This would not be outweighed by the addition of 5 dwellings.



Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01867/HOUS  APP/Y9507/D/19/3232170	Lewes	27 Newton Road, Lewes, BN7 2SH	The construction of a separate timber framed garden studio [annexe] within the rear garden of the existing dwelling.	<b>D</b>  15 October 2019
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>No. 27 forms half of a pair of two-storey semi-detached houses. The rear garden, which slopes steeply downwards, has extensive trees, shrubs and other foliage and is enclosed along New Road by a wooden boundary fence on top of a low wall. The property is typical of the development in the surrounding area, which is characterised by evenly spaced pairs of semi-detached and rows of terraced houses.</li> <li>The development would lead to the removal of some trees and shrubs but new trees would be planted as part of the proposal and therefore the loss could be off-set in this manner.</li> <li>The proposal would be very visible in local public views from New Road.</li> <li>Taking into account the position, scale, mass and unusual shape of the building, it would visually dominate the vista in local views. It would therefore be conspicuous and incongruous when viewed from the street and upset the overall balance and rhythm of development in the surrounding area.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01205/HOUS  APP/Y9507/D/19/3232336	SDNPA	4 Warren Lane, Friston, BN20 0HA	Kitchen and driveway extension.	<b>A</b>  15 October 2019
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The property is a large detached dwelling in a substantial plot.</li> <li>The proposed development when combined with the previous, post December 2002 extension, would result in a floor space increase significantly greater than 60%. Therefore the proposal would technically be in conflict with part of Local Plan Policy SD31.</li> <li>The proposal would be well screened and in the context of the immediate area the dwelling would be no larger than most others in the surrounding area. It would not have an adverse impact on the character and appearance of the area.</li> <li>The proposal is for a kitchen and garage extension, no additional bedrooms are proposed. As it is already a large 4-bed home the proposal would not result in the loss of a small / medium home and there would be no harmful impact on the landscape. The appeal was allowed.</li> </ul>				

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
<p>Appeal A: APP/Y9507/C/19/3226910</p> <p>Appeal B: APP/Y9507/C/18/3217097</p>	SDNPA	The Tote House, The Motor Road, Old Racecourse, Lewes, East Sussex, BN7 1UR	<p>Appeal A: Enforcement against the widening of public bridleway to 2.5m by cutting into the vegetated banks on either side. Use of spoil from the vegetated banks to infill and level-off the bridleway.</p> <p>Appeal B: Enforcement against the creation of a scalped surfaced track.</p>	<p>Appeal A</p> <p><b>A</b></p> <p>Appeal B</p> <p><b>D</b></p> <p>22 October 2019</p>
<p><b>Inspector's Reasoning</b></p> <p><b>Appeal A – allowed – enforcement notice quashed and planning permission granted</b></p> <ul style="list-style-type: none"> <li>The works to the bridleway are an engineering operation (i.e. operational development) therefore planning permission is required.</li> <li>However, the bridleway was naturally 'hollowed out' due to weathering, with the arrangement of the track varying. Considerable harmful water erosion has occurred which requires maintenance.</li> <li>In widening the bridleway, no new materials were imported and levels were achieved by scraping the surface and infilling. No significant change in the level of the track occurred.</li> <li>The width of track is not unusually wide or out of character with the rest of the track or the surrounding countryside and there was no evidence that biodiversity was affected therefore the appeal succeeded.</li> </ul> <p><b>Appeal B – enforcement notice upheld with period of compliance altered to 4 months</b></p> <ul style="list-style-type: none"> <li>The track is out of character and causes considerable harm. The benefits do not outweigh the harm caused. The Inspector also noted the very recent decision (March 2019) by another Inspector to dismiss an appeal against the refusal to grant retrospective planning permission for a scheme which included this development.</li> <li>However, the period of compliance was amended to 4 months.</li> </ul> <p><b>Costs Decision: Partial award of costs awarded to the Authority</b></p> <ul style="list-style-type: none"> <li>There was some crossover in timing of the issuing of the enforcement notice and the appellant's appeal in relation to the original planning refusal (March 2019).</li> <li>It was unreasonable that the appellant did not reconsider Appeal B in the light of that previous decision which should have led to its withdrawal. It is therefore clear that the Authority will have been put to additional expense in preparing the case for Appeal B.</li> <li>Unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated and a partial award of costs was granted to the Authority.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05415/FUL APP/Y9507/W/19/3233714 <b>Committee Decision</b>	Winchester	Land between Alton Road (A32) and Marlands Lane, West Meon, GU32 1AP	Erection of house with access onto Marlands Lane.	<b>D</b> 31 October 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The site lies just outside of the settlement boundary of West Meon.</li> <li>The proposal does not fall within any of the exceptional circumstances set out in Policy SD25.</li> <li>The Inspector notes that the appellant does not think that the settlement boundary is in the correct place. However it is in the recently adopted Local Plan and this forms the basis of planning application decisions.</li> <li>The development would not be readily visible from local views, it would not cause harm to the character and appearance of the area and would not result in a significant encroachment into the countryside.</li> <li>The Inspector commented that in a previous appeal decision it had been noted that the site is in a sustainable location and would not result in the siting of an isolated home. However, none of these matters outweigh the conclusion that the proposal, by virtue of its location outside of the settlement boundary, would be contrary to the policies of the Local Plan and the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05668/FUL APP/Y9507/W/19/3232116	SDNPA	Gosling Croft Business Centre, Long Furlong, Clapham, BN13 3UT	1 detached chalet bungalow.	<b>A</b> 1 November 2019
<b>Inspector's Reasoning</b> <ul style="list-style-type: none"> <li>The site is used for temporary parking and open storage for existing business units. It is previously developed land.</li> <li>Part of the site is within, and part of the site outside, the 'recognised village envelope' in the Clapham Neighbourhood Development Plan. There is no visual demarcation on site between those parts that are within or outside this policy boundary.</li> <li>The appeal site was well contained due to screening provided by the neighbouring dwelling, business units, trees and vegetation.</li> <li>The Inspector found that whilst part of the appeal site is outside the village envelope it visually and functionally relates more closely to the settlement than the countryside. The land is within the curtilage of existing business units, which are themselves within the village envelope. The proposed dwelling would be viewed as part of a group of buildings and would not visually encroach into the countryside.</li> </ul>				

- The loss of employment land did not comprise a reason for refusal in the Authority’s decision notice. The appeal scheme would not result in the loss of buildings used for employment floorspace, nor would it have an adverse effect on the operations of the existing business units. The current use of the land for open storage and parking could be satisfactorily accommodated elsewhere within the business.
- The Inspector concluded that the proposal would be an appropriate reuse of a previously developed site and would conserve and enhance the special qualities of the National Park.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00107/HOUS APP/Y9507/D/19/3230444	East Hants	Crouch Readons, Rake Road, Liss, Hampshire, GU33 7HE	A single and a two storey rear extension.	<b>D</b> 4 November 2019
<b>Inspector’s Reasoning</b>				
<ul style="list-style-type: none"> <li>• The property is a detached two-storey house located in a semi-rural area to the north east of Liss. It sits in a generous plot set back from the road.</li> <li>• The proposal would represent a 65% increase in the building’s floor area, significantly above the 30% limit set in the Local Plan. However, the appeal property is not a small or medium house and the proposal would not have an impact on the supply of smaller homes.</li> <li>• However, the Inspector considered that the proposal would fail to complement the proportions of the existing dwelling. The scale and massing would be dominant and not visually subordinate. It therefore would not lead to a significant enhancement to the appearance of the dwelling that would justify exceeding the 30% size limit.</li> <li>• Finally, an Ecological Impact Assessment was not submitted as part of the planning application and as a result the proposal was contrary to the Development Plan which requires proactive measures to maintain and improve biodiversity in new developments.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04979/FUL APP/Y9507/W/19/3229502	East Hants	25/27 Lavant Street, Petersfield, Hampshire GU32 3EL	An amendment to shopfront to improve disabled access.	<b>D</b> 4 November 2019
<b>Inspector’s Reasoning</b>				
<ul style="list-style-type: none"> <li>• The site is located on Lavant Street which is a secondary shopping area and a major connecting route between the town centre and the station. Most public ground floor frontages in Lavant Street are occupied by shops and other commercial property. The site is within the Petersfield Conservation Area (CA).</li> </ul>				

