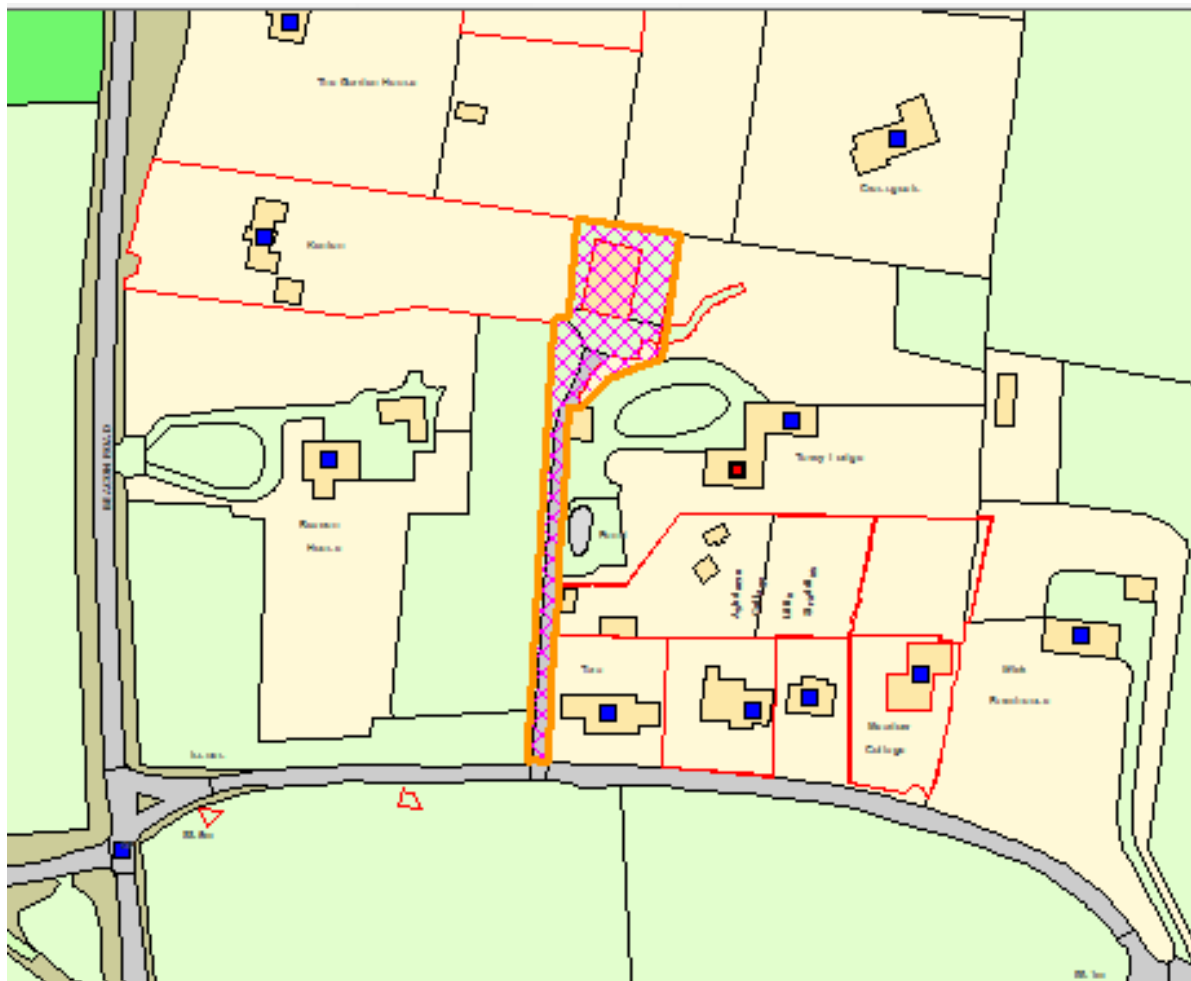


Report to: Planning Applications Committee
Date: 9th November 2022
Application No: SDNP/19/02125/FUL
Location: Downlands House, Underhill Lane, Westmeston, BN6 8XE
Proposal: Change of use from Storage and Distribution building to self-contained dwelling house, re-cladding of roof and walls, enlargement of garden areas.
Applicant: Mr R Burman
Ward: Ditchling and Westmeston Ward
Recommendation: Grant permission subject to conditions.
Contact Officer: **Name:** Claire Tester
E-mail: claire.testers@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1.	Executive Summary
1.1	The proposed development to change the use of a storage and distribution building to a dwelling with associated physical alterations is considered to comply with the relevant development plan policies and to meet the purposes and duty of the South Downs National Park.
1.2	This application was deferred from the October Planning Applications Committee due to there being insufficient Councillors without a declared prejudicial interest to make a decision.
1.3	In the supplementary report for the October Committee it was noted that the Ditchling Society had raised concerns about the timing of documents being displayed on the website and the lack of consultation on the amended plans and asked for consideration of the application to be deferred to allow a proper time for consultation and responses.
1.4	<p>Since the application was deferred the following additional comments have been received:</p> <ul style="list-style-type: none"> • The Ditchling Society and a local resident have queried whether the concrete Atcost portal frame can support the weight of a green roof; and • The local resident has also raised concerns about the accuracy of the revised plans on the grounds that the concrete portal frames have large concrete knuckles at the junction of the vertical and roof sloping members which would be ungainly and obtrusive in appearance and the illustrative CGI underemphasises the size of the frame and omits these knuckle joints and heavy concrete gutters. <p>These comments have been brought to the attention of the agent and their response will be included in the supplementary report.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>79 and 80 New dwellings in rural areas 126 Importance of good design 176 National Parks</p>
2.2	<p><u>South Downs Local Plan</u></p> <p>Core Policy SD1: Sustainable Development Core Policy SD2: Ecosystem Services Strategic Policy SD4: Landscape Character Strategic Policy SD5: Design Strategic Policy SD8: Dark Night Skies Strategic Policy SD9: Biodiversity and Geodiversity Development Management Policy SD11: Trees, Woodland and Hedgerows</p>

