

Report to	Planning Applications Committee
Date	29 January 2020
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/19/05065/FUL
Applicant	Mr Gary Lownds
Application	Resiting and retention of mobile home for holiday accommodation
Address	Foxhole Farm House Foxhole Farm Seaford Road Newhaven East Sussex BN9 0EE

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

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

I Executive Summary

1.1 This application relates to resiting and retention of mobile home for holiday accommodation.

2 Proposal

2.1 This application is closely related to a current Enforcement case against an unauthorised holiday let situated within a field to the north of the application site. The holiday let must be removed by January 2020.

2.2 The current application again seeks a new siting for the holiday let. This time the holiday let is proposed on land at the centre of the local cluster of stables, dwellings and holiday lets, behind an existing holiday let and on a natural dip in the land that is currently only used for parking.

2.3 The holiday let would be single storey, measuring just under 15m in length and 6.3m across. The structure would retain a gap of 2m to the north-western boundary; 4m to the south-western boundary; and 4.7m to the south-eastern boundary. Internally the cabin would comprise three bedrooms (one with an en-suite); bathroom; kitchen; utility room; and living room. The structure would be finished in timber and the roof covered in felt.

2.4 In terms of height, the cabin would be 2.3m to the eaves and 3.2m to the ridge. The pitched roof would have a relatively shallow gradient. The character and appearance of the structure would be as per the unauthorised cabin situated within the field to the north of the application site.

3 Relevant Planning History

SDNP/17/03101/FUL - Retention and relocation of mobile home for holiday let. Refused 25 September 2017. Appeal Dismissed by letter dated 8 February 2018.

SDNP/17/00052/CND - Variation of Condition 1 attached to planning approval

SDNP/13/04982/FUL. Refused 22 February 2017.
 SDNP/15/05198/FUL - Retention of mobile home to be used as holiday let. Refused 9 December 2015. Appeal Dismissed by letter dated 21 June 2016.
 SDNP/15/00981/DCOND - Discharge of conditions 2, 3, 4 & 5 relating to planning approval SDNP/13/04982/FUL. Approved 20 May 2015.
 SDNP/13/04982/FUL - Erection of a dwelling for equestrian worker and relocation of menage. Approved 3 February 2014.
 SDNP/12/00846/FUL - Section 73A retrospective application for retention of a mobile home for one year. Approved 14 January 2013.
 SDNP/12/00166/FUL - Erection of a dwelling for an equestrian worker. Withdrawn.
 LW/08/0724 - Installation of a temporary dwelling for equestrian worker. Approved 26 September 2008.
 LW/08/0701 - Temporary consent for mobile home for equestrian worker. Not Proceeded With.
 LW/06/0819 - Non-compliance with agricultural occupancy condition attached to planning permission LW/78/0573. Approved 21 August 2006.
 LW/96/0487 - Erection of five stables. Approved 10 June 1996.
 LW/94/0183 - Construction of 15 stables and formation of exercise arena. Approved 8 April 1994.

3.1 The application is closely related to a current Enforcement case against an unauthorised holiday let situated within a field to the north of the application site, which is required to be removed by January 2020. (The current application seeks approval for a new siting for the building).

3.2 This follows a lengthy planning history (see above) where the building was originally put in place for an equestrian worker (SDNP/13/04982/FUL) and subsequently used as a holiday let without the benefit of planning approval. Application SDNP/15/05198/FUL sought to regularise this situation but was refused and dismissed at Appeal.

3.3 In 2017 a second application for the retention for the holiday let was submitted, but proposed a new location alongside a range of stables on the opposite side of the track to the field on which the structure was set (SDNP/17/03101/FUL). This application was refused and again dismissed at Appeal, the Inspector clearly not satisfied with the proposed location of the structure.

3.4 Throughout this period the holiday let remained in an open field to the north of the existing buildings.

4 Consultations

Parish Council Consultee

Comments awaited.

5 Representations

A representation has been received from Mr D. Campion of The Estate Office, Albion House, Lewes; on the behalf of Mr and Mrs Miles of Foxhole Farm House, objecting to the application for the following reasons:

- o The application site is The Stables and is not Foxhole Farmhouse.
- o Existing unauthorised cabin may not be removed.
- o Proposal is to add a new log cabin rather than move the existing one.