- The site is the middle of three retail units with a similar traditional shopfront design. The shop door is central with a recessed doorway and symmetrical detailing. This is replicated in the shopfronts of the properties either side. Together these form a visually pleasing group within the street scene.
- The proposal to relocate the central recessed doorway to one side of the shop frontage would unbalance the symmetry of the terrace. It would cause harm to the character and appearance of the CA.
- Whilst disabled access is a priority, from the documents submitted it is unclear how the proposal would improve the current situation for disabled visitors. The provision of disabled access is not a benefit of sufficient magnitude to outweigh the harm identified in this case. The Inspector therefore concluded that the proposal would not preserve or enhance the character and appearance of the Conservation Area.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06032/LIS APP/Y9507/Y/19/3231931	Chichester	Burton Mill, Burton Park Road, Petworth, West Sussex, GU28 0JR	Replacement of all existing windows with new double-glazed units and revised frame design and reveal an obscured window.	<b>D</b> 4 November 2019

**Inspector’s Reasoning**

- The main issue was whether the proposed double-glazed windows would preserve the special architectural or historic interest of the Grade II listed mill. The building is a 3 storey mill house dating from 1789.
- The windows are an important element of the historical and architectural character of the building. It still looks like a mill despite the current double-glazed flush-faced 1990s modern windows. However, these do not have listed building consent and are therefore unauthorised. They do not constitute a ‘fall-back’ despite the fact they have been there for at least 20 years. There is no objection to their removal in principle.
- The design of the proposed double-glazed windows would be inappropriate and necessitate thicker frames and glazing bars than if they were single-glazed. They would reduce the amount of glass per area of frame and would reflect light differently to single glazing. These drawbacks would give the windows a suburban residential appearance at odds with the character and appearance of this building. This would be amplified due to the repeated occurrence across multiple windows.
- The site is next to Burton Mill Pond public car, a well visited site. The Inspector therefore felt that the building should be properly restored to reflect its original historic architectural character and appearance.
- The reduction in CO2 emissions would be very minimal in terms of the overall impact on climate change and the Inspector concluded that the harm to the listed building would not outweigh this benefit.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/01154/LIS APP/Y9507/18/3219345	Winchester	Court House, East Street, Hambledon, PO7 4RX	Proposed new internal opening	<b>D</b> 8 November 2019

**Inspector's Reasoning**

- The site is a large grade II listed building. With 18<sup>th</sup> century origins, it has been extensively extended and altered throughout its history. Its historic fabric and internal layout provide some understanding of the property's history and contribute to its significance as a listed building.
- The proposed opening up of the wall at ground floor level would result in the loss of historic fabric. By visually linking the ground floor room and the corridor in this part of the house, it would erode the historic plan form and an understanding of the property's history.
- Whilst the proposed arrangement may provide more usable space and enable adaptation to suit modern living, those matters did not outweigh the harm identified. Recording of the property as it is today would also not overcome the concerns and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
Appeal A: SDNP/18/06294/FUL APP/Y9507/W/19/3231521  Appeal B: SDNP/18/06291/LIS APP/Y9507/Y/19/3231524  Appeal C: SDNP/18/06288/FUL APP/Y9507/W/19/3231529  Appeal D: SDNP/18/06287/LIS APP/Y9507/Y/19/3231534	Lewes	The Bull, 2 High Street, Ditchling, East Sussex, BN6 8TA	Appeal A & B: Store to rear of pub, timber construction on brick plinth, shiplap boarding, painted to match building.  Appeal C & D: Seating area to rear of number 1 High Street, 3 No tables with benches, 8 No plant pots, and gravel surfaces to ground.	<b>D</b>  11 November 2019

**Inspector's Reasoning**

- The main issues were the effect of the proposal on the architectural or historic significance of the Grade II Listed Building, the character and appearance of the Ditchling Conservation Area and the effect of the use of the seating area on the living conditions of adjoining residential occupiers.
- Consent was granted for a rear extension to the property in 2014. It is of contemporary design and has been completed. It has an attractive appearance, not undermining the historic building.
- The store (which has been built) is of a poor design. It is a solid and substantial building that does not relate well to the historic building or the modern addition. The permitted open-topped bin store that should occupy this location would be lower in height and more obviously ancillary and would not have the same appearance of permanence and hence permanent harm.

- The seating area, raised hard surface, seats, tables and plants in containers, were all in position at the time of the site inspection. The area has permission for use as car-parking. This allows parts of the building to be seen albeit obscured on occasion by vehicles. The seating, decking and planting all obscure the building and at the time of the visit were poorly laid out, causing harm to the significance of the listed building and, the Inspector considered, were intrusive within the street scene.
- The use as a seating area also risks noise and disturbance to an adjoining residential property.
- The development therefore was found to cause harm to both a heritage asset and residential amenity and the appeals were dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00893/MPO  Appeal A APP/Y9507/Q/19/3228682  Appeal B APP/Y9507/W/19/3219992  <b>Committee Decision</b>	Chichester	The Croft, Bignor Road, Sutton, Pulborough, West Sussex, RH20 IPL	Appeal A: Application to discharge the S.106 Undertaking relating to planning permission SN/11/02662/DOMNP.  Appeal B: A change of use to ancillary residential accommodation, guest accommodation, staff accommodation, holiday let, domestic garaging, stables and/or hobby room.	Appeal A  <b>A</b>  Appeal B  <b>SPLIT</b>  12 November 2019 <b>Informal Hearing</b>

**Inspector's Reasoning**

- At the start of the hearing, the Authority confirmed that it had resolved to discharge the planning obligation and not defend Appeal A. The Inspector agreed to this and therefore Appeal A succeeds.
- The Authority confirmed that the remaining objections were limited to the proposed use of The Stables as guest accommodation, staff accommodation and the holiday let (Appeal B).
- The main issues were whether the proposal would be tantamount to the creation of a new dwelling and the effect upon the amenity of neighbouring residents, in particular any noise disturbance.
- The appeal site lies within the countryside and outside any defined settlement boundary. The Stables is a sizeable building in the curtilage of The Croft. The Croft and The Stables share the same access and the same residential curtilage.
- The appellant argued that they are not seeking permission for a new dwelling and that approval is not being sought to create any separate curtilage, private amenity space or physical separation of The Stables from The Croft. The Authority's case was that circumstances can change, as has already been the case with the appeal building, which was originally permitted as a replacement stable in 2003.
- The Inspector agreed with the Authority that the proposed use of The Stables in association with the residential use of The Croft would not result in any harmful impact or conflict with any local and national planning policies. The Inspector concluded that permission should not therefore be withheld for these uses.

- The Inspector also accepted, notwithstanding that The Croft is a large dwelling, the appellants desire to accommodate some of their guests and members of their family within The Stables when visiting. The Inspector noted that whilst The Stables would be capable of operating as a separate unit, members of the appellants' family and their guests would be likely to use some of the facilities within The Croft for relaxing and main meals. The Inspector concluded that to prevent/deter the appeal building from being used as a separate dwelling, a condition restricting the duration of any visitor/family members staying within The Stables to 90 days would be necessary and reasonable.
- In terms of using The Stables as a 'granny annexe', the Inspector stated that in the absence of details regarding any dependent relative and a failure to adequately demonstrate the functional and physical dependency on The Croft, he shared the concerns of the Authority, that the proposal would be odds with the Local Plan.
- The Inspector found no evidence to demonstrate that there was an essential or proven need for any staff to reside on site or be employed at The Croft. There was also nothing to demonstrate that The Stables would help address the likely shortfall in the supply of affordable housing within the National Park or assist in meeting local housing needs. In the absence of such details there was considerable risk that The Stables would be tantamount to a new dwelling and erode/unacceptably harm the character of this part of the National Park. The Inspector also stated that restricting the use via a planning condition, would make it very difficult for the Authority to refuse permission for any future application to remove such a condition.
- On the issue of tourism accommodation, the Inspector highlighted that this type of accommodation functions in a different way and takes on a different character to that of a new dwelling. Subject to imposing a condition restricting maximum duration by individual holiday makers, the Inspector concluded that a holiday use would not harm the special qualities of the National Park.
- In concluding, the Inspector stated that the proposed use of The Stables as staff accommodation or as annexe would be tantamount to the creation of a new dwelling, which would result in unacceptable harm which is not outweighed by the limited benefits such a proposal would offer. In contrast the other uses proposed would accord with development plan policies. In addition, the proposed acceptable uses would not result in any harmful effect upon the amenity or living conditions of neighbouring residents. Therefore, the Inspector issued a split decision.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03705/FUL APP/Y9507/W/19/3232162	East Hants	Bryn Gardens, Rake Road, Liss, GU33 7HB	Demolition of existing B1(a) office and adjoining buildings and erection of a single storey detached dwelling and associated landscaping works.	<b>D</b> 14 November 2019

**Inspector's Reasoning**

- The main issue was the loss of employment floorspace and the location of the proposed development in relation to Liss.
- The Local Plan safeguards employment sites that are fit for purpose. The policy requires a robust marketing campaign of at least 12 months to demonstrate that there is no market demand for the business premises.
- The Inspector considered the business premises to be small but also noted that the National Park's economic base is focussed on small businesses.
- The buildings are underutilised and in a poor state of repair but limited evidence was submitted to demonstrate that the site was no longer required or would be unlikely to be redeveloped or re-used for employment purposes.