	<p>Strategic Policy SD19: Transport and Accessibility Strategic Policy SD25: Development Strategy</p> <p><u>Lewes Local Plan:</u></p> <p>Not applicable given the sites location within the South Downs National Park</p>
2.3	<p>Ditchling, Streat and Westmeston Neighbourhood Plan</p> <p>DS1: Development strategy</p> <p>CONS 2 Set standards for design of new development</p> <p>CONS 6: Conserve landscape and important views</p> <p>CONS 9: Protect and enhance habitats and biodiversity</p>

3.	Site Description
3.1	<p>The application site is located on the north side of Underhill Lane at the Ditchling end, and is accessed via a track to the west of properties along Underhill Lane (the nearest being 'Tara) and to the east of Beacon House which is accessed from the Beacon Road. Also adjacent to the site are Beacon Nurseriesm, Kenton and Crossgoat, all accessed from the Beacon Road.</p>
3.2	<p>Downlands House is a mixed-use site comprising the main house (Downlands House), a self-contained holiday let (called Tovey Lodge) and the storage and distribution building that is the subject of the current planning application. The storage and distribution building were last used by the site's owner for his mail order business. The owner has now retired and so the building is unused.</p>
3.3	<p>The site comprises the B8 storage building and the access drive. The building is a utilitarian structure of concrete fibre sheeting with a concrete hardstanding in front of it. Mature trees are located around the boundaries of the site.</p>

4.	Proposed Development
4.1	<p>It is proposed to reclad and re-roof the building and convert it to a 3-bedroom dwelling of 9 metres by 12.5 metres (112.5 square metres). Amended plans were submitted in September 2021 which show a reduction in the size of the existing building to pull it away from the adjacent trees. The timber clad walls would be recessed in from the roof and the Atcost concrete frame forming an overhang over a veranda. The existing cement fibre clad roof would be replaced with a shallow pitched green roof with photovoltaic panels.</p>

4.3	An existing portacabin and lighting pole on the site would be removed and new landscaping of the garden is proposed.
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5.	Relevant Planning History:
5.1	LW/93/1558F. Change of use of the building from “agricultural / horticultural storage” to “over wintering of caravans”. Approved
5.2	SDNP/16/05875/FUL. New dwelling on site of building. Refused
5.3	SDNP/17/03066/FUL. Conversion of the barn to dwelling. Refused and dismissed on appeal in January 2018.

