

Report to **Planning Committee**
Date **22 February 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/16/04770/FUL**
Applicant **Mr P Dagger**
Application **Removal of a former agricultural cart lodge and erection of a dwelling house with garden and two parking spaces**
Address **Old Cart Lodge
Hayleigh Farm
Streat Lane
Streat
Hassocks
East Sussex
BN6 8RU**

Recommendation: That the application be refused for the reasons set out in paragraph 10 of this report.

Executive Summary

Planning permission is recommended to be refused.

1 Site Description

1.1 The application site is occupied by single storey brick structure with pitched roof and a series of timber doors across the front elevation. The building is situated adjacent to hard-surfaced private road that is used by motor vehicles. To the rear, the site banks up to vegetation, beyond which lies a field.

1.2 The site is access via a private road and is located 1.1km east of Spatham Lane within Westmeston, and 500m west of Streat Lane near to the church which marks the centre of Streat village and to which access can only be gained on foot and via the Bridleway 17 between Spatham Lane and the application site, or Footpath 35, which goes through the field behind the application site.

1.3 The building is not Listed or situated in a Conservation Area. The site is within the South Downs National Park and it is outside of a designated Planning Boundary. Streat village does not have a defined Planning Boundary. The nearest settlements with defined Planning Boundaries are Ditchling which is 1 mile to the west, and Plumpton Green, which is 4.3 miles (by road) to the north-east.

2 Proposal

2.1 The application seeks planning permission to remove the now dis-used former cart lodge previously used for storage associated with agriculture, and to build a 2/3 bedroom detached dwellinghouse with off-street parking for 2 cars.

2.2 The plot will be long and narrow, measuring 36.3m in length and 6.1m in depth, covering an area of some 215 square metres between the field behind and the private road in front. The existing cart lodge has a footprint of 16.8m x 4.3m with a floor area of 72.2 square metres. The building is 4.97m in height to the ridge of the pitched roof and about 2.2m in height to the eaves.

2.3 The proposed replacement building will be the same length as the existing structure but it will be approximately 5m in depth and 6m in height to the ridge and 3.9m to the eaves.

2.4 The replacement dwelling will have six tall windows and a blind window to the street elevation along with a rooflight, metal flue pipe, and an array of photovoltaic panels to the front roof slope. The entrance will be located on the northerly flank end of the building within a recess. On the rear elevation 4 windows and a pair of patio doors are proposed, with two steps down to ground level. On the rear roof slope 4 rooflights are proposed along with 3 arrays of photovoltaic panels in between. The southerly flank elevation will be finished in brick with vertical detailing but no windows or other openings.

3 Relevant Planning History

SDNP/14/05496/DCOND - Discharge of conditions 2, 3, 4, 5 and 6 relating to planning approval SDNP/14/03264/LIS. Approved 20 January 2015.

SDNP/14/03264/LIS - Alterations to existing outbuildings. Approved 12 September 2014.

SDNP/13/02201/DCOND - Discharge of condition 1 of planning approval SDNP/13/00940/LIS. Pending consideration.

SDNP/13/01422/HOUS - Lay new paviers in existing crossover/entrance to paddock and form new gravel hardstanding in paddock access way. Approved 22 May 2013.

SDNP/13/01414/LIS - Insertion of a new cat flap into the northern elevation. Approved 22 May 2013.

SDNP/13/00940/LIS - Alterations to existing log store and garage including installation of a biomass heating system. Approved 22 April 2013.

SDNP/12/02534/DCOND - Discharge of condition 11 relating to planning approval SDNP/12/00419/LIS. Pending consideration.

SDNP/12/02533/DCOND - Discharge of condition 2 relating to planning approval SDNP/12/00419/LIS. Pending consideration.

SDNP/12/02211/LIS - Retention of works to replace existing asphalt, felt and copper flat roofs with lead. Approved 20 November 2012.

SDNP/12/02202/DCOND - Discharge of condition 9 relating to planning approval SDNP/12/00419/LIS. Approved 26 April 2013.

SDNP/12/01363/DCOND - Discharge of condition 7 relating to planning approval SDNP/12/00419/LIS. Decision dated 30 June 2012.

SDNP/12/01323/DCOND - Discharge of condition 4 relating to planning approval SDNP/12/00419/LIS)

SDNP/12/01170/LIS - Retention of works to repair timber roof structure and addition of insulation.

SDNP/12/00419/LIS - Refurbishment and internal alterations. Approved 19 October 2012.