- The Inspector noted that there was an apparent abundance of commercial office premises available within the local area but that was not, in his view, a reason for not marketing the premises for at least 12 months. Without such a marketing campaign, and in the absence of any other compelling evidence, the Inspector determined that the loss of employment land was not justified and was contrary to development plan policy.
- The site is outside the settlement boundary of Liss. The Inspector found no exceptional circumstances to deviate from development plan policy that restricts development in these locations and noted that the proposal would introduce a domestic form of development into a rural location, at odds with the character of the countryside.
- The Inspector considered that walking to Liss from the site would not be a safe or attractive prospect and, as there was no public transport, future occupiers would have limited options other than to rely on a private vehicles, a factor which significantly limits the accessibility of the site.
- The Inspector concluded that the site was contrary to the development plan in that it resulted in the loss of employment and the development of housing outside of a settlement boundary. The appeal was dismissed.

**Costs Decision: Refused**

- The applicants considered the Authority had acted unreasonably in failing to demonstrate the necessary interpretation and application of planning policy, or to have regard to specific material considerations relevant to the application.
- The Inspector noted that the Authority’s decision notice was complete, precise, specific and relevant to the proposal. The officer report explained the concerns and demonstrated the necessary interpretation and application of planning policy. Consideration had been given to the specific material considerations and the applicant was not put to unnecessary or wasted expense. The application for costs was therefore refused.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02293/HOUS APP/Y9507/D/19/3233437	Lewes	73 Western Road Lewes BN7 IRS	Replacement of existing timber frame windows with UPVC casement windows	<b>D</b>  14 November 2019

**Inspector’s Reasoning**

- Western Road is the main approach to the centre of Lewes. It is lined by terraced housing. No 73 is one of a terrace of four historic properties. It is not listed but it is within a Conservation Area.
- The use of uPVC was found to detract from the character and appearance of the area. The other three properties in the terrace have wooden framed windows.
- Even if the windows were ‘slim and elegantly proportioned’ this would not be sufficient to overcome the fact that uPVC is a non-traditional material for historic buildings and its use would fail to preserve or enhance the character and appearance of the Conservation Area. Accordingly, the Inspector dismissed the appeal.

Planning Application No	Authority	Site	Enforcement Appeal	Decision
<p>SDNP/17/03623/FUL</p> <p>Appeal A: APP/Y9507/C/18/3199595</p> <p>Appeal B: APP/Y9507/W/18/3194790</p> <p><b>Committee Overturn</b></p>	<p>Chichester SDNPA</p>	<p>Laundry Cottage, Dangstein, Rogate, Petersfield, West Sussex, GU31 5BZ</p>	<p>Appeal A: Enforcement against a change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products.</p> <p>Appeal B: The continued use of land for forestry and woodland management, and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities.</p>	<p>Appeal A <b>D</b></p> <p>18 November 2019 Appeal B <b>A</b></p> <p>18 November 2019 <b>Public Inquiry</b></p>
<p><b>Inspector's Reasoning</b></p> <p><b>Appeal A</b></p> <ul style="list-style-type: none"> <li>The appellant argued that the production of timber products was ancillary to lawful forestry use of the land. The Inspector commented that the key issue was the degree of 'processing' and whether the production is genuinely incidental/ancillary, or does it amount to a separate activity.</li> <li>The Inspector acknowledged that the cutting of logs of various sizes, turning some into planks and strip some of their bark, is ancillary. As is the creation of some products that involve minimal extra work, such a fence posts, bean poles, pea sticks etc because of the minimal amount of 'processing'.</li> <li>The Inspector stated that the creation of a fully finished bus shelter is a manufacturing process and making bus shelters is not consequential on forestry. The yard also produces pre-cut timber to make wooden framed buildings to order. The timber is cut to length and jointed in the yard, by laying out each frame on a framing bed. The frames are then disassembled and taken to their final site and erected. This involves considerable added value and goes beyond processing of timber but is the creation of a product. It would not seem to be ancillary to forestry, but a separate and potentially commercial process.</li> <li>The Inspector also stated that other activities such as the making of a bench, table and fencing, fall into a grey area between ancillary and not. Had these been the only examples of product making then the Inspector would have concluded they were de minimis, and probably quite typical of any managed woodland. But taken along with the framing and bus shelters, it adds up to a low level creation of timber products that go beyond what is ancillary to the lawful forestry activities. Therefore, the appeal fails.</li> </ul>				

**Appeal B**

**Inspector's reasoning**

- The appeal essentially seeks to bring together the disparate elements of the activities that have already taken place at the site. The Inspector noted that on their own the various events (forest school, residential course, evening event, campers and archery) do not cause difficulties but that it is the cumulative effects that are of concern.
- Therefore, the main issues were:
  - Has the proposal been informed by the landscape character, would it actively harm the landscape and would the experiential and amenity qualities of the landscape be undermined (including neighbouring amenity).
  - Whether the proposal would conserve or enhance the relative tranquillity of the site with particular regard to the direct visual and aural impacts and indirect impacts on areas remote from the appeal site.
- The site comprises 11ha of wood and heathland. It is bounded by Dangstein Lane to the north. To the east is the drive to Garden cottage and beyond that Dangstein House. To the south is open farmland and Home Farm and livery, with a number of small commercial units in the farmyard. Fynings Lane serves the hamlet of Terwick Common. Another small lane leads to several houses in the woods to the southwest of the site, as well as a builder's yard which is visible from the timber yard access track.
- The Inspector noted that this is not an isolated site but sits in a wider landscape that seemed to be typical of much of this area where houses and small scale businesses are scattered through the woods and fields.
- It is proposed to move the car park further into the site, away from Garden cottage. The camp kitchen and toilets will be replaced by a purpose built wooden community hut, which will also provide storage and shelter for the archers, along with compost toilets. The central heathland area will thus become the focus for a number of activities, and four wooden overnight shelters will be constructed along its northern and western margins, while four rough camping pitches will be provided in a stand of trees to the south.
- The activities proposed have differing levels of use including some weekends and evenings. It is also intended to hold an annual overnight festival.
- The primary concerns of the Authority were the vagueness of the proposals, lack of Landscape and Ecological Management Plan and that none of the suggested limitation / conditions suggested by the appellant were enforceable.
- The Inspector concluded that conditions would not be impossibly onerous to enforce and such conditions were not unusual. In addition, the temporary 3 year permission proposed would enable the ability or otherwise of the conditions to be enforced to be assessed.
- On the proposed uses / activities, the Inspector concluded that the level of activity was not excessive, confined to specific areas and generally the potential traffic generation would be modest. On the evening events and 'festival' the Inspector concluded that in terms of local amenity issues, the proposals were not excessive. In addition, the tourism element was low key.
- The Inspector also commented that none of the courses or educational activities would overlap and nearly all the activities, except for the camping, are events, meaning that visitors turn up once in the day and leave once. For the vast majority of the time there should be very little disturbance beyond the site. The impact on the character of the landscape in its wider setting would be minimal.
- The Inspector noted that there was no suggestion that any harm would be caused to the woods, the concern was that the level of activity proposed would damage the fragile heathland environment. The Inspector was reassured by the fact that numbers of visitors was proposed to be low and the

appellant’s ecology expert also advised that while the ecosystem of heathland may be fragile this came not from people walking on it, which was to be welcomed, but from invasive species being allowed to get out of control. In addition, the appellant has a heathland management plan and an Ecological Appraisal which sets out how to manage the landscape so that visitors do not harm it. Given the evidence, the Inspector had no reason to consider these were inadequate.