6.	Consultations:
6.1	<p><u>Ditchling Parish Council Object</u> Noting a similar application on this site was refused at appeal in 2017; since this time the NP is now in place with policy DS1 and the SDNP policy SD25 being relevant to the objection. The proposal would also be contrary to policies CP10 and CP11 of the Joint Core Strategy and to the framework of the NPPF. The Council would request that the SDNP call in the application to be consistent with the recent application (SDNP/18/06553/FUL) which was outside the settlement boundary and involved re-use of redundant buildings, where permission was refused for this application by the SDNP Committee on the 9th May.</p>
6.2	<p><u>The Ditchling Society Objected to this application</u> Conversion of this storage unit has been refused twice and was turned down on appeal in February 2018. Since this date, the Beacon Parishes Neighbourhood Plan has been adopted and the South Downs Plan will come into force in July. Both contain fundamental policies which are pertinent to this application.</p> <p>The location for this change of use development is outside the Settlement Boundary. Policies DS1 of the Neighbourhood Plan and SD25 discourage development outside such boundaries unless it meets exceptional circumstances or need. This proposal does not meet any of the criteria.</p> <p>The site sits amongst a cluster of houses and is part of a residential plot which already contains two units. It is therefore not appropriate to quote NPPF 79 as this is not an isolated site. However, we would refer you to a decision by SDNPA earlier this May on an application to build on an immediately adjacent site SDNP/18/06553/FUL which was refused, and I quote from the Decision: "It would not constitute an appropriate re-use of the site and, by reason of its form and intensification of use of the site, would fail to conserve and enhance the special qualities of the National Park. There are no exceptional circumstances to justify a dwelling in this location."</p>

	<p>Development of another residential unit in this location so close to the northern scarp of Ditchling Beacon would be in contravention of policies CONS6 of the Neighbourhood Plan and SD4 of the South Downs Plan: it neither conserves nor enhances the landscape character.</p> <p>We would also ask that you also consider the traffic implications of another house on this site using the single access road. This leads onto the narrow and often dangerous Underhill Lane and straight into one of the few passing places.</p> <p>This application again challenges the central purpose of the SDNPA and Neighbourhood Plan and should be called-in to be heard by the SDNPA Planning Committee. The Ditchling Society believe approval would be contrary to current planning policy and should be refused.</p>
6.3	<p><u>Friends Society for the South Downs National Park:</u></p> <p>The above application seeks a change of use from a storage and distribution building to self-contained dwelling house, re-cladding of roof and walls, and enlargement of garden areas.</p> <p>The site lies within the South Downs National Park, on the narrow Underhill Lane, at the foot of Ditchling Beacon, which is outside of the built-up areas of Ditchling and Westmeston and can be seen from the Downs.</p> <p>This was previously applied for under SDNP/16/05875/FUL when the Society objected saying “Our concern is that should this development be given permission it would increase the housing density in this area and thus traffic along this narrow, single track road. The barn in the “Design and Access Planning Statement” photo does not appear, in our opinion, to be an asset worth securing by developing, nor does there appear to be a justification for it”.</p> <p>It was further applied for under SDNP/17/03066/FUL when we again objected saying “Despite this application being a revision of the previous one, it is still outside the settlement boundaries of Ditchling and Westmeston, with access along a narrow road, and we maintain that it does not appear to be a structure worthy of preserving. It is also contrary to all that is in the emerging Ditchling, Streat and Westmeston Neighbourhood Plan”.</p> <p>With this further application our opinion remains the same, and we still object to it. Furthermore, as the applicant is now a member of Lewes District Council, feel that there could be a conflict of interests, and that this application should be called in to be heard by the SDNPA Planning Committee.</p>
7.	Other Representations:
7.1	<u>Neighbour Representations:</u>

7 letters of objection on the following grounds:

