



## Notes from chair of housing & planning team (Neil Ryder) on:

### 1. SDNP/24/03110/LDP: Lawful development proposal -

1 & 2 Nursery Cottages, Chithurst Lane: Erection of outbuilding and laying of driveway.

#### **Background**

As there has been some controversy over the work at 1 & 2 Nursery Cottages, and a number of residents are intending to attend the PC meeting on 11<sup>th</sup> September where we will decide our response to the application, I thought it might help if I provide some notes for those who have not been aware of them. These cover the concerns that have been raised with me so far and, hopefully, answer some of the questions that have arisen, which might reduce the time / discussion at the meeting.

This is not a normal planning application but a “lawful development proposal” by the new owners (the Eastons) to ask the planning authority whether planning permission is required for a 4-bay garage / workshop, which they want to put behind their cottages, and a new drive on the uphill (South) side.

The controversy has been not only – or even mainly - about this proposal, but about the very extensive land clearance that has already been taking place on the 7-acre site, which is on the Eastern side of Chithurst Lane and used to be part of the Aylings nursery. As the clearance work was started without any planning application or official advance notice, and on a site many had long feared would tempt developers, it led to a degree of resistance from nearby residents, eventually resulting in the police being called to protect the clearance contractors from claimed threats and aggressive behaviour.

We circulated a letter from the Eastons and encouraged them to visit all the immediate neighbours to explain their plans, although it has to be said that this does not seem to have allayed all the local concerns.

#### **Residents concerns and questions expressed to the PC so far**

##### 1. Why was all this land clearance started without planning permission or advance notice?

The Eastons accept that it might have been better to talk to more neighbours in advance of the work starting, and have tried to correct this oversight. However, as the site is not in a conservation area and none of the trees are subject to preservation orders, permission is not required for the work that has taken place so far – ie clearance on domestic or agricultural land of undergrowth, old fencing, etc and some trees. The proposal we will be meeting to discuss on 11<sup>th</sup> Sept is to see if planning permission is required for the planned outbuildings and drive, and the Eastons intend to apply for planning permission afterwards for work on the cottages.

##### 2. What about the wild life that was using the site?

The Eastons claim that they had the site fully surveyed by an ecology surveyor, who found no evidence of protected species such as newts, badgers, dormice, and invasive species. A bat survey is underway.

##### 3. What about the old orchard and Christmas tree plantation that was on the site?

The Eastons claim that none of the trees on the site were still producing fruit, and that the spruces were too large to be of any use. They say they intend to plant a new orchard, trees and a kitchen garden.

##### 4. The owners say they will introduce pigs and other animals such as sheep, chickens, bees – is this allowed?

The planning statement supporting the application calls the land “agricultural” but it used to be horticultural. We have therefore been asked if they are allowed to keep livestock on it; I am not aware of any legal difference in these classifications, but I have passed this query to the planning officer.

##### 5. How will the Eastons’ plans affect 3 & 4 Nursery Cottages?

The Eastons say they are happy for the existing drive and garage to remain in use for these neighbours. They point out that the existing shared septic tank is not fit for purpose (I have witnessed the overflow even with 1 & 2 Nursery Cottages not occupied) and plan to discuss this with the neighbours.

6. Why are they applying for permission to build a very large garage before they have permission to knock the two cottages into one?

Planning permission is not required to combine two dwellings into one as long as they are not listed (these are not) and the work is all internal (which this was). Any extension or major external alterations will require a full planning application, which they say will follow - which is why they need to know whether that application will also have to cover the outbuilding.

7. Surely such a large outbuilding would not be allowed without planning permission?

That will be up to the planning authority to decide – which is what this application is about. My two neighbours and I all had to get planning permission for similar (but smaller) buildings, but those were in a conservation area, which this is not. As I understand it, planning permission is not normally required in the SDNP, but outside the conservation area, unless:

- a. All outbuildings on the site would cover more than 50% of the site (less the dwelling) – which they would not
- b. The proposed outbuilding would be more than one storey, or higher than 3m, or with eaves higher than 2.5m – which this one would not
- c. The floor area of any part of the proposed outbuilding which is further away from the dwelling than 20m would be over 10 sq m – which this one would not be.

I can therefore see no regulatory grounds to object to the application, although we are free to express any view we might have.

8. This building looks big enough to be a small bungalow; if it is allowed in such a position, does that imply that they could get permission for one or more new small houses on this site?

In my opinion, no. As Trotton and Chithurst do not have any formal settlement boundaries, and as no sites here have been identified for potential housing development in the SDNP Local Plan, any application for a new housing site would be treated as a “rural exception site”. Both as chair of the local Community Land Trust (START) and as chair of our PC housing & planning team, I have had extensive discussions with the SDNPA about potential sites, including this piece of land. These suggest this site would not be acceptable to them, especially if it was against the wishes of the local community.