- The Inspector commented that the amenity and experiential qualities of the landscape will be enhanced as many more people will be able to experience the woodland and to learn about it without unacceptably degrading its essential qualities. Also that the National Park strongly encourages the sorts of activities that are proposed here, therefore the proposals are in line with policy SD4.
- On policy SD7 (relative tranquillity), the requirement is to “*conserve and enhance relative tranquillity*”, although the Inspector commented that they thought this must mean “conserve or enhance”, otherwise the “conserve” element would be unnecessary. When looking at the factors in determining the tranquillity scores most would be unaffected by the proposal. The Inspector acknowledged that there might be some downgrading of the tranquillity scores, but the site would seem to have the capacity to absorb much of the potential noise from children or from the residential courses, which should have little impact on the tranquillity outside the site.
- The Inspector stated that much of activity on site was lawful and many of the issues concerning the local residents seem to stem from the management of the woodland, which has required a lot of work to begin to return it to a useful state. The Inspector noted that the management of woodland is something supported by the National Park, as it is both economically and ecologically preferable to allowing non-natural woods to decay. Given that this site is now an actively managed woodland it is inevitable there is going to be more activity and disturbance than there was before. A wood of this size is difficult to manage economically without adding value from other activities. However, with suitable safeguards in place they should not harm local amenity.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03246/LIS APP/Y9507/Y/19/3226050	SDNPA	Myrtle Cottage, The Street, Wilmington, Polegate, East Sussex, BN26 5SL	1) Construction of a low retaining wall using reclaimed bricks in hydraulic lime mortar and Flemish bond bricks to match those used of the rear and side of the house; 2) Erection of feather-edged fence panels and an oak sleeper retaining ‘wall’ below, to the north-east corner of the garden, for privacy and security.	<b>A</b> 19 November 2019

**Inspector’s Reasoning**

- Myrtle Cottage is a grade II listed building in the Wilmington Conservation Area (WCA).
- The proposal is for the retention of a feather-edged timber fencing above an oak sleeper retaining wall along part of the garden where it adjoins a public footpath (twitten). The proposal also includes the retention of a low brick retaining wall across the width of the garden close to the rear elevation of the cottage.
- The Authority states there are no objections to the low retaining wall.

- The Authority does not consider the fence to be a suitable boundary treatment, with the main objection stemming from the materials, rather than the height or design. The Authority and others say that a flint wall formerly stood on part the side boundary and suggested this should be rebuilt in place of the existing fence.
- The inspector notes the footings of the earlier wall, but does not consider this to be sufficient justification for the recreation of a flint wall. In addition, the inspector notes that the twitten throughout WCA has many examples of close boarded modern timber fences. The boundary treatment is therefore not characterised solely by flint or brick walls.
- On balance, the timber fence and retaining wall would have a neutral effect that would not materially harm the significance of the Grade II listed building and its setting. The appeal was thus allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06143/FUL APP/Y9507/W/19/3233900	Chichester	Fittleworth House, Bedham Road, Fittleworth, Pulborough RH20 IJH	The installation of a freestanding solar array.	<b>D</b> 27 November 2019

**Inspector’s Reasoning**

- The proposal is for the installation of freestanding solar panels (three sets of panels 18.3m X 3.3m reaching 2.3m in height) sited in a separate field to the northwest of Fittleworth House.
- The inspector notes that the solar panel array would be situated away from the built development, and run alongside the southern boundary hedgerow. They would be visible from a public footpath.
- The native mixed hedgerow shown to the north does not exist, and would take time to become established and screen the proposal. The Inspector further noted that creating a hedgerow in this location would be at odds with the local field pattern.
- The panels would be rigid geometric features with metal and reflective panels and would appear incongruous in the landscape. They would, the Inspector opined, erode the character of the countryside by extending domestic clutter.
- The PMP, Climate Change Act and NPPF support renewable energy but the Local Plan requires solar energy to be suitably sited with a landscape led approach. In conclusion, the Inspector felt that the development would fail to conserve and enhance the natural beauty of the National Park.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01030/FUL APP/Y9507/W/19/3234546	SDNPA	Land adjacent to the Eight Bells Public House, to the west side of Jevington Road, Jevington, East Sussex BN26 5QB	3 dwellings with access, parking, gardens and landscaping. Restoration and rebuilding of flint faced front wall. Inclusion of biodiversity enhancement meadow area.	<b>D</b> 28 November 2019

**Inspector's Reasoning**

- The site is between a residential property and the Grade II listed Eight Bells Pub. It is an unkempt parcel of land enclosed by fencing and a flint wall.
- The site is located outside of the settlement boundary where development is restricted except in specified circumstances. Jevington has limited facilities and the occupiers of the proposed development would need to travel to access them.
- The appellant has commented on the need for housing within the National Park to meet the demand not met by the Development Plan. However, the NPPF indicates that the balance in favour of development in areas that cannot demonstrate an adequate supply of land does not apply in national Parks.
- Following refusal, the appellant has suggested that the dwellings would be occupied as Discounted Market Housing. However, such proposals should be informed by evidence on local needs, a site selection process and community engagement. It does not appear that these requirements have been met.
- The site is within the Conservation Area (CA). The CA Appraisal indicated that the significance is derived from the linear arrangement of the settlement and the use of traditional materials. The recessed positioning of the building would be at odds with the arrangement of most buildings in the area. The large dormer and amount of glazing, particularly on the front elevation, would contrast with other buildings in the surrounding area and would not be sympathetic to the established character. The scale of the building would also impact on the view of the countryside from Jevington road. Views of the countryside are identified as an important feature of the CA.
- The economic benefits from CIL and new homes, and the support for local businesses during construction would not outweigh the harm identified.
- Proposed meadow/wildlife enhancements are not finalised and it is not possible to be certain of the extent biodiversity would be enhanced.
- In conclusion, the development is not in a suitable location and would be harmful to the character and appearance of the CA.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01585/HOUS APP/Y9507/D/19/3234591	Chichester	Dormer Cottage, Lower Lodge Road, Linchmere GU27 3NG	Two storey rear extension with associated roof works and various alterations and additions, and single storey extension to an outbuilding.	<b>A</b> 3 December 2019

**Inspector's Reasoning**

- The appeal property is a modest detached cottage positioned within a group of vernacular buildings near St Peter's Church. Historically it was attached to Linchmere House, a larger property located to the south. It is within the Conservation Area.

- The Inspector noted that the property’s traditional form makes an attractive and positive contribution to the character and appearance of the Conservation Area. In addition, the Conservation Area Character Appraisal and Management Plan identifies the building as having townscape merit with potential for future local listing.
- The proposal would introduce a centrally positioned two storey extension onto the rear elevation of the cottage. The proposal would also add a small addition to the detached outbuilding known as the Engine House.
- The Inspector stated that as the extension would be located centrally within the rear elevation, it would not be seen in most views. Whilst some glimpses of the side and rear elevations of the property would be possible, the development would be seen in the context of surrounding built form. Furthermore, the use of matching traditional materials would assimilate the development into the group of vernacular buildings.
- In concluding, the Inspector considered the proposed development would not be unduly prominent nor dominate the host dwelling.

Planning Application No	Authority	Site	Description of Appeal	Decision
SDNP/17/04547/LDE APP/Y9507/X/18/3213601	Winchester	Lithywood Acres, Green Lane, Hambledon PO7 4SX	Certificate of lawful use or development for use of building as commercial offices (Use Class B1).	<b>D</b> 3 December 2019 <i>Public Inquiry</i>

**Inspector’s Reasoning**

- For lawfulness to have been achieved the use must have occurred continuously for a period of 10 years prior to the date of the application. It does not have to be the 10 years immediately preceding the application, but the use cannot have been subsequently abandoned before the application.
- The appellant noted that since February 2015 the building has been largely vacant and therefore any use after this date would not contribute to the 10 year period.
- The site contains a house and the appeal building. The building had previously been used for goats and commercial engineering. It was in a derelict condition with much of the roof collapsed.
- The appellant indicated that about half of the building had started to be used for offices in 2002 in connection with their businesses.
- In August 2002 an application was made for building regulation approval for works to the building. The description was for use as a study, games and hobbies. It was not indicative of office use.
- The appellant notes that conversion of the building commenced in 2002. At around the same time about half of the building was put to office use on a full time basis. Therefore at this time even if the office use was ‘separate’, half the building remained in a residential use. The Inspector felt that on the balance of probability the business use was incidental to the use of the dwelling at that time. It was also considered that the building would have needed significant attention, even for part to be used for offices.
- At its busiest in 2007 the appellant notes that the company employed over 14 staff, with two or three in the office. Staff numbers diminished by 2012 and since 2015 it has been largely vacant but not abandoned.
- There is no dispute that some office use has occurred at the building but it is the extent of that use that has to be proved by the appellant.

