

Report to **Planning Committee**
Date **11 October 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/03067/FUL**
Applicant **Mr & Mrs R Whettem**
Application **Erection of a barn**
Address **Street Record
Clayton Road
Ditchling
East Sussex**

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

1 Site Description

- 1.1 The application site falls roughly centrally on the western boundary of a trio of fields located on the northern side of Clayton Road, to the west of Ditching, south east of Hassocks. The western boundary of the field forms the District boundary between Lewes and Mid Sussex.
- 1.2 Field hedging marks the western and southern edges of this particular field with the field rising to the north and east.
- 1.3 Whilst close to the built up edge of Hassocks to the North West, this is a predominantly rural area, the north face of the South Downs escapement forming a prominent feature to the south of the site. In between are agricultural fields and a handful of residential dwellings and farm complexes. To the east agricultural fields extend to the edge of the village of Ditchling. To the north and west are agricultural fields to the edge of Hassocks.
- 1.4 In terms of planning policy the site falls outside any planning boundary defined by the Lewes District Local Plan.

2 Proposal

- 2.1 Earlier this year retrospective consent was sought for the retention of a storage building that had been erected in the south western corner of the north-eastern of the three fields owned by the applicant. The building had been constructed from a mixture of scaffold poles, wooden pallets, plywood and corrugated panels. Its purpose was to house the applicant's microlight along with equipment used to maintain the pasture.

- 2.2 A similar structure had previously been erected to the east of the current application site. However this building was in a more prominent location, visible from Clayton Road and attracted a number of complaints. The applicant therefore constructed the existing building as a replacement and the original structure has now been removed.
- 2.3 Whilst the new location for the storage building was considered preferable, being well screened and largely hidden from public vantage points, the quality of the construction and design of the building was considered inadequate. The applicant therefore withdrew the application and following discussions with officers has submitted the current proposal for consideration.
- 2.4 The building now submitted for consideration is located in a similar position, in the south western corner of the north eastern field. It measures 12 metres by 7.5 metres with a shallow pitched roof with eaves at 3 metres and an overall ridge height of 4.7 metres.
- 2.5 It would be clad with vertical timber boarding set under a metal steel sheet roof.

3 Relevant Planning History

SDNP/17/00600/FUL - Section 73A retrospective application for the erection of storage structure - Withdrawn

SDNP/17/02528/FUL - Insertion of access opening/gate in the hedgerow - Refused

4 Consultations

LE - Environmental Health

- 4.1 Comments awaited.

South Downs Society

- 4.2 Comments awaited.

Parish Council Consultee

- 4.3 Comments awaited.

LE - Environmental Health

- 4.4 If LPA is minded to grant a planning permission, then this should be subject to the following condition:

Unsuspected contamination

- 4.5 Condition: If, during development, contamination not previously known 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 detailing how this unsuspected contamination shall be dealt with.
- 4.6 Reason : To ensure that risks from any 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 Planning Policy Framework, sections 120 and 121].

South Downs Society

- 4.7 I write on behalf of The Ditching Society to object to this application. The applicant has applied before for a structure to house his microlite on these fields, having created two separate structures from palettes, poles and tarpaulin.
- 4.8 This application is for a far more sophisticated building. It is described in the application as an agricultural barn, but we would question its purpose as the applicant is not a farmer, and all previous intention was to house his microlite.
- 4.9 Our original objections also still stand:
- a) that it is entirely inappropriate to have such a building in these pasture fields which serves any other purpose other than agriculture, and this applicant has yet to prove that he is now intending to farm the land and to what purpose this building is designed.
- b) It is also an incursion into the greenfield settlement gap separating Keymer from Ditching, particularly as the siting is close to the built area of Keymer. This land is within the SDNPA and should be granted the highest level of protection particularly with the potential pressures of development in Hassocks and Keymer.
- 4.10 We urge the Planning Committee to scrutinise this application in detail.

Ditchling Parish Council

- 4.11 Objection. The storage structure is unsuitable in this location. The design is poor. This structure represents an incursion into the strategic gap between Ditchling and Clayton. There is also a need to know what this is for, and what it is expected to be used for.

5 Representations

5.1 None received.

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 Council - The Core Strategy (Local Plan Part 1) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)
- SDNPA Partnership Management Plan 2014

Other plans considered:

- Ditchling, Westmeston & Streat Neighbourhood Plan

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 11 - Conserving and enhancing the natural environment

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 Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CP10 - Natural Environment and Landscape
- CP11 - Built and Historic Environment and Design

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

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

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

- General Policy 1

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 1

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 Planning Assessment

- 8.1 As set out above there are two main purposes for this building - storage of the applicant's microlight and storage of equipment needed in relation to the maintenance of the land.
- 8.2 At this point it is important to note that the use of the microlight and the use of the adjacent field for take off and landing purposes does not form part of this application. Provided the applicant only uses the adjacent field for take-off and landing purposes for no more than 28 days in any calendar year, planning permission is not required as this is considered to be permitted development under Class B of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
- 8.3 On this basis the main issue for consideration is the visual impact of this building on the character of the area.
- 8.4 As noted above the previous retrospective application was considered unacceptable as the quality of the construction and the design of the building was considered poor. With the site falling within the South Downs National Park, great weight is given to conserving landscape and scenic beauty. The building now proposed is a much higher quality building, of the type and style one would expect to see in rural location such as this.
- 8.5 The siting of the building is also very discreet, being in a sheltered position and hardly visible from any low level public vantage points (it is likely the building will be visible from long distance views from the top of the downs to the south, albeit views will be filtered by the trees edging the field).
- 8.6 The comments of the South Downs Society in relation to the applicant not farming the land and the protection of the 'strategic gap' are noted. However with the applicant, not living close to the site and there being no other buildings on site, it is not considered unreasonable to allow some storage facilities on site in order to maintain the land. With the style of the building now being of traditional agricultural, the rural character of the gap between Hassocks and Ditchling is considered to be maintained.
- 8.7 Whilst the scale of the building could arguably be said to be overly generous, considering the limited extent of land in the applicant's ownership, the discreet location of the building along with its superior design and construction are considered to outweigh this as a negative aspect of the proposals. On balance it is considered that the proposal is acceptable and will conserve the natural and scenic beauty of the wider national park. The incursion into the gap between Ditchling and Hassocks is considered insignificant and unobjectionable.