- The applicant is Lewes District Councillor and therefore the application should be called in by the SDNP.
- The site is within the South Downs National Park, and adjacent to an area of Special Scientific interest and would be detrimental to views from Ditchling Beacon.
- There is no architectural or visual merit to the proposed building and the proposed construction would not enhance the setting.
- This would constitute a new build, not change of use of an existing building as claimed due to the extent of the alterations.
- The proposal is outside the Settlement Boundary and contrary to the adopted Neighbourhood Plan as there are no exceptional circumstances to justify it.
- The application is slightly amended compared to the previous one (17/03066/FUL) that was rejected by Lewes District Council in August 2017 and rejected at Appeal in February 2018.
- The development is not in a sustainable location, is inadequately served by public transport and walking and cycling is hazardous.
- Access to the development is via a narrow track and the submitted Site Location and Plan is inaccurate as it includes land at the southern end of the track that belongs to Beacon House.
- The proposed passing place is not suitable to become one and is currently the subject of a boundary dispute
- The Transport Report is also inaccurate because it compares predicted traffic to historical traffic when the building was used as a storage, distribution and administrative centre for a busy lighting business which did not have planning permission.
- The Transport Report refers to the potential to improve access from Underhill Lane into the track without stating that the corner referred to belongs to Beacon House.
- The development is contrary to the Local and Neighbourhood Plans which carry more weight now than at the time of the appeal because they have been adopted.
- The development fails to conserve and enhance the National Park, is not landscape-led and would be incongruous and discordant with the locality. No improvement to previous appeal where it was described as “a new industrial building yet with multiple windows and openings, providing an awkward semi-industrial, semi domestic appearance which would neither fit with existing patterns or with the rural environment”.
- The existing building is a functional shed screened by trees and hardly visible from the Downs.
- A similar development SDNP/18/06553/FUL was rejected and this should also be refused.
- The Downs are now nearing environmental limits.
- Intensification of the use of the Downland House/Tovey Lodge site / holiday complex. As such this would be likely to increase the noise in the area, especially as Downland House/Tovey Lodge has a 24-hour alcohol licence.

	<ul style="list-style-type: none"> • Any increase in residential density is likely to cause further deterioration to the Dark Sky Reserve. • The applicant seeks permission under para 79 of the NPPF. Paragraph 79 relates to 'isolated homes in the countryside'; the proposed development at Downlands House is on a site already occupied by a large dwelling and holiday accommodation, with adjacent housing on both sides. It would not be an isolated home. • There are large trees in close proximity to the building which would be likely to be damaged by building works, particularly drainage and works to the foundations. The Ditchling Beacon area suffers from Ash die-back and several of the Ash trees near the site are suffering from it. We cannot afford to lose other species of healthy trees as it would add to the visibility of this and other buildings in the locality. • Tree information notes submitted with the application assume no changes to the foundations which is inconsistent with the application which proposes underpinning.
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:</p> <ul style="list-style-type: none"> • Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area. • Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. • Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes. <p>The main considerations for this application are whether:</p> <ul style="list-style-type: none"> • the conversion to a dwelling is acceptable in principle in compliance with policies SD25 of the South Downs Local Plan and DS1 of the Ditchling, Streat and Westmeston Neighbourhood Plan. • the design of the proposal conserves and enhances the landscape of the National Park as required by policies SD4, SD5 and SD8 of

	<p>the Local Plan and CONs 2 and CONS 6 of the Neighbourhood Plan.</p> <ul style="list-style-type: none"> • the development will conserve and enhance the biodiversity of the site including the adjacent trees in compliance with policies SD9 and SD11 of the Local Plan and CONS 9 of the Neighbourhood Plan; and • the development is acceptable in transport and highway safety terms as required by policy SD19 of the Local Plan.
8.2	<p><u>Principle:</u> Policy SD25 of the Local Plan states in part 2 that “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...</p> <p>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”.</p> <p>Policy DS1 of the Neighbourhood Plan has similar wording and also allows for “appropriate re-use of a previously developed site, excepting residential gardens”.</p> <p>Paragraph 80 (previously 79) of the NPPF supports the re-use redundant or disused buildings provided the development enhances the immediate setting.</p> <p>In this case the site is previously developed and does not form part of a residential garden. The planning history shows that the current building has been used for employment uses for at least 30 years.</p> <p>The previous appeal decision is also a material consideration, albeit that it was made in a different policy context against the Lewes Core Strategy policies rather than those of the South Downs Local Plan or the Ditchling, Streat and Westmeston Neighbourhood Plan. Nonetheless the Inspector’s concern with the previous proposal was the adverse effect of its design on the character and appearance of the landscape and natural beauty of the National Park. He considered that the development would be acceptable in terms of proximity of services and traffic impact.</p> <p>In summary, it is considered that the principle of the conversion of the building to a dwelling complies with the relevant development plan policies and NPPF paragraph 80.</p>
8.3	<p><u>Design, Character and Impact Upon Landscape:</u> The proposal as originally submitted was very similar to the appeal proposal, with the main difference being the replacement of the previously proposed metal sheets on the walls with wood cladding. Large windows were proposed on the south elevation.</p> <p>The proposal has since been amended in the following ways:</p>