- The appellant started to pay business rates in 2003 and this continues to date. While this is a material consideration, just because business rates are paid does not mean that there has been a material change for planning purposes.
- The evidence the Authority has produced indicates the building conversion was not complete until sometime in 2006 and that at that time the building was only partly used for offices incidental to the house. The information available shows the business to be active in 2006 and declining to 2013. The Inspector felt that the office use claimed may have occurred sometime between 2006 and 2012, but not enough for it to be proven on the balance of probability and in any case it would not enable a continued 10 year use to be demonstrated before 2015. The Authority was therefore correct to refuse to grant a certificate of lawful use of development.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02602/APNR APP/Y9507/W/19/3234979	SDNPA	Matterley Farm, Alresford Road, Ovington SO24 0HU	Construction of two farm tracks for agricultural purposes - one on the western margins of farm adjoining Percy Hobbs Roundabout (Track A) and the other to the eastern edge of the farm close to the junction between A272 and Rodfield Lane (Track B).	<b>A</b> 3 December 2019

**Inspector’s Reasoning**

- The development involves the formation of one private way and the alteration of another. The prior approval procedures require the local planning Authority to assess the development solely on the basis of siting and means of construction.
- Track A already exists and would be formalised through the construction of a hard surface. It runs along the side of a large field. The outer edge is lined by heavy vegetation separating it from the A31. The vegetation screens the track and field from the A31 and only a short section can be viewed from outside the field.
- The current broad, churned and rutted appearance of the track is not attractive or low key.
- A solid surface would prevent surface churning and lateral spread of the track which would improve its appearance. Therefore no harm would be caused with regard to its siting or construction.
- Track B would be sited in a large field, linking up existing tracks. It would largely follow a field boundary. Views from outside of the field would be limited. Taking into account the seasonal growth of crops, it is unlikely that its siting or construction would appear intrusive or noticeable. It is likely that the surfaces would weather over time and would include gradual colonisation by vegetation.
- It is unlikely that use of the tracks by vehicles would generate additional noticeable noise, particularly when set against background traffic.



Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01527/OUT APP/Y9507/W/19/3235383	Horsham	Mount Park, High Tor, Bostal Road, Steyning, BN44 3PD	The erection of one dwelling.	<b>D</b> 5 December 2019
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The site is located on the upper slopes of a former chalk pit beyond the settlement of Steyning. It is accessed from a steep track which is also used for a residential caravan site which is in the floor of the former pit.</li> <li>The dwelling would be on a raised plot of open land at the entrance to the mobile home park in close proximity to another property.</li> <li>The dwelling is located outside of the settlement boundary but given the proximity of Steyning it is not considered to be an isolated dwelling. It would be accessible to the day to day services and transport in Steyning. It would offer some local employment during construction but it is not linked to the needs of the countryside and there are no exceptional circumstances identified.</li> <li>The prominent dwelling would be of a very different character and nature to the mobile homes and it would fail to conserve and enhance the landscape and scenic beauty of the National Park; the appeal was therefore dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/00113/FUL APP/Y9507/W/18/3213402	Chichester	Bignor Park Nursery, Bignor Park Road, Bignor, RH20 1HG	Construction of building for furniture making. Conversion and extension of existing barn to equestrian use. Development of a horse walker and sand school plus temporary stationing of a log cabin (dwelling). Ancillary parking, drainage, PV solar panels and landscape planting.	<b>D</b> 17 December 2019 <i>Informal Hearing</i>
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The site is formed of three distinct parts. Two are open fields and their appearance is consistent with the surrounding area; the central element of the site is very different and accommodates a barn, extensive areas of hardstanding and a variety of buildings and structures. A row of trees screens the structures to one side when in leaf, but during winter the views are more open. There is no tree planting to the other side and there are clear views of the barn and white mobile home from Tripp Hill.</li> <li>The appearance of the wider area is of dispersed settlement, isolated buildings and a pastoral landscape. Notwithstanding the subdivision of plots within the area, the open nature of the fields remain the predominant feature of the landscape.</li> <li>The Inspector considered that the use of the site should be defined as agricultural with some degree of equestrian use. The site is not classed as previously developed land.</li> <li>The appellants are committed to removing caravans, mobile homes, storage containers and sheds from the site, which would significantly improve its appearance. The existing barn on the site is fairly prominent in the landscape. Cladding and expanding this building would result in it having a more solid appearance, which would make it more obvious in views from Tripp Hill. However any visual harm would be outweighed by the removal of the</li> </ul>				

caravans which are attached and close to it. Nevertheless, the Inspector considered that this justification would not address the consolidation of built form which would arise from the proposed construction of the joinery workshop and log cabin.

- The position of the furniture making workshop close to the road frontage and its substantial footprint, and the siting of the log cabin between the workshop and the stables would significantly increase the site coverage by buildings to an extent which would be at odds with the character of the area.
- The conversion and extension of the barn, the development of the school and horse walker would not be out of keeping in a rural landscape where horses are a common feature. These are key elements of the equestrian business.
- However there was limited justification for the furniture making business needing to be within Bignor Park Nursery or why it could not be in a less sensitive site. It was acknowledged that the business employed skilled craftsman and apprentices closely linked to the landscape but this was not sufficiently compelling to outweigh the harm. The location of a workshop would also be contrary to the Bury Neighbourhood Plan which restricts small business use on agricultural land.
- The site is outside the settlement boundary and the log cabin would be an isolated home in the countryside. The appellants argued that it was essential for them to be present on site for reasons such as security, but the Inspector was not convinced that this was the only means by which this could be secured.
- The appellant would also like to live on site in order to regularly check horses, turn them out, take to events, tend to them in cases of injury or emergency and during foaling. However the Authority were concerned that there was a lack of clarity in terms of the equestrian business. There was no clear business plan and the Inspector was not able to conclude that the business would be on a sound footing or that it could be sustained. Therefore the Inspector concluded that an essential need for the dwelling had not been demonstrated.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03665/HOUS & SDNP/18/03666/LIS  Appeal A: APP/Y9507/W/19/3220200  Appeal B: APP/Y9507/Y/19/3220202	Chichester	Farm Cottage, Barlavington Lane, Sutton, RH20 1PN	Single storey side and rear extensions with minor external conservation repairs.	<b>A</b>  18 December 2019

**Inspector’s Reasoning**

- The property is a Grade II listed, early 19th century farm cottage, one storey in height with an attic. It occupies an elevated position and has 3 windows and 3 gable dormers to the front. Its significance lies in its simple timber framed vernacular architecture.
- The property makes an important contribution to the character of the conservation area.
- The proposal would replace an existing extension to the east with a larger, hipped and catslide roofed single storey extension.

- The extension is replacing a relatively modern construction, the loss of which would not be harmful. The height of the replacement would be similar to the existing and it would not affect more of the original gable wall than the existing.
- The extension would project further than the existing one but the exposed extent of the original wall would continue to be legible and when viewed from the front, the original form and detail of the cottage would remain.
- Cutting the extension into rising ground would assist in minimising the bulk. It would appear subservient and modest.
- The proposed materials and details will match the existing and the repairs to other parts of the building would be a positive enhancement.
- The Inspector therefore found that the proposal would preserve the special interest of the listed building. She also concluded that there would be no harm to the natural beauty and cultural heritage of the National Park.

