

Report to **Planning Applications Committee**
Date **13 March 2019**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/05990/FUL**
Applicant **Mr & Mrs Appleton**
Application **Proposed demolition of an existing disused barn and the construction of a single private dwelling with associated car parking and landscaping on existing brownfield site**
Address **Old Barn adjacent to 8
Bush Road
Newhaven
East Sussex**

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

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

1 Site Description

1.1 The proposed site is located at Sheepfold Farm, Bush Road, Newhaven. Bush Road lies to the north of Newhaven and sits on the western side of the Lewes Road, which runs north from Newhaven to Lewes. It is located outside the planning boundary and within the designated South Downs National Park (SDNP).

1.2 The application site lies at the north-eastern corner of a large field within a semi-rural setting with a cluster of private detached dwellings immediately adjacent to the northern and eastern boundaries, and open fields to the south and west. A public footpath runs along the northern edge of the site.

1.3 The existing barn on site is concrete framed with corrugated metal cladding to the elevations and asbestos cladding to the roof and an in-situ concrete slab.

2 Proposal

2.1 The application seeks planning approval for the proposed demolition of an existing derelict concrete framed barn and construction of a two storey detached dwelling with associated car parking and landscaping.

2.2 The proposed dwelling would be approximately 7 metres wide and 14.3 metres long. It would have an eaves height of 4.5 metres and ridge measuring 7.3 metres. Vehicular and pedestrian access to the application site will remain as existing off the end of Bush Road which is a private road that leads onto Lewes Road.

2.3 This application was called-in to planning committee as requested by Councillor Steve Saunders.

3 Relevant Planning History

SDNP/17/00233/FUL - Conversion of an existing barn into holiday let accommodation with associated car parking and external works - Refused on 14 March 2017 due to following reasons:

1. Insufficient information has been submitted with the application to demonstrate that the building is structurally sound and capable of conversion without substantial reconstruction which may constitute a re-build and new structural elements may be necessary to support the first floor level accommodation, roof and newly clad walls and bay windows. As such the proposals are not considered to constitute a conversion of the barn and the scheme is thereby contrary to retained policy CT1 and Core Policies CP5, CP10 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy, policy SD49 of the South Downs Local Plan Preferred Options (September 2015) and National Planning Policy contained in the National Planning Policy Framework, including paragraph 55.

2. The proposed use of the site as three 2-bedroom holiday lets will intensify the use of the land and result in additional vehicular movements to and from the development with associated noise and disturbance that will be detrimental to the amenity of existing residents in Bush Road. As such the proposal is contrary to retained policy ST3 and Core Policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and National Planning Policy contained in the National Planning Policy Framework.

3. The proposed development will, by reason of the nature of the use and the design of the scheme, result in increased artificial light being emitted from the building inside the South Downs National Park which will adversely affect the darkness of the sky, contrary to policies SD9 and SD20 of the South Downs Local Plan Preferred Options (September 2015), Core Policy 10 of the Lewes District Local Plan Part One: Joint Core Strategy and National Planning Policy contained in the National Planning Policy Framework.

SDNP/18/01630/FUL - Proposed demolition of existing disused barn and erection of single private dwelling on existing brownfield site - application withdrawn.

4 Consultations

LE - Environmental Health

No comment.

LE - Waste & Recycling

Comments awaited.

LE - Tree & Landscape Officer

No comment.

ESCC - Rights of Way Officer

Comments awaited.

Parish Council Consultee

The committee welcomed the improvements made to the original plan and raised no objections to the application. They asked for the application to be considered by the SDNPA committee.

5 Representations

3 letter of support - benefit visually, building is fire damaged, used for anti social behaviour, existing barn is an eyesore

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):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Submission 2018

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.

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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 on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should 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:

- NPPF02 - Achieving sustainable development
- NPPF05 - Delivering a sufficient supply of homes infrastructure
- NPPF09 - Promoting sustainable transport
- NPPF12 - Achieving well-designed places
- NPPF - 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
- CP13 - Sustainable Travel
- CP14 - Renewable and Low Carbon Energy

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 Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Council - The Core Strategy (Local Plan Part 1) 2014**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD29 - Rural Exception Sites
- Core Policy SD2 - Ecosystems Services

8 Planning Assessment

BACKGROUND

8.1 This application follows a refusal for the conversion of the barn into holiday let accommodation (SDNP/17/00233/FUL) and a withdrawn application (SDNP/18/01630/FUL) which was for the demolition of the existing disused barn and erection of single private dwelling.

8.2 The positioning, scale and massing of the proposed dwelling does not differ from that shown on the previously withdrawn proposal.

Policy

8.3 The two statutory purposes of the SDNP designation are:

- o To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- o 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 wellbeing of the local community in pursuit of these purposes.

8.4 The following SDNP Local Plan Submission Policies are the most relevant:

SD1: Sustainable Development - Planning permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally: a) The benefits of the proposals demonstrably outweigh the great weight to be attached to those interests; and b) There is substantial compliance with other relevant policies in the development plan.