LW/93/1319 - Listed Building Consent to take down flint facing to tower, fix vertical D.P.M. and reconstruct flint face to match existing, together with internal timber repairs. Approved 9 November 1993.

E/73/0756 - Listed Building Consent and Building Regulations applications for extension and modernisation of existing cottage. Withdrawn.

E/55/0721 - Proposed extension. Approved 19 July 1956.

E/55/0580 - Proposed extension. Approved 29 August 1955.

4 Consultations

Westmeston Parish Council Consultee

Westmeston Parish Council considered the application by Hayleigh Farm Cart Lodge, Streat Lane, BN6 8RU at a recent meeting and agreed that the following comments be submitted to you.

Under NPPF, this development could be in conflict with Para. 55 as a new isolated home in the countryside. This principle is reflected in our emerging Neighbourhood Plan. To date there are no known objections from neighbours to take into consideration.

Our experience in this parish indicates similar cases where demolition of a farm building to be replaced with a new dwelling, has been granted planning permission without appearing to satisfy the special conditions required by Para. 55. These developments are near to but outside of the SDNP.

Unlike those examples, this application has the merit of being in keeping with the NPPF of "supporting a prosperous economy", in addition we believe it can be seen to be "Promoting good design".

The applicant and his family are known to this council as respected long standing residents and members of the community, previously involved in farming and now running a busy removals and storage enterprise, providing employment in the locality. His partner also generates business in the area.

Westmeston Parish Council will rely on the expertise of SDNP Planning Officers in reaching a decision, having considered this case in the best interests of the community and of the applicants.

East Sussex County Archaeologist

Although this application is situated within an Archaeological Notification Area, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

EH - Environmental Health - Pollution

1. Dust control. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development. REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

2. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries shall be made at the site outside of these specified times. REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

3. 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. It is an offence to burn trade waste, so there should be no bonfires on site.

5 Representations

5.1 Mid Sussex Area Bridleways Group-

The application site fronts a public bridleway, Westmeston 17.

The driveway and car parking area should not encroach onto the public bridleway.

5.2 A representation has been received from Hayleigh Farmhouse, objecting to the application for

the following reasons:-

5.3 No objection in principle to the creation of a new dwelling within the existing cart lodge building and it will be convenient for management of the removals business. Living very close to one's place of work is not usually essential. The new building is larger than the existing cart lodge. The site is small and narrow. Areas of planting and differences in ground levels are not accurately represented on the plans. Possibility of flooding and effluent entering neighbouring gardens and pond.

6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Achieving sustainable development
- NPPF - Promoting sustainable transport

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- CT1 - Planning Boundary and Key Countryside
- ST3 - Design, Form and Setting of Development

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- SP1 - Provision of Housing and Employment Land
- SP2 - Distribution of Housing
- CP1 - Affordable Housing
- CP2 - Housing Type, Mix and Density
- CPI1 - Built and Historic Environment and Design
- CPI3 - Sustainable Travel

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 50

The following policies of the **South Downs National Park Local Plan - Preferred Options September 2015** are relevant to this application:

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8.1 The principal considerations in the determination of the application include the principle of development; design and appearance; impact on amenity; and accessibility and sustainable transport.

8.2 Principle-

Local Plan policy CT1 is the Planning Boundary and Key Countryside Policy for the Lewes District. Development outside of the Planning Boundaries will not normally be granted unless it is for affordable housing or reasonably necessary for the purposes of agriculture or forestry. The key aims of policy CT1 are to retain the open character of the countryside and prevent the coalescence of separate settlements. In this particular case, there is an existing building on the site, and the new building would not be of a significantly different form and scale to the structure that it would replace. However, paragraph 55 of the National Planning Policy Framework must also be taken into consideration, and this states:

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- o the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- o where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- o where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- o the exceptional quality or innovative nature of the design of the dwelling.

8.3 Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

8.4 It is understood that the applicants are people who are local to the area and who are involved in a local removals business operating near to the application site. This business is not understood to be agricultural and there is no specific reason that employees must live adjacent to the business. The proposed dwelling will be in an isolated location whereby the nearest village of Streat is some distance away by car, or by foot, and which has no facilities or services that would be of service or convenience to a new dwelling in this location. Furthermore, the application site is not readily accessible by car other than via a narrow single-land track which is private and in a poor condition.

8.5 In view of the above, the modern design of the proposal development is not considered to be sufficiently outstanding to meet the special circumstances set out in paragraph 55 of the National Planning Policy Framework and will not outweigh that a new isolated home in this locality will not constitute sustainable development.