9. The Eastons own a *company* that specialises in “distinctive renovation projects across London and the South East” and shows this as one of their latest “projects”. Is this just the beginning?

The Eastons claim that they intend to create a “smallholding” and get married and live here - to become part of the community, as many of us have. We can only hope that is true. They will be attending our PC meeting to answer any further concerns or questions.

### Recommendation

We can comment as much as we like about the overall plans of the new owners, as they have summarised these in their planning statement, but the planning authority is being asked simply to confirm that the proposed building and drive do not require planning permission and, as far as I can see, the proposal meets the regulatory requirements.

**Further information:** [click the links below to open the files or use the SDNPA planning portal – see note below]

- [Letter from Eastons to local community](#)
- [Application planning statement<sup>1</sup>](#)
- [Application elevations<sup>1</sup>](#)
- [Application location plan<sup>1</sup>](#)

<sup>1</sup> Note: **The full application is available by searching for SDNP/24/03110/LDP on the SDNPA planning portal:**

<https://planningpublicaccess.southdowns.gov.uk/>

## 2. **SDNP/24/03338/HOUS: Planning application**

1 & 2 Nursery Cottages, Chithurst Lane: Single storey side/rear extensions, amendments to roof form of existing porch, rendering of dwelling and alterations to fenestration

### **Summary of the application**

The planning statement (see below) makes it clear that the two cottages have already been combined into one dwelling, so the application is mainly to enlarge the existing single-storey extensions to the cottages, and to replace the UPVC windows which were fitted without lintels, causing structural damage.

### **Recommendation**

As noted above, the combination of the two dwellings into one requires no planning permission so we have no grounds to object the application on these grounds, although I suggest we comment on this further loss of two small houses in the parish. Given that it is now one fairly large house, I can see no grounds to object to the planned extensions.

Again, given the damage caused by the lack of lintels over the replacement windows, I can see no reason to object to the remedial work proposed.

I am no expert on ecology but the application includes considerable detail on the studies done and the measures proposed to protect wildlife. I suggest we leave this to the planning team to assess.

**Further information:** [click the links below to open the files or use the SDNPA planning portal – see note below]

- [Application planning statement<sup>2</sup>](#)
- [Existing plans<sup>2</sup>](#)
- [Proposed plans](#)

<sup>2</sup> Note: **The full application is available by searching for SDNP/24/03338/HOUS on the SDNPA planning portal:**

<https://planningpublicaccess.southdowns.gov.uk/>

## 3. **SDNP/24/02864/FUL: Planning application**

Old Bridge Cottage, Dumpford Lane: Demolition and replacement of outbuilding for use as workshop / garage / store

### **Summary of the application**

The existing building is the postwar Midhurst white brick one in front of the large farm building and across the farmyard from the old barn which is already being converted to a dwelling (we supported that application in Oct 2020), and the application is to knock it down and replace it with a modern workshop.

### **Recommendation**

The existing building is of little merit and is quite dilapidated, so not worth restoring. It is not visible from the road or any PROWs and I see no reason to object to the application.

**Further information** [click the links below to open the files or use the SDNPA planning portal – see note below]

- [Location plan<sup>3</sup>](#)
- Note: elevations not available at time of writing

<sup>3</sup> Note: **The full application is available by searching for SDNP/24/02864/FUL on the SDNPA planning portal:**

<https://planningpublicaccess.southdowns.gov.uk/>

#### **4. Footpath TWC 874: Right of way consultation**

The path goes through the grounds of Dumpford Manor House

##### **Summary of the proposal**

Under the new WSCC procedures for changes to existing rights of way, applicants have to conduct consultations themselves before submitting applications to WSCC. The footpath concerned is part of the Serpent Trail but goes right through the garden of Dumpford Manor House. The owners propose to divert this part of the path up to Dumpford Lane so that pedestrians can follow Dumpford Lane and Trotton Road to reach the continuation of the footpath.

##### **Recommendation**

We have already discussed the new DEFRA guidelines, which are much more sympathetic to people who have right of way through their “curtilage” – we plan to use it in our argument to divert the path through the Old Rectory. I suspect there will be some who argue that this would be a further erosion of our rural footpath network and I agree that we should be prepared to fight against the loss of paths that are in popular use or which lead to specific locations. In my view, though, this bit of the footpath is neither and, as the letter points out, the Ordnance Survey map already shows the Serpents Trail following the route the owners are proposing. However, I believe we should display the proposal on our noticeboards and website and collect any local views before responding fully. I therefore propose that we ask the proposers for a few more days (they are asking us to respond by 23 Sept) so that we can consider any local feedback and agree our response at our 25 Sept PC meeting. Alternatively, we could delegate the decision to the Facilities & infrastructure team and ask them to meet before the 23 Sept deadline.

Alex White, the owner, proposes to attend the meeting

**Further information:** [click the links below to open the files]

- [\*Consultation document\*](#)
- [\*WSCC guidance to applicants\*](#)