- the rear portion of the building is proposed to be demolished to reduce its impact on the adjacent trees.
- the walls are stepped back inside the steel frame such that the roof forms an overhang over a veranda around the building.
- The existing cement fibre clad roof would be replaced with a shallow pitched green roof with photovoltaic panels; and
- The windows have been redesigned to be smaller and with a more domestic appearance.

Whilst this increases the level of change to the building, it will retain its steel frame so would technically be a conversion rather than a re-build. Regardless, the Local and Neighbourhood Plan policies allow for redevelopment of previously developed sites and do not require that this be restricted to conversion of existing buildings.

It is considered that the changes to the design result in a building that will be modest and attractive in its surroundings, and appropriate for its future residential use. The green roof is particularly welcomed for its biodiversity as well as its visual qualities. The Inspector for the previous appeal commented: "Views of the existing site and of the proposed development are reasonably difficult to come by aside from neighbouring properties. The building is however visible from Ditchling Beacon as part of the patchwork of small-scale development located below the escarpment. From this distance the roof and basic form of the building can be made out, although from the views that I saw on my visit neither the portacabin extension nor the lighting pole was visible. I do not consider that from such views and distance the proposal would appear significantly different. While the existing roof lights would go, the proposed solar panels on the rear of the roof would also appear visible, at least in day light.

The green roof will make the building even less visible in these longer views and will help to mitigate the impact of the solar panels, especially if these are treated with a non-reflective coating. Conditions are also recommended preventing additional window or roof openings and external lighting and requiring details of the glazing for the south facing windows to be agreed to protect the dark skies of the National Park.

The Inspector's primary concern was with closer views within the site, where he was not convinced that the proposal would lead to an enhancement of the immediate setting. Details of the wall panelling proposed at that time were unclear, and he felt that "The proposal would have the potential to alter a standard rural type building, which has assimilated into the local environment over time, into a building which would appear as a new industrial building yet with multiple windows and openings, providing an awkward semi industrial, semi domestic appearance which would neither fit with existing patterns and character of neighbouring dwellings or with the rural environment".

It is considered that the proposed design has overcome these issues and will contribute positively to the landscape of the site and the wider National Park.

8.4	<p><u>Biodiversity:</u> As previously mentioned, the reduction in the size of the building pulls it away from the perimeter trees and ensures that the works will not damage the tree roots or place pressure on the future retention of these trees. A condition is recommended requiring retention of the trees and root protection measures during construction.</p> <p>A landscaping scheme is also conditioned along with requirements for bird and bat boxes. These in combination with the green roof will ensure that the scheme achieves biodiversity net gain as required under Local Plan policy SD9.</p>
8.5	<p><u>Transport and Access:</u> The limitations of the existing access track and Underhill Lane are understood, but the traffic and access implications of this proposal need to be considered in the light of the existing lawful use of the building. A small dwelling on this site will generate less trips and by smaller vehicles than the existing lawful use, which could be reinstated at any time. As noted above, the Inspector for the previous appeal considered that the residential use of the site would be acceptable in terms of proximity of services and traffic impact.</p> <p>The comments raised about the ownership dispute are for the private parties to resolve. No changes to the layout of the track or access are required to facilitate this development.</p>
8.6	<p><u>Conclusion:</u> Overall, it is considered that the proposed development complies with the relevant development plan policies and meets the purposes and duty of the South Downs National Park.</p>
8.7	<p><u>Planning Obligations:</u> There are no S106 planning obligations connected to this planning application</p>
8.8	<p><u>Human Rights Implications:</u> The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>