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
Appeal A: APP/Y9507/C/18/3207265  Appeal B: APP/Y9507/C/18/3207254	Chichester	Land at Cowdown Farm, Cowdown Lane, Compton, Chichester, West Sussex , PO18 9NW	Appeal A: The construction of a gable end wall in the west elevation of the building supporting a new first floor within the building.  Appeal B: The change of use of the building to use for the stationing of a caravan for the purposes of human habitation.	Appeal A <b>A</b> (Partially) Appeal B <b>D</b>  03 January 2020

**Inspector’s Reasoning**

Appeal A – Gable Wall

- The gable that is enforced against is an integral part of a much larger structure. The works under construction clearly indicate, on the balance of probability, that the intention of the structure as a whole was to provide a dwellinghouse within the barn.
- Whilst the General Permitted Development Order identifies permitted development for agricultural uses, the Inspector concluded the development has been undertaken for the purposes of a dwellinghouse and there is little information to justify this use in relation to the agricultural unit. It has not been shown to be necessary for the purposes of agriculture and therefore it is not permitted development.
- The cavity gable wall has not been completed for 4 years and is not therefore lawful through the passage of time.
- The Inspector concluded that the dwelling, of which the gable is part, is extremely poorly designed.
- However, the allegation is very specifically relating to the gable wall only and other internal works to the structure are not identified as part of the alleged breach and cannot be enforced against.
- In concluding, the Inspector stated that if development needs to be removed it needs to be included in the allegation. The Authority chose to identify the gable only, so that is what is under consideration in the notice. As the other alterations were not identified, it is not reasonable to require them to be removed.

Appeal B – Caravan

- The Inspector states that the caravan is a small element within a very large agricultural building.
- The appellants argue that the habitable use of the caravan had ceased some time ago. However, the Inspector concluded that it is reasonable that the allegation relates to the stationing of the caravan for the purposes of human habitation, even though the use has now apparently ceased.
- The Inspector concluded that it was reasonable that the caravan and associated paraphernalia should be removed and the appeal failed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01844/HOUS  APP/Y9507/W/19/3237052	East Hants	39 Tilmore Road, Petersfield, GU32 2HJ	Disputed condition in relation to the alterations and extension to roof to create additional bedrooms.	<b>D</b>  07 January 2020

**Inspector’s Reasoning**

- The main issue was whether the disputed condition is reasonable with regards to the timescale imposed. The dwelling has been altered to include a substantial dormer extension at the rear which was the subject of enforcement action. Following the dismissal of an appeal, an amended scheme of works was approved.
- The construction of the approved development scheme has since been further delayed.
- The Inspector considered that there was no evidence to demonstrate the need for an extension for 9 months (in order to implement the approved scheme) given that the factors that delayed commencement have been overcome and work has commenced. There was also no evidence that the agreed timescale of 4 months was not appropriate.
- The Inspector concluded that the disputed condition was reasonable and necessary in its current form. The Authority had acted proportionately, having agreed to a substantial period of extension in order to complete the necessary works.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06427/HOUS  APP/Y9507/D/19/3237258	Chichester	Duncton Mill House, Dye House Lane, Duncton, GU28 0LF	New detached domestic garaging/store.	<b>D</b>  08 January 2020

**Inspector’s Reasoning**

- The proposed garage would be set away from the existing access drive within a field.
- Proposed rooflights would result in light pollution with no guarantee of occasional use of the building.

- Whilst the proposed development would encroach into the undeveloped, rural setting of the Grade II listed buildings, it would be set further away from the buildings than an extant approval. The proposal would preserve the setting of the listed buildings,
- However, the slight improvement in the visual relationship with the listed buildings would not overcome or justify the more significant harm that would arise to the character and appearance of the landscape by virtue of its location within the field.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/05264/FUL  APP/Y9507/W/19/3225616	SDNPA	The Rose Cottage, The Village, Alciston, BN26 6UW	Change of use from public house to single residential dwelling.	<b>D</b>  08 January 2020

**Inspector’s Reasoning**

- The Rose Cottage is a long-established public house, which includes residential accommodation at first floor, with a car park and large garden to the rear. A further 2-storey building containing two self-contained units is located to the rear, and two further outbuildings to the side. The Rose Cottage is a Grade II Listed Building, located in the heart of the Alciston Conservation Area, which draws much of its character from its rural setting and collection of attractive buildings. The appeal property forms part of the historic and cultural heritage of Alciston, and is one of only two community facilities within the village.
- Policy SD43 seeks to resist the loss of community facilities, unless a robust marketing campaign clearly demonstrates that there is no market demand for the existing use, or an equivalent community use. The pub was acquired for £650,000 in March 2016, closed in June 2017 and reopened in March 2018, following refurbishment works. Although the pub is currently closed, it is considered a potential and valued asset to the local community.
- The pub has been marketed since December 2016, firstly at £900,000 and then reduced several times, to offers in the region of £750,000. No evidence was produced to confirm how the marketing price was arrived at, or which demonstrates that the price sought represents a realistic value of the business in the current market.
- SDNPA commissioned Bruton Knowles to assess the viability of the property as a pub, and to confirm whether the asking price was realistic. The conclusion reached, which the Inspector accepted, was that the premises remained ‘borderline’ viable in its current state and capable of receiving a reasonable return. The closure of the pub is affecting its value, which is currently noticeably lower than the purchase price.
- The appeal property’s contribution to the conservation area would be diminished as a result of the proposed change of use. It would also have an adverse effect on how the conservation area would be experienced. The enjoyment of the listed building would be lost to a large extent, as it would no longer be a publicly accessible building.
- Whilst the pub market generally is a difficult one in which to operate, the Inspector was not convinced that the property had been subject to a robust marketing exercise, which clearly demonstrated there was no market demand for the existing use or equivalent community use. Despite the provision of serviced accommodation, the proposal would result in the loss of a valued community facility, which also represented a key tourism asset.

- Whilst the proposal would bring back into use parts of the building that are currently vacant, and also remove some outbuildings and extraction equipment, the limited benefits resulting from the proposal did not outweigh the harm.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02082/FUL APP/Y9507/W/19/3238228		Land north of Pound Farm, Gracious Street, Selborne, Alton GU34 3JG	Replacement Stables and Sand School	<b>A</b> 08 January 2020

**Inspector’s Reasoning**

- The site is several hundred metres from the settlement boundary and a Conservation Area. It sits within a patchwork of irregular fields demarcated by established hedgerows. It is, topographically, relatively low and not prominent in surrounding views and vistas.
- The proposal would replace an existing stable block of a similar size. A store would also be added. The Inspector considered that these would have no appreciable effect. The scale proposed is intended to be sufficient to enable competitive practice and the Inspector considered that a condition requiring only private use could be imposed.
- The main area of concern related to the scale and landscape impact of the proposed arena. The proposal would alter an essentially natural site and introduce a substantial geometric form composed of imported materials. A level area would need to be created by cutting into the changeable topography which would limited its visual impact.
- Equestrian activities are part of the character of the National Park and the site is already used for such purposes.
- The proposal would probably result in greater use of the site, but not an increase in the number of horses of intensity or activities as it would remain solely for personal use.
- The site does not fall within an area designated for its wildlife value and the mitigation proposed is likely to lead to biodiversity enhancements.
- The nearest properties are 125m away. No external lighting is proposed and the sand school will not be enclosed by fencing making it barely perceptible in the landscape; the appeal was therefore approved.

**Costs: Refused**

- The appellant argues that the Authority failed to engage positively and in a timely manner. The application was not determined in the statutory period and there was disagreement between the parties relating to meetings arranged and deadlines (informal) being met.
- There is informal correspondence from the Authority which sets out that they were unsupportive of the scheme and the appellant would therefore have been aware of this. The NPPF requirement to work positively and creatively does not mean that all development can be rendered acceptable.
- That the Authority did not agree with the external landscape advice is acceptable as effects in respect of character and appearance are a matter of judgement.
- The Inspector concluded that it had not been demonstrated that there was unreasonable behaviour resulting in unnecessary or wasted expense.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/19/3237331 SDNP/18/03306/FUL  <b>Committee Overturn</b>	Lewes	Holdings Farm, The Street, Kingston, BN7 3NT	2 bedroom dwelling	<b>D</b>  14 January 2020
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>• The appeal site is located on the south-east side of The Street. The Street forms the historic core of Kingston and is predominantly lined with dwellings and other buildings of varying ages and designs, many of which are historic and listed. The Street is within the Kingston Conservation Area.</li> <li>• The appeal site is an existing garden, largely laid to lawn but with vegetation to the front boundary. The proposal is for a 2-bedroom detached dwelling, to be located approximately 2m from one side boundary of the site and 1.3m from the other.</li> <li>• The Inspector noted that the Kingston Conservation Area Character Appraisal states a presumption in favour of retaining existing gardens and green open spaces, particularly those which contribute positively to the character of the Conservation Area. The Inspector noted that the site does make a modest positive contribution to the character and appearance of the Conservation Area.</li> <li>• Although there are some properties on smaller plots, the proposed development would be out of character with the prevailing pattern of development within the Conservation Area. Furthermore, this harm would be compounded by the reduction in the spaciousness of the existing plot of Holdings Farm that would result from the proposed development.</li> <li>• In terms of the impact to the setting of nearby listed buildings (Old Holdings Farmhouse and The Juggs public house, both Grade II), the Inspector concluded the proposal would not be significantly intrusive in views of the Farmhouse from The Street and the relatively plain and simple design of the proposed dwelling would not clash or compete architecturally with the Listed Building. Furthermore, given the site is separated from The Juggs by The Street the proposed dwelling would not detract from the significance of this listed building or diminish the ability to appreciate its significance.</li> <li>• In concluding, the Inspector states the public benefits of the proposal (contribution to housing supply and other social and economic objectives of the NPPF) are considered to be modest and therefore would not outweigh the great weight attached to the harm caused to the character and appearance of the Conservation Area and the appeal was dismissed.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/19/3227928 SDNP/18/04966/FUL	SDNPA	Downmere Farm, Mill Lane, Poynings	Conversion of barn to dwelling	<b>D</b>  15 January 2020

