



Appeal Decision

Site visit made on 4 November 2025

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/Y9507/W/25/3366562

The Black Fox Inn, Portsmouth Road, Milland, West Sussex GU30 7JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr Jennifer Robertson against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/04035/FUL.
 - The development proposed is alterations to dwellinghouse (with ancillary medical consulting rooms), attached annexe and landscaping works approved under SDNP/21/04008/FUL. Erection of outbuilding for letting rooms, bicycle storage and domestic storage. Proposed plant room outbuilding and swimming pool with associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to dwellinghouse (with ancillary medical consulting rooms), attached annexe and landscaping works approved under SDNP/21/04008/FUL, erection of outbuilding for letting rooms, bicycle storage and domestic storage, proposed plant room outbuilding and swimming pool with associated external works at The Black Fox Inn, Portsmouth Road, Milland, West Sussex GU30 7JJ in accordance with the terms of the application Ref SDNP/24/04035/FUL and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted additional plans aimed at addressing concerns raised by the Highway Authority. I do not consider that any interested parties would be prejudiced by them and I have taken them into account in reaching my decision.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the landscape
 - use of public rights of way

Reasons

Character and appearance of the landscape

4. The site lies within the South Downs National Park in which I am required to seek to further the purposes of its designation, which in this case is to conserve and enhance the natural beauty, wildlife and cultural heritage of the land, and promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

5. The site was formerly a public house, now converted to a dwellinghouse with attached annexe. Considerable work has been undertaken to renovate the buildings and landscape the surrounding grounds. The property lies in an isolated position adjacent to the B2070. The immediate surrounding area is mainly woodland with small pasture fields and occasional large, detached houses set in their own grounds.
6. The proposed outbuilding for letting rooms and storage would be large, equivalent in size to a triple garage with accommodation above in the roof space. However, in my view it would still be proportionate to the existing dwellinghouse and annexe, which are themselves large buildings. Its siting, set well back from the road and in an area partly dug into the site bounded by a retaining wall would limit its visual presence. Where it could be seen in views directly in front of the property and from the adjoining public right of way, it would be viewed against a backdrop of rising ground and mature vegetation, behind which stands a neighbouring property at a higher level. It would not therefore be prominent or overly dominant in the landscape.
7. The design of the building includes dormer windows in the front elevation. The existing dwellinghouse and annexe do not have such features, but they are not uncommon on buildings in the wider area. They have the advantage of enabling the use of the roof space of the proposed building allowing for lower ridge and eaves lines. Buildings in the area exhibit a range of designs and materials, and in that context the use of dormer windows would not appear out of place. Other features, such as the external staircase and balcony, form part and parcel of the building and allow access to the first floor, a small amount of outdoor seating space and cover for the bin and log store. Those are not unusual features in a domestic property of this size. The extent of fenestration is similar to that used in the existing buildings on the site, and I do not consider that it would give rise to undue light spill.
8. The Authority raises concern at the amount and position of parking spaces on the site. However, there would remain room for at least 8 spaces, together with turning and manoeuvring space to enable vehicles to enter and leave in forward gear. Some of that parking would be at the front of the site but as I saw on my visit there is already space for vehicles to park here, as was the case when the property was in use as a public house. Such an arrangement does not introduce a new feature to the road. A hedge has now been planted along the road frontage that will in due course provide a degree of screening to this area, unless the issue of landownership requires its later removal.
9. I conclude that the proposed outbuilding for letting rooms and storage would not appear unduly prominent or obtrusive. It would not therefore conflict with Policies SD1, SD4, SD5, SD7, SD8 and SD22 of the South Downs Local Plan or Policies HD2 and HD3 of the Milland Neighbourhood Plan, which seek to protect landscape character, promote good design, conserve tranquillity and dark skies, and ensure adequate parking. For similar reasons it would not conflict with the first purpose of the National Park designation. Its use as tourist accommodation gains support from Policy SD23 of the South Downs Local Plan and from the second purpose of the National Park, in providing an opportunity for the public to enjoy the special qualities of the National Park.

10. The Authority's first reason for refusal references Policy HD1 of the Milland Neighbourhood Plan. As this relates to heritage sites, it is not relevant to the appeal proposal.

Use of public right of way

11. A raised kerb has been installed to retain the side of the access. It lies adjacent to a driveway to the neighbouring property, which is also a public right of way. Another public right of way lies obliquely on the other side of the road such that walkers have to cross the road to gain access from one to the other.
12. I note there has been correspondence between the appellant and Highway Authority about the extent of the highway in this location, which appears to remain unresolved. That is a legal matter and it is not for me to reach a judgement on it. However, from what I observed on my visit, there is currently no highway verge or footway along the road in front of the property. On that basis the raised kerb does not interrupt public access along the northern side of the road, and there is therefore no conflict with Policy SN20 of the South Downs Local Plan, which promotes functional travel routes.
13. If subsequent to my decision it is determined that the raised kerb is on highway land, the Highway Authority would be able to take action requiring its removal should they consider that to be expedient.

Other Matters

14. The application contains other elements including retrospective changes to the annexe, a link between the main house and the annexe, a swimming pool and outbuilding, and hard and soft landscaping. The Authority raises no objections to these elements of the scheme. I also consider them to be acceptable.
15. At the application stage, the Highway Authority raised concerns on matters relating to parking and visibility splays. While they have been addressed in a report commissioned by the appellant, they do not form reasons for refusal on the Authority's decision notice. I do not consider that they are determinative issues in this appeal.

