

Report to	Planning Committee
Date	15 June 2017
By	Director of Planning
Local Authority	Brighton and Hove City Council
Application	SDNP/16/03035/FUL- Retrospective application for the retention of 10' x 8' shed. Shed to be used for storage of ride-on-mower and ancillary equipment associated with the maintenance of a wild flower conservation meadow on the land.
Applicant	Mr Chris Briggs
Address	Land behind 33 Wivelsfield Road, Saltdean, Brighton, BN2 8FP

Recommendation: That, planning permission be refused for the reasons set out in Paragraph 10.1 of this report.

Executive Summary

This application seeks retrospective planning permission for a 10 x 8 ft garden shed on the land immediately to the rear of No. 33 Wivelsfield Road. The land falls outside of the residential curtilage of 33 Wivelsfield Road and outside the built up settlement of Saltdean. The application site sits just within the boundary of the National Park.

While the visual impact of the shed would be localised, the development would represent an undesirable encroachment of domestic features into the open downland landscape, thereby undermining the objectives of local planning policy and the first purpose of the National Park. The application is recommended for refusal.

The application originally included change of use of the land in question to a garden for 33 Wivelsfield Road, this has since been removed from the description.

The application is referred to committee due to the potential significant implications for the National Park landscape.

I. Site Description

- I.1 The application site is located on the north-western edge of Saltdean outside of the defined settlement. This is an area where much of the urban edge is hard up against the National Park boundary with no green buffer to the open downland.
- I.2 The application site forms part of an area of agricultural land which has been fenced to separate it from the arable field to the north. This area has been sold off in smaller parcels to the residential properties on Wivelsfield Road and subdivided with post and wire fencing. The application site forms part of one of these parcels and spans the width of the rear of No. 33 and No. 31 Wivelsfield Road. The area is boarded by stock proof timber fencing with scrub vegetation along the eastern and western boundaries, and a small area of conifer hedging to the south. The application site is separated from the garden of No. 33 by post and rail fencing and an access gate.
- I.3 The areas of fenced land are in contrast to the adjacent open arable fields and can clearly be seen in longer views across the landscape. There are views across the area from the open access land above Coombe Rise. There is a similar area of fenced land to the rear of Coombe Rise which is equally visible from Wivelsfield Road. The change in land management (and

subsequent partitioning) from arable use to either managed or unmanaged grassland with linear boundary fencing and vegetation makes these plots stand out against the open downland.

- 1.4 At the time of writing, the application site (edge red) currently consists of rough grassland with mown paths and there is a 10 x 8ft shed in the southwestern corner. The shed is constructed of timber with a pitched felt roof. The timber walls have been painted dark green. The shed is standing on wooden bearers above a gravel and plastic mesh base.
- 1.5 The land immediately to the north of the application site is currently managed by the applicants as a wildflower meadow with mown paths to provide access. There are two small beehives in the northwest corner of this area and, at the time of visiting the site, there was also a garden bench on the land.
- 1.6 No. 33 Wivelsfield Road and its main garden falls outside of the National Park boundary. There is an existing timber summerhouse and greenhouse within the garden. The summerhouse faces directly onto the application site.

2. Relevant Planning History

- 2.1 None found.

3. Proposal

- 3.1 The applicant's proposals have changed during the progress of the application. Originally the applicant was seeking planning permission for "change of use of agricultural listed land to garden use and permission for a 10 x 8 shed". In terms of the proposed garden use of the land, the applicant specified that the area would be planted with "Prairie Planting" including perennial grasses such as *Miscanthus Sinensis* and *Purpurascens*, as well as plants such as *Salvias*, *Penstemons* and *Asters*. The proposal description has since been amended however to remove the proposed change of use of land to garden land from the application. Instead, the applicant is now proposing to use the land as a wild flower meadow, along with the land edged blue, which they believe falls within an agricultural use. The amended proposal now reads as:

"Retrospective application for the retention of 10' x 8' shed. Shed to be used for storage of ride-on-mower and ancillary equipment associated with the maintenance of a wild flower conservation meadow on the land".

- 3.2 The shed is already on site (as described in section 1 of this report). The applicant states that the shed will be used to store equipment associated with the maintenance of the wildflower meadow (e.g. ride-on-mower, strimmer and brush cutter). It is also understood that the shed is used to store bee-keeping equipment associated with their bee keeping activities on the blue edged land. The applicant has offered to plant native hedging around the shed to provide screening.
- 3.3 In terms of the use of the land, this has been removed from the application description and is therefore not part of the consideration for this current application. Officers are currently seeking legal advice as to whether permission is required for the use of the land as a wildflower meadow.