**Inspector’s Reasoning**

- The site is occupied by an agricultural barn, near to Poynings. The building was originally used as a poultry barn, but most recently has been used to stable horses.
- Policy SD41 relates to the conversion of redundant agricultural or forestry buildings. The supporting text advises that buildings which are generally not suitable for conversion include those which would require substantial reconstruction of structural works.
- The Inspector found that the barn foundations were not suitable for the proposed use and that the existing floor slab would need to be broken up and reformed at a lower level. The existing roof and a number of timber elements also needed to be replaced. The Inspector considered that the building was not capable of conversion without substantial reconstruction and therefore would not accord with policy SD41.
- The site is outside a settlement boundary. It was not allocated for residential use and no information had been put forward to demonstrate there was an essential need for a dwelling in this location.
- Due to the open nature of the site and surrounding field network, the appeal building would be visible within the local landscape from several nearby public footpaths. It is also visible from higher ground from which it was clear that the building has an agricultural character and appearance.
- The Inspector found that the proposed alterations would create a building with an overtly domestic appearance. Consequently, the agricultural character and appearance of the existing building would be lost. The proposal would change the landscape qualities of the area by introducing an out of keeping and sporadic form of residential development within the open countryside. This would also cause significant harm to the character and appearance of the area from local viewpoints.
- The benefit of reinstating the historic field boundaries was not outweighed by the harm.
- The Inspector also considered that the proposal, due to its location, would represent an unsustainable form of development.
- The site is within Dark Sky Zone EI (a); an area of intrinsic rural darkness. No technical information was put forward by the appellant relating to the level of light that would be emitted from the windows, doors and rooflights associated with the proposed development. As such, the Inspector could not determine whether or not the proposal would meet the level of protection required.



Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/D/19/ SDNP/19/02654/HOUS	SDNPA	Pailin House, 6 Kings Ride, Alfriston BN26 5XP	First floor extension above garage.	<b>D</b> 16 January 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The area is characterised by large detached properties of varying architectural design. The extensions to properties are of varying size but are mostly sympathetically designed to be subservient to their respective host building. This forms a strong characteristic of the street-scene.</li> <li>• The height of the extension and width of the front elevation would not appear subordinate to the host building. The proposal would be out of character with the surrounding area.</li> <li>• The design of the proposed windows would amplify the impact of the front elevation.</li> <li>• The extensive front elevation of the property would be apparent from the public domain and have a significant adverse influence on the street scene.</li> <li>• The proposal would not constitute good design in the context of the surrounding area and would neither conserve nor enhance local character, accordingly the appeal was dismissed.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/19/3233891 SDNP/19/02057/FUL	Lewes	9 Nevill Crescent, Lewes BN7 1ND	3 bed dwelling	<b>D</b> 20 January 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The appeal property is two storey and occupies a corner plot at the junction between Nevill Crescent and Middle Way. The rear garden of No 9 is fairly long and has a rear boundary with the side of No 2 Middle Way. The proposal is for the creation of a new two storey, three bedroom, dwelling in the rear garden area with vehicular and pedestrian access from Middle Way.</li> <li>• The proposal would sub-divide the site creating two smaller plots. The proposed dwelling (3-bedrooms) could reasonably expected to be occupied as a family home. The proposed dwelling would have a small, irregularly shaped rear garden area with a small patio area, a bicycle shed and a space for the storage of bins. Whilst the Authority acknowledged that there were no specific space standards, Policy SD5 sets out the requirements for development to provide high quality outdoor amenity space appropriate to the needs of its occupiers. The Inspector stated the proposed garden area would not be large enough given the size and likely occupation of the dwelling.</li> <li>• On the issue of living conditions of No 9 (amenity space, outlook and light), the proposal would retain a small rear garden (albeit there is also a garden to the side) for No 9. Whilst it would appear to be marginally larger than the garden allocated to the new dwelling, the Inspector was not convinced that the garden was large enough to provide an appropriate level of amenity space. In addition, the side elevation of the proposed new</li> </ul>				

dwelling would be an overbearing and dominant feature, leading to a strong sense of enclosure and an oppressive atmosphere in the rear garden area of No 9.

- The introduction of a building where previously there was none would have an effect on the levels of light reaching the rear of No 9 which would further erode the quality of the amenity space. Consequently, the Inspector stated the remaining amenity space at No 9 would be of a poor quality. This, in combination with its limited size, would lead to an unsatisfactory standard of amenity space for the residents of No 9.
- The rear elevation of the proposed dwelling would face the rear garden of No 10, the two upper floor windows would offer direct views into the rear garden of No 10 and due to the limited length of the garden, would be in fairly close proximity. The Inspector noted that in urban contexts some mutual overlooking is commonplace but this does not appear to typically be the case in the area surrounding the appeal site. The overlooking would have a detrimental effect on the privacy of the occupiers of No 10 and would cause undue harm to the living conditions at that property.
- The Inspector was satisfied that the detailed provision of electric vehicle charging points could be secured by a suitably worded planning condition.
- The Inspector was not satisfied that sufficient visibility splays could be achieved.

Planning Application No	Authority	Site	Description of Development	Decision
Appeal A Ref: SDNP/18/00489/FUL APP/Y9507/W/19/3225879	SDNPA	The Granary, Greatham Lane, Greatham, RH20 2ES	Conversion and extension of existing timber framed agricultural barn to 4 bed dwelling and 3 bed guest accommodation.	<b>D</b>  21 January 2020
Appeal B Ref: SDNP/18/00490/LIS APP/Y9507/Y/19/3225881				

**Inspector’s Reasoning**

- The appeal buildings are listed as Grade II. They comprise a late 18th or early 19th century barn, later converted to a granary store and cart house stable (the Granary) and its associated outbuildings. The Granary is located within a group of other listed buildings. The whole group is designated as Greatham Conservation Area.
- Planning permission and listed building consent have previously been granted for the conversion of the Granary and associated buildings into residential use. The Authority and appellant agree that these are extant permissions. The extant permissions represent a fallback position.
- The proposal relates to the conversion and extension of the buildings to residential use, but essentially seeks amendments to that previously approved. Therefore, the focus of the appeals was the changes to the approved scheme (the extant permission). The main changes are additional windows, rooflights, a mezzanine and an increase in height of the link building.
- The Inspector found the Granary and its associated buildings have much architectural and historic value which is afforded high significance.
- The proposal would introduce a new mezzanine level in the two northern bays of the Granary (to accommodate a bedroom and en-suite). The appellant contends that there is evidence that it would have been likely to have included a hay loft at first floor level and that this is substantiated

by first floor windows in both the northern end of the building, an east facing opening with a hinge pin indicating the possibility of a higher level door or shutter and anecdotal evidence from relatives of previous occupants of the Manor.