8.6 Design and appearance-

The contemporary design and form employing the use of a traditional palette of materials and finishes is acceptable in itself, but there are significant concerns that the development will not involve the conversion or re-use of the existing building and also that in relation to the scale of the existing building and the proportions of the plot, that the new dwelling will appear taller and more bulky thereby having a more dominant visual impact than the existing cart lodge and having a cramped appearance in view of the relatively narrow plot size. These concerns have also been raised by a neighbour, who has objected to the application.

8.7 The drawings submitted also indicate that there will be rooflights and large areas of glazing to the windows and this raises concerns in respect of the dark skies policy for the National Park. Domestic lighting will no doubt spill out from these openings and contribute to a wider glow from lighting which can have a harmful impact on the character and recreational value of the South Downs National Park.

8.8 Impact on amenity-

There are no immediate neighbours to the application site and as such the development is not likely to cause undue noise, disturbance or overlooking that would be harmful to residential amenity.

8.9 Accessibility and sustainable transport-

The application site is in an isolated rural area whereby the nearest shops and services necessitate car travel and whereby the nearest village of Streat, which is accessible by foot, has no facilities or services to offer future residents of the development. In addition the site is not well served by public transport and the private access road to the site is poorly constructed and in many places wide enough only for a single vehicle. For these reasons the application site is not considered to be in a sustainable location in terms of transport and access to facilities and services. Allowing development of the site for a new dwelling would therefore be contrary to the aims and objectives of Core Policy 13 of the Joint Core Strategy Part One, which seeks to encourage the use of more sustainable transport types than the private car.

9 Conclusion

Refusal is recommended.

10 Reason for Recommendation and Conditions

It is recommended that the application be refused for the reasons set out below.

1. The proposed development will result in an isolated dwellinghouse in a rural location which is outside of a defined Planning Boundary and neither in a sustainable nor an accessible location. The proposals do not seek to re-use the existing structure but rather comprise removing the existing building and constructing a new dwelling and no over-riding justification has been provided with the application. As such, the proposed development is contrary to the aims and objectives of retained policies CT1 and ST3 and also Spatial Policy 2 and Core Policies 1, 2, 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and paragraph 55. of the National Planning Policy Framework.

2. The new dwelling will, by reasons of its scale, bulk, glazing details and siting, have a more dominant visual impact on the wider landscape than the existing cart lodge building and, due to the narrow width of the plot, the new dwelling will have a cramped appearance that will be detrimental to visual amenity and the rural character of the surrounding landscape. In addition the proposed development will lead to increased light spillage from the domestic use of the land, which will compromise the dark skies in these location within the South Downs National Park, which are important to the heritage and recreational purposes of the National Park designation. For these reasons the proposed development is contrary to retained policies CT1 and ST3 and also Spatial Policy 2 and Core Policies 10, 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Chris Wright
Tel: 01273 471600
email: Christopher.wright@lewes.gov.uk

Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed ground floor plan	001/PL/010		25.09.2016	Approved
Plans - Proposed first floor plan	001/PL/011		25.09.2016	Approved
Plans - Proposed roof plan	001/PL/012		25.09.2016	Approved
Plans - Site location plan	200/PL/001		25.09.2016	Approved
Plans - Existing block plan	200/PL/002		25.09.2016	Approved
Plans - Existing roof and ground floor plans	200/PL/003		25.09.2016	Approved
Plans - Existing section A and B	200/PL/004		25.09.2016	Approved
Plans - Existing west elevation	200/PL/004		25.09.2016	Approved
Plans - Existing east elevation	200/PL/005		25.09.2016	Approved
Plans - Existing north elevation	200/PL/006		25.09.2016	Approved
Plans - Existing south elevation	200/PL/007		25.09.2016	Approved
Plans - Proposed block plan	200/PL/009		25.09.2016	Approved
Plans - Proposed west elevation	200/PL/015 A		24.10.2016	Approved
Plans - Proposed east elevation	200/PL/016		25.09.2016	Approved
Plans - Proposed north elevation	200/PL/017		25.09.2016	Approved
Plans - Proposed south elevation	200/PL/018		25.09.2016	Approved
Plans - Proposed section A and B	200/PL/019		25.09.2016	Approved
Application Documents -	DESIGN AND ACCESS STATEMENT		25.09.2016	Approved
Application Documents -	HERITAGE STATEMENT		24.10.2016	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.