4. Consultations

The following consultation comments are based on the original proposal description (i.e. retention of shed and change of use to garden land):

- 4.1 **ESCC Landscape Officer:** Objection to the proposed change of use of land to garden land. The shed has a negligible visible impact and could be retained subject to some native planting on the northern side of the structure.
- 4.2 **Brighton and Hove City Council:** No comments received.

5. Representations:

- 5.1 The letters of representation received were in relation to the original description of the development which included the change of use to garden land.

5.2 6 letters of objection received:

- It will set a harmful precedent across the National Park boundary and urban fringe;
- Concerns about future 'back garden' residential development;
- Harmful impact on the character of the area and open downland;
- The landscape character of the area needs to be safeguarded;
- The land is designated as agricultural land;
- Negative visual impact from garden extension;
- Harmful introduction of urban features into the open landscape;
- Loss of greenspace for Saltdean;
- Stops a right of way.

5.3 8 letters of support received:

- The applicants intentions to provide planting to support wildlife are admirable;
- Some structures up to a certain size should be allowed on the land;
- The enjoyment of the residents and future residents would be enhanced without harm to the open environment;
- A storage shed is considered reasonable given the weather conditions at the site. Equipment could not be stored outside;
- It is only a small area of land;
- It is unfair that nothing has been done about neighbouring structures;
- As long as the shed is close to the original garden it would not affect anyone;
- The applicant is happy to have conditions attached to prevent further changes to the land or additional structures being added;
- The proposal would be in keeping with SDNP policy to provide wildlife benefits.

5.4 **Rottingdean Parish Council:** Objection.

- Concerns about encroachment into the open downland, and concerns of precedent.

5.5 **South Downs Society:** Objection.

- While the society recognise the benefits in providing a flower rich planting and wild flower meadow, there are reservations should planning permission be granted for a change of use from agricultural land to garden land. Concern is that any permission incorporating garden may open the door to all manner of clutter, buildings, fencing, play equipment etc. This may not be the intention of the applicant, but there is a need to consider any successor, neighbour or indeed other house owners on the fringe of the City that may be tempted to follow suit.

6. **Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the saved policies of the Brighton and Hove Local Plan 2005. The relevant policies are set out in section 7 below.

National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.3 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.

National Planning Policy Framework and Circular 2010

- 6.4 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.
- 6.5 Paragraph 17, bullet point 5 states that the planning system should recognize the intrinsic character and beauty of the countryside.

South Downs National Park Partnership Management Plan

- 6.6 The South Downs National Park Partnership Management Plan was adopted on 3 December 2013. It outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in planning applications and it has some weight pending the adoption of the South Downs National Park Local Plan. The following policies are particularly relevant to these applications:
- Policy 1 aims to conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures;
 - Policy 3 aims to Protect and enhance tranquillity and dark night skies;
 - Policy 29: Enhance the health and wellbeing of residents and visitors by encouraging, supporting and developing the use of the National Park as a place for healthy outdoor activity and relaxation.

7. Planning Policy

- 7.1 The following saved policies of the Brighton and Hove Local Plan 2005 are relevant to this application:
- NC5- Urban fringe
 - NC6- Development in the countryside/downland
 - QD27- Protection of amenity

7.2 There is no draft or made Neighbourhood Plan which includes this site.

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

The South Downs Local Plan: Preferred Options

- 7.4 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16 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 2 September to 28 October 2015 and 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 NPPF, 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.
- 7.5 The following policies from the Preferred Options plan are particularly relevant to this application: SD5 (Landscape character), SD6 (Design), SD8 (Relative Tranquillity), SD14 (Green Infrastructure), SD22 (Development Strategy).

8 Planning Assessment

- 8.1 The application site is located immediately adjacent to the urban fringe of Saltdean. The site is therefore sensitive to change and marks an important boundary between the built-up

residential area to the south, and the open landscape of the National Park to the north. In terms of local planning policy, policy NC5 of the Brighton and Hove Local Plan 2005 seeks to protect the character of the urban fringe and specifically seeks to prevent encroachment of urban and sub-urban features into the open countryside. The supporting text to the policy states that urban and suburban pressures on the fringe often "significantly affect the appearance and character of the urban fringe and can result in degradation in the landscape and lead to a breaking up of the definitive edge. This all contributes to a continuing diminution of the countryside, in terms of both its extent and its character and quality, which is clearly not sustainable."

- 8.2 Policy NC5 states that development would only be permitted in the urban fringe in exceptional circumstances where they:
- (a) make a positive contribution to the overall enjoyment of the countryside;
 - (b) integrate and enhance nature conservation features;
 - (c) secure environmental improvements;
 - (d) provide a sense of being in the countryside, improve the landscape