9.	Recommendations
9.1	In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

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10.	Conditions:
10.1	<p>Time Limit 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 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>External Materials No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples. Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development.</p>
10.3	<p>Green Roof Prior to the development hereby permitted reaching slab level, details of the green roof shall be submitted to and approved in writing by the Local Planning Authority, including:</p> <ul style="list-style-type: none"> i) The type and character of green roof proposed. ii) The loading requirements and specifications of the roof, which shall be incorporated into the building's structural design. iii) The species proposed <p>Reason: In the relation of ecology, sustainability, and appearance of the site.</p>
10.4	<p>Tree Protection Prior to the commencement of the development hereby permitted details of the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.</p> <p>Reason: In the interests of the amenity and the landscape character of the area.</p>
10.5	<p>Sustainability Prior to the commencement of the development hereby permitted a design stage sustainability report shall be submitted to and approved in writing by the Local Planning Authority. For energy this must demonstrate with reference to design stage SAP data a) Predicted CO2 emissions from all proposed new dwellings to be at least 19% reduced through the energy efficiency of the buildings. compared to the target emission rate baseline set by building regulations</p>

	<p>b) Predicted CO2 emissions from all proposed new dwellings to be at least 20% reduced through the use of on-site low or zero carbon energy generation compared to the target emission rate baseline set by building regulations.</p> <p>For water this must demonstrate via a BRE (or equivalent) water calculator that the predicted internal mains water consumption is no more than 105 litres/person/day.</p> <p>Reason: To ensure an environmentally sustainable development.</p>
10.6	<p>Sort Landscaping Prior to the commencement of the development hereby permitted a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species 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 similar size and species, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.</p>
10.7	<p>Bird and Bat Boxes</p> <p>Prior to the occupation of the dwelling hereby permitted details of bird and bat boxes and the timing of their installation shall be submitted to and approved by the Planning Authority and installed according to these details. The boxes shall thereafter be retained for that purpose.</p> <p>Reason: To safeguard and enhance the ecological interest of the site in accordance with South Downs Local Plan policy SD09 Biodiversity and Geodiversity</p>
10.8	<p>External Lighting</p> <p>No external lighting shall be installed on the building or within the site unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail in the interests of night-time amenity, tranquillity and protect and conserve the International Dark night Skies.</p>
10.9	<p>Anti-reflective Coating to Solar Panels</p> <p>Prior to the installation of the new solar panels they shall be treated with an anti-reflective coating in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The panels shall thereafter be maintained in this condition.</p>

	<p>Reason: to reduce the reflection from these panels to protect the landscape of the National Park.</p>
10.10	<p>Removal of Existing Structures Prior to the occupation of the dwelling hereby permitted the existing portacabin and lighting pole shall be removed from the site.</p> <p>Reason: In the interest of the amenity of the area and protection of the dark skies of the National Park.</p>
10.11	<p>Removal of Permitted Development Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose. Reason: To enable the Local Planning Authority to regulate and control the development of land.</p>
10.12	<p>No New Windows Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order or revoking and re-enacting that order with or without modification), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the development without the prior permission of the Local Planning Authority pursuant to an application for the purpose. Reason: In the interests of night time amenity, tranquillity and protect and conserve the International Dark night Skies.</p>
10.13	<p>Glazing Details Prior to the installation of the windows on the south elevation, details of the glazing shall be submitted to and approved by the Local Planning Authority and the glazing shall be installed according to these details and thereafter maintained in that condition.</p> <p>Reason: To ensure that the glazing type protects the dark skies of the National Park in accordance with policy SD8 of the South Downs Local Plan.</p>
10.14	<p>Informatives</p> <p>Your attention is drawn to the requirement to obtain a protected species licence from Natural England if any protected species, including bats, will be disturbed by the development. Further information can be obtained at https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence</p>

11.	Plans:
11.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Existing Details	01.05.2019	36060/1A
	Existing Access Lane Details	01.05.2019	36060/3A
	Existing Rear Elevation	01.05.2019	36060/6
	Site Location Plan	01.05.2019	36060/4A
	3D Image	27.09.2021	
	Proposed Details	27.09.2021	36060/2 F

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.