9 Conclusion

9.1 For the above reasons the application is considered to be acceptable and complies with Policy ST3 of the Lewes District Local Plan and Policies CPI0 and CPI1 of the Joint Core Strategy.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

4. The building hereby approved shall be used for storage purposes in relation to the use of the surrounding land (including for the storage of a microlight and associated equipment) and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interest of residential amenity having regard to CT1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

- 14.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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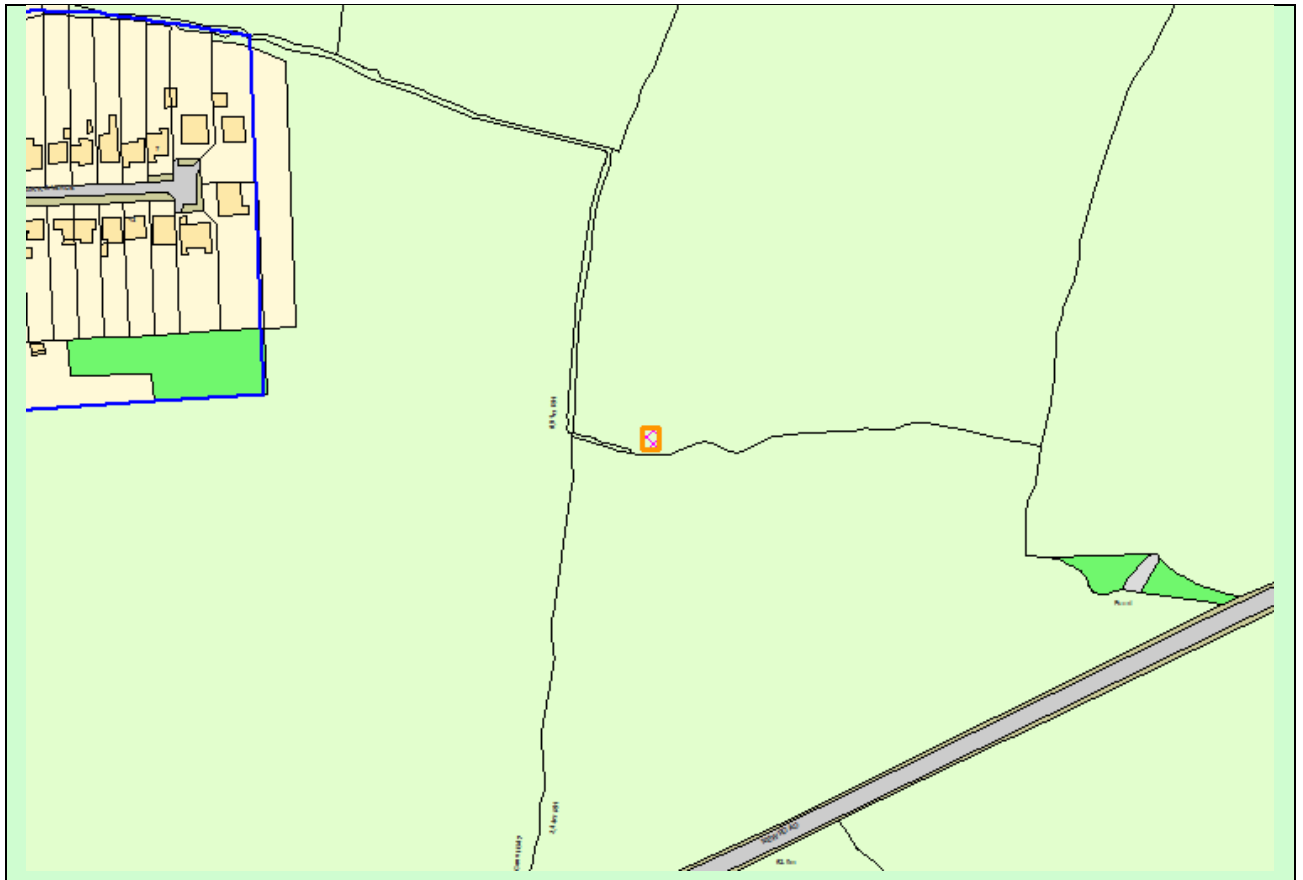
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

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
Application Documents -	Landscape and Visual Impact Assessment		06.07.2017	Approved
Plans - Proposed - Barn on fields north of Clayton Road near Keymer	Site Plan		30.06.2017	Approved
Plans - Proposed Elevations and Layout Plan	Whettem		15.06.2017	Approved
Plans - Plan for doors to agricultural building	Plan for doors to agricultural building		15.06.2017	Approved

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