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 **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant 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), updated February 2019. 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:

- NPPF06 - Building a strong, competitive economy
- 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 **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD23 - Sustainable Tourism
- Strategic Policy SD25 - Development Strategy
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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 following adoption of the SDNP Local Plan.

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

- General Policy 50

8 Planning Assessment

8.1 The main considerations in the determination of the application include the principle of development; the appearance; impact on neighbour amenity; and sustainable building design.

Principle of Development

8.2 In the previous appeal decision, the Inspector concluded that this site is suitable for development associated with tourism and the visitor economy. Policy SD23 "Sustainable Tourism" of the South Downs Local Plan, states that:

1. Development proposals for visitor accommodation, visitor attractions and recreation facilities will be permitted where it is demonstrated that:

- a) The proposals will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities;
- b) The design and location of the development minimises the need for travel by private car and encourages access and/or subsequent travel by sustainable means, including public transport, walking, cycling or horse riding;
- c) Development proposals will not detract from the experience of visitors or adversely affect the character, historical significance, appearance or amenity of the area;
- d) Development proposals make use of existing buildings, and, if no suitable existing buildings are available, the design of any new buildings is sensitive to the character and setting;
- e) Ancillary facilities are not disproportionately large in relation to the rest of the visitor facilities;
- f) Any proposal does not have an adverse impact on the vitality and viability of town or village centres or assets of community value; and
- g) Where proposals are located outside settlement policy boundaries as defined on the Policies Map, they:
 - i. Positively contribute to the natural beauty, wildlife and cultural heritage of the National Park; and
 - ii. Are closely associated with other attractions/established tourism uses, including the public rights of way network; or
 - iii. Are part of farm diversification schemes or endorsed Whole Estate Plans.

8.3 Along with the previous Inspector's agreement that the location is suitable for development relating to the visitor economy and tourism, it is noted that the application site is near to the public footpath network which provides walking across the South Downs and to nearby towns; and that the site is near to the cycle lane between Newhaven and Seaford, and Tidemills - being a designated Local Wildlife Site (LWS). Furthermore, there are bus stops along the A259 within easy walking distance of the application site, and, as well as the mainline railway stations in Seaford and Newhaven, the bus service provide access to the Seven Sisters visitor attraction, Friston Forest and Brighton. As such it can be concluded that the application site is near to attractions offered by the South Downs and also that onward travel from the proposed holiday let could be undertaken by means other than private car.

8.4 It is understood that the terms of the enforcement notice served on the existing holiday let in its current position cover the matter of restoring that land to its former use/condition so this can be kept separate from the decision made on the planning application for the holiday home in its revised position.

Appearance

8.5 Strategic Policy SD4: Landscape Character, states that-

Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:

- a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
- b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
- c) They will safeguard the experiential and amenity qualities of the landscape; and
- d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of GI and uses native species, unless there are appropriate and justified reasons to select non-native species.

8.6 Strategic Policy SD5: Design, states that-

Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. Development should integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context.

8.7 Two of the main reasons the Inspector dismissed the previous Appeal were based on the siting of the holiday home, readily visible alongside a public footpath, and located near to a row of stable buildings with which the holiday let has an unsympathetic and discordant relationship due to the contrasting external materials and design detailing. The siting of the Appeal scheme was also farther up the hillside, thereby on raised ground and being prominently visible and failing to enhance or complement the character of the landscape.

8.8 The revised proposal seeks to locate the holiday nearer to other existing residential and holiday let buildings (known as Barn Owls), on lower ground level and farther away from the row of stable buildings.

8.9 The site is at lower level than surrounding buildings, accessible via a hard-surfaced ramp in between the existing holiday let and the back of the row of stables. From here the ground level dips and the building would be secluded and screened on two sides by existing buildings, and to the north and to the west by rising land formed by grassed embankments leading upwards to the row of stable buildings and to a relatively new bungalow dwelling, respectively. This latter property has raised objections to the application because the holiday let would be visible from the outlook of this property, albeit at lower ground level.