Conditions

16. In addition to the standard time limit, a condition listing the approved plans is necessary for certainty. I have included those plans submitted with the appeal which I have taken into account. There is no need for a condition requiring protection of trees during construction as there are no trees close to the proposed outbuilding and all other works have been substantially completed.
17. A condition requiring approval of external materials for the letting room building is necessary in the interest of its appearance and the wider landscape. I have included a condition requiring approval and implementation of a planting scheme because it is not clear whether all planting envisaged in the scheme has been carried out. I have not included a condition relating to hard landscaping as all those works have been implemented.
18. Conditions requiring the letting units, the annexe and the consulting rooms to remain with the main dwelling and limiting their use for holiday letting and/or ancillary purposes is necessary to ensure they benefit the purposes of the National

Park rather than for use as separate dwellinghouses or uses in what is an isolated location where such unfettered uses are not normally permitted. A condition requiring a register of occupants is necessary to enable the Authority to monitor such uses when required.

19. I have not imposed conditions restricting domestic permitted development rights as there is no clear justification to do so, and to impose such conditions would conflict with national policy in paragraph 55 of the National Planning Policy Framework.
20. A condition requiring laying out and retention of parking and turning space is necessary to ensure adequate parking on the site. A condition requiring external lighting to be in accordance with approved details is necessary to protect wildlife and contribute to the dark night sky objective of the National Park.
21. A condition requiring the installation of bat, bird and hedgehog boxes is necessary in the interests of wildlife. I have not imposed a separate condition referring to an ecosystem services statement as that duplicates in large part the former condition's requirements.
22. I have not imposed conditions restricting hours of construction or requiring a construction management plan as the scale of the remaining development permitted and the likelihood of disturbance is too small to require such controls. I have also not imposed a condition requiring ground contamination to be reported as that is too onerous for a development of this size and in any event is covered under other legislation.
23. A condition requiring the cill height of the roof windows in the northern elevation of the letting room building to be not less than 1.7m above internal floor height as suggested by the Council appears not to be achievable. I have instead imposed a condition requiring that they be obscured glazed.

Conclusion

24. I conclude that the proposal would not conflict with the development plan or the purposes of the South Downs National Park and there are no other material considerations that indicate it to be unacceptable. Accordingly, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans:

20-2505-EE-01	existing elevations
20-2505-EP-01	existing site plan
20-2505-EP-02	existing plans boundary treatment
20-2505-EP-03	existing site sections

20-2505-EX-100	location site plans
20-2505-PE-01	proposed elevations
20-2505-PP-01 Rev A	proposed site plan
20-2505-PP-02	proposed plans
20-2505-PX-00	proposed block plan
20-2505-PX-01 Rev A	proposed site plan boundary treatment
20-2505-PX-02 Rev A	proposed external lights
20-2505-VS-01 Rev A	visibility splays
20-2505-VS-02 Rev A	vehicle turning

3. Notwithstanding any details submitted no development of the outbuilding for letting rooms, bicycle storage and domestic storage above ground level shall commence until a schedule of materials and finishes for external walls and the roof of the building has been submitted to and approved in writing by the Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes.
4. Prior to occupation of the outbuilding for letting rooms, bicycle storage and domestic storage a detailed scheme of planting proposals shall be submitted to and approved by the Authority. All such work shall be implemented in the first planting season following commencement of the development hereby permitted in accordance with the approved details. Any plants which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the 4 holiday letting units shall be used for holiday accommodation only and shall not be used as a main or sole residential dwelling and for no other purposes (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking, re-enacting or modifying that Order).
6. The use and operation of the 4 holiday letting units hereby permitted shall not be severed from the occupation and enjoyment of the dwellinghouse known as the Black Fox Inn.
7. A register of all occupiers of the holiday letting units detailing dates, names and primary accommodation shall be maintained by the occupier of the Black Fox Inn and made available for inspection on request by the Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary residence.
8. The outbuilding for letting rooms, bicycle storage and domestic storage hereby permitted shall not be occupied until the parking and turning spaces have been laid out in accordance with the approved plans. The parking and turning spaces shall thereafter be retained for their designated use.

9. External lighting shall be in accordance with drawing number 20-2505-PX-02 Rev A and the details on external lighting and dark night skies within the design and access statement.
10. The outbuilding for letting rooms, bicycle storage and domestic storage hereby permitted shall not be occupied until details and locations for a bat box, a bird box and a hedgehog nesting box have been submitted to and approved in writing by the Authority. Prior to occupation of the building the boxes shall be installed as approved and thereafter retained.
11. The outbuilding for letting rooms, bicycle storage and domestic storage hereby permitted shall not be occupied until the roof lights in the northern roof plane have been fitted with obscured glazing and window opening restrictors allowing the roof lights to be opened by no more than 100mm. Once fitted, the obscured glazing and window restrictors shall be retained thereafter.
12. The two consulting rooms shown on drawing number 20-2505-PP-01 Rev A shall be used solely by the occupiers of the Black Fox Inn and shall not be rented or let out or otherwise severed from the Black Fox Inn.
13. The annexe building hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the dwelling known as the Black Fox Inn and shall not be used or occupied separately.

**** end of conditions ****