- The Inspector noted that the evidence was largely anecdotal and the comments in regard to the presence of a first floor hay loft are based on assumption and conjecture rather than historic evidence. Although the listing description identifies the addition of unfinished pole struts supporting a second higher row of side-purlins to the roof structure, this is not conclusive in itself of any historic first floor level. In the absence of more conclusive evidence that there was an upper level it is not possible to conclude that the inclusion of a first floor level would reflect the building's historic form and function.
- The Inspector states that the open floor to roof nature of the Granary is one of its features of special interest and the introduction of a mezzanine level would be harmful to its appearance, its architectural and historical significance and evidential value. Insufficient structural detailing was provided to fully explain how the mezzanine would be accommodated or the associated effect on the fabric of the building.
- The proposed link building between the Granary and the western range would be provided with a higher roof than previously proposed and include additional glazing on its northern side. The Inspector was satisfied that there was historically a link and that the proposed ridge height would be largely consistent with its former height. Its finish with clay tiles would also be in keeping with other buildings on the site.
- The Inspector found that the introduction of additional glazing on the northern side of the link and the Granary would be at odds with the original form of the farmyard. The introduction of a large amount of glazing allowing views through would be alien to the enclosed nature of the yard. Furthermore, it would introduce a very domestic appearance to the agricultural architecture of the surrounding buildings which was harmful.
- The Inspector considered that due to the contained size of the Conservation Area and the small number of buildings within it is highly sensitive to change and the proposal would not preserve or enhance the character or appearance of the Conservation Area.
- The appellant contends that the site has suffered from significant neglect and decay over a long period of time and is on the buildings at risk register. Therefore the complete restoration, preservation and enhancement of the listed buildings and Conservation Area is essential and a public benefit. The Inspector stated that the restoration of the listed buildings to a residential use has been secured by the planning permission and listed building consent already granted. The scheme, subject to this appeal, has been found to be harmful. Whilst the restoration of the site is clearly in the public interest, the Inspector was satisfied that the current extant permissions would equally be in the public interest and would conserve the buildings.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/18/3210231  SDNP/18/01731/FUL	SDNPA	Land East of Pony Farm, Findon, BN14 0RS	Erection of a new dwelling	<b>D</b>  24 January 2020 <i>Informal Hearing</i>

### Inspector's Reasoning

- The hearing was adjourned shortly after opening on the first day. This was to enable interested parties to be given sufficient notice of the event. This was subject to the Cost Decision which is summarised below.
- The site falls on the north eastern edge of Findon. Pony Farm is a cul-de-sac and the residential development is characterised by bungalows. The appeal site sits beyond the end of the road, behind the rear gardens of three residential properties. The landscape character is typified by a patchwork of paddocks separated by hedgerows and fencing. It is a relatively contained landscape distinguishable from the open downland which surrounds the village. The Inspector concluded that the extent of tree cover and hedgerows around the site meant that it was not readily visible from public views from the wider downland. In addition, the extent of vegetation also effectively screened the site in longer views from Cissbury Ring.
- The site itself is largely scrubland and a stable building. The Inspector stated that the landscape character studies, including those commissioned by the appellant, support the view that the change of use of this land would have a limited impact on the wider landscape. However, at a localised level there would still be a degree of harm through the loss of part of a rural landscape which provides a setting for the village and contributes positively to its character.
- In visual terms the Inspector concluded that the proposal would manifest itself in a very large, single structure that extended across much of the northern part of the site. The area of hardstanding on the southern portion of the site would also be visually significant, along with the levelling of the site necessary to accommodate it. The size and scale of the proposed building would noticeably exceed that of the modest sized bungalows on Pony Farm. It would be a prominent feature in views from these properties.
- Whilst planting would occur (restoring grassland to part of the site) and potentially improving its environmental quality, the land around the new building would comprise a very large area of domestic curtilage which differs significantly in terms of size and appearance to the relatively compact gardens found to the residential properties at Pony Farm. In this sense the proposal would appear at odds with the existing pattern of residential development. Rather than providing a gradual transition between the village and the surrounding countryside, the new building would relate poorly to both the residential buildings to the west and the equestrian development to the east. The Inspector concluded that there would be significant harm to the character and appearance of the area.
- On the issue of the principle of development, the site does not form part of the settlement of Findon. During the hearing the Authority accepted that the site comprises previously developed land. Therefore, the Inspector concluded that the proposal would comply with policies SD25 and SD26 in this respect. However, given the harm to the character and appearance of the area, the proposal would fail to conserve and enhance the special qualities of the National Park and the appeal was dismissed.

### Costs Decision: Refused

- The applicant sought an award of costs due to the adjournment of the hearing on the first day (the procedural matter) and other planning matters related to the description of the existing landscape and weight given to emerging planning policies (given the timings of the application and the adoption of the South Downs Local Plan).
- On the issue of the adjournment: The hearing was originally scheduled for 19 June 2019. Whilst interested parties were given 2 weeks' notice of this event (as required), it was postponed by PINS due to illness. Correspondence subsequently took place over the course of August 2019 and a new date of 7 November was agreed in email exchanges. However, this was never formally confirmed in writing by PINS.

- Despite not receiving confirmation, the Authority did notify interested parties of the hearing on 31 October 2019, 7 days before the event. However, it was clear to the Inspector upon opening the hearing that interested parties had wished to attend but were unable to do so due to the short notice. The Inspector concluded that proceeding with the hearing would have potentially prejudiced the interests of these parties, therefore it was necessary to adjourn the hearing.
- The Inspector in the cost decision concluded that on this occasion the requirement to give 2 weeks' notice was not formally set out in writing by PINS. This was considered to be a reasonable explanation for the failure to notify interested parties of the hearing and that the adjournment was not the result of unreasonable behaviour on the part of the Authority. Therefore, the award of costs on this ground was refused.
- On the other planning matters, whilst the Inspector largely accepted the points made by the appellant on the issue of existing landscape character (as set out above) the Inspector stated this is a matter of planning judgement. It was concluded that the Authority was not unreasonable.
- The Inspector also concluded that the reason for refusal clearly described the harm that would arise, and the delegated report identified how the proposal would conflict with the cited policies. Furthermore, the policies in both the adopted and emerging plans shared broadly similar objectives, as they both sought to achieve a high standard of design and protect the character and appearance of the area. The Inspector concluded that the Authority did not give inappropriate weight to an emerging plan in its decision to refuse planning permission. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/W/19/3236309 SDNP/18/05450/FUL	Winchester	Hill View, Cams Hill Lane, Hambledon PO7 4RQ	Erection of a stable block	<b>A</b> 27 January 2020

**Inspector's Reasoning**

- The application was submitted retrospectively and the appeal was determined on that basis.
- The proposed stable block has an L-shaped footprint and has been sited within the corner of a grassed field, adjacent to the vehicular access. To the east and south there are high mature hedges. They provide a strong landscape setting for the building. Save for a glimpse of the stable block through the access, the building is well screened from views along Cams Hill Lane.
- The Inspector stated that the proposed building is of a limited scale. Its roof has a shallow pitch (therefore does not appear prominent) and the building has been constructed with materials consistent with other buildings in the area.
- The Inspector noted that the landscape was not devoid of development. The stable block is located next to other structures including poly tunnels and a large detached dwelling with garage. The village of Hambledon is located to the east, with field shelters within the intervening land. To the west, there were a number of other rural buildings, some set within concrete yards.
- The Inspector found no harm to the significance of any cultural heritage, including the settings of any listed buildings within the vicinity of the site.
- The Inspector noted that the stable block had not altered the visibility from the existing field access and the building was set back sufficiently from the highway so not to provide an obstruction.

- The Inspector further noted that the stable building does not necessarily result in any alteration in the frequency or type of vehicles accessing the appeal site.
- Whilst, the restricted visibility from the access were noted, in exercising planning judgement, the Inspector placed weight on the appellants' evidence regarding the likely levels of vehicular activity and the context of other similar accesses in the area. He concluded that there was no unacceptable impact on highway safety.
- The Inspector determined that the Authority's request for planning conditions relating to lighting, surface water drainage, restricting the commercial keeping of horses and the removal of permitted development rights was unnecessary. In addition, as the development has been carried out already, the inclusion of the standard implementation and approved plans conditions were not considered necessary.

**Costs Decision: Refused**

- The Inspector found that the Authority's Decision Notice provided clear and relevant reasons for refusal supported by the relevant policies. The Inspector was also satisfied the Authority exercised its own planning judgement in light of the material consideration before them.
- The appellant stated that the Authority unreasonably considered the proposal as a material change of use to an equestrian use. Whilst the Inspector noted that there were comments to this effect within the Authority's evidence, including its delegated report, the Authority's formal Decision Notice made no reference to change of use being part of the reasons for refusal. Therefore the Inspector stated that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.