SD25: Development Strategy - Exceptionally, development will be permitted outside of settlement boundaries, where it complies with relevant policies in this Local Plan, responds to the context of the relevant broad area or river corridor, and:

- a) It is allocated for development or safeguarded for the use proposed as part of the Development Plan; or
- b) There is an essential need for a countryside location; or
- c) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
- d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.

8.5 In terms of the Lewes District Local Plan the site is located outside of any planning boundary as defined by Policy CT1. This is the Council's key countryside policy and seeks to contain development within the defined Planning Boundaries, except in certain circumstances. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

8.6 The National Planning Policy Framework defines previously developed land as follows:- Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings.....and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. In this case the land is not considered to be brownfield or previously developed land.

8.7 It also goes on to state at paragraph 79 that 'Planning policies and decisions should avoid development of isolated homes in the countryside unless one or more...' of a number of criteria are met. In this case whilst the site is not in itself isolated being located close to a number of existing dwellings, it would represent a new dwelling on land that is not previously developed, outside a defined planning boundary and within the South Downs National Park.

Design and appearance

8.8 The existing barn has a footprint measuring 128sq.m, which the new dwelling would have a footprint of 88sq.m. The ridge height of the building would be the same as the existing barn. The building will be located further to the south, only slightly overlapping the existing footprint of the barn.

8.9 The new dwelling would have a barn like appearance, with a pitch roof covered in clay tiles, horizontal timber clad walls, with mono pitch roofed outshot to the east. A recessed balcony will be incorporated into the west facing gable elevation, with the larger areas of glazing screened in vertical timber slates to minimise light pollution.

8.10 The building is considered to be well designed and with a form and massing that retains an appearance of an agricultural barn.

Sustainability

8.11 The submitted Design and Access Statement says that 'the proposed development will introduce sustainable materials and technologies in order to deliver the most sustainable development possible, such as dual flush toilets, low flow taps, low energy light bulbs and A rated appliances. In addition, after the comments on the latest withdrawn application for future, sustainable design, PV panels have been placed on the south-east elevation of the development and an electric vehicle charger has been placed in the garage area'.

Conclusion

8.12 The addition of a new dwelling together with associated boundary fencing, domestic garden area and parking and manoeuvring area cannot be said to conserve the character and appearance of the surrounding landscape. It is accepted that the existing barn is in a dilapidated and unsightly condition, but such structures are evidence of the agricultural uses which characterise the National Park as a working landscape and in time the barn will either be consumed into the natural landscape or it may be removed and the land restored.

8.13 Notwithstanding the provisions set with paragraph 79 of the NPPF, the proposed dwelling is not considered to be of exceptional design; neither would the location at the edge of the agricultural land would lead to an enhancement to the immediate setting. The site lies at the bottom corner of a field, which opens out onto a hillside. The location is considered to be separate from the small number of properties in Bush Road because it clearly sits within the wider landscape as opposed to the short cul-de-sac of Bush Road.

8.14 Therefore, and on balance, it is not considered that the replacement of the dilapidated barn with a new dwelling overrides the policy objection or the circumstances as stated within policy CT1 and paragraph 79 of the NPPF, and is recommended for refusal.

9 Conclusion

9.1 That planning permission is refused.

10 Reason for Recommendation and Conditions

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

1. The application has been assessed and determined on the basis of the plans noted below.

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

2. The application site is not previously developed land in accordance with the definition in the NPPF, and the site is not located within a defined planning boundary. The proposed dwelling is not considered to be of exceptional design, and would not lead to an enhancement to the immediate countryside setting. Therefore, the proposal is considered contrary to the objectives of Policy CT1, of the Lewes District Local Plan, Policy SD1 of the South Downs Local Plan, and paragraph 79 of the NPPF.

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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Piotr Kulik

Tel: 01273 471600

email: Piotr.kulik@lewes-eastbourne.gov.uk

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

SDNPA Consultees

Background Documents

Appendix 1 Site Location Map



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 -	1750-P-200		20.11.2018	Submitted
Plans -	1750-P-201		20.11.2018	Submitted
Plans -	1750-P-202		20.11.2018	Submitted
Plans -	1750-P-203		20.11.2018	Submitted
Plans -	1750-P-204		20.11.2018	Submitted
Plans -	1750-P-205 A		20.11.2018	Submitted
Plans -	1750-P-206 A		20.11.2018	Submitted
Plans -	1750-P-207 A		20.11.2018	Submitted
Plans -	1750-P-208 A		20.11.2018	Submitted
Plans -	1750-P-209		20.11.2018	Submitted
Plans -	1750-P-210 A		20.11.2018	Submitted
Plans -	1750-P-211 A		20.11.2018	Submitted
Application Documents -	design and access statement		20.11.2018	Submitted
Application Documents -	noise impact statement		20.11.2018	Submitted
Application Documents -	planning statement		20.11.2018	Submitted

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