8.10 The revised siting of the holiday let means that it would no longer be adjacent from the public footpath leading up the hillside, and it would be in a far less prominent and raised position than the appeal scheme. The holiday let would no longer be seen alongside the row of stable buildings and as such it would have a less discordant and more sympathetic relationship with the appearance of the adjoining holiday let and cottages.

8.11 In addition, the applicant is proposing to enhance the setting of the holiday let by installing a timber gate across the front entrance and by reinstating elements of an existing flint wall boundary. These details of the boundary treatment and means of enclosure can be secured by imposing a planning condition.

8.12 This revised application is considered to have overcome the concerns expressed by the Inspector at the previous appeal where the cabin was proposed to be relocated alongside the stables, and on higher ground, to the north of the current application site. The amended scheme has taken into consideration the landscape context and sought to integrate the holiday let into its surroundings in a more appropriate location. For these reasons the proposed development is considered to comply with policies SD4 and SD5 of the Local Plan.

Amenity

8.13 Due to the siting of the proposed development adjacent to an existing B & B, together with the low height of the building and space around it, the proposed development is not considered likely to overshadow or overlook neighbouring properties and would not give rise to general disturbance. For these reasons it is not considered that the development would give rise to an adverse impact on neighbour amenity.

Ecosystems Services Statement

8.14 The applicant has submitted an Ecosystems Services Statement with the application in order to meet the requirements of policy SD2 of the South Downs Local Plan.

8.15 The holiday let is to have solar panels fitted to the roof; water butts positioned to collect all rainwater (this will improve water management of the site and would be designed to contain surface water runoff, without reliance on external water systems); and heating will be provided via a heat source pump. The parking space allocated for the unit will have a charging point for electric cars.

8.16 These measures will allow renewable energy which would reduce reliance on the fossil fuels and improve the resilience of the National Park to climate change in accordance with Policies SD45 and SD48.

8.17 The area of land where the current mobile unit is located is to be cleared and returned to pasture and be part of the overall equestrian business. The site is located within Flood Risk Zone I, which has the lowest flood risk.

9 Conclusion

9.1 The proposed development is acceptable in principle and is an appropriate site for development related to the visitor economy and tourism, as per the Inspector's views when determining the previous appeal. Notwithstanding the objections received from a neighbouring resident, the site is well secluded from the various public viewpoints along the nearby public footpath network and the scale of development is not considered likely to have an adverse impact on neighbour amenity.

10 Reason for Recommendation and Conditions

10.1 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. The accommodation shall be used for holiday let only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: The permanent use of the buildings would be contrary to the policies of the Local Planning Authority regarding residential development in the countryside specifically SD1.

4. The owners or operators of the holiday let shall maintain an up-to-date register of the names of all occupiers of the accommodation, and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the premises are not used as a residential dwelling having regard to Policy SD23 of the SDNP Local Plan.

5. The holiday let accommodation hereby approved shall not be occupied continuously by the same person(s) for any single period of time exceeding 28 days.

Reason: In order to ensure that the accommodation is used as a holiday let benefiting tourism and the visitor economy and because the introduction of a permanent dwelling in this location would be contrary to planning policy, in accordance with policy SD23 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

6. Prior to the first occupation of the development as a holiday let, the measures set out in the Ecosystems Services Statement submitted, together with the provision of an electric vehicle charging point, shall be implemented in full and maintained as such thereafter.

Reason: In order to ensure that renewable energy, energy and water efficiency and conservation measures are incorporated into the scheme to mitigate local contributors towards climate change and in accordance with policies SD2 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

7. Prior to the first occupation of the development as a holiday let, all means of enclosure, boundary treatment (to include the design, height and materials) and soft landscaping, shall be implemented in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure a satisfactory appearance and setting to the development in accordance with policies SD4 and SD5 of the South Downs Local Plan 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 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.

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 -	Block Plan Proposed		17.10.2019	Approved
Plans -	Location Plan		17.10.2019	Approved
Plans - Proposed Relocation of Cabin	GL/I		17.10.2019	Approved
Application Documents -	Design and Access Statement		17.10.2019	Approved
Application Documents -	CIL AOL		07.11.2019	Approved
Application Documents -	Ecosystems Services Statement		07.11.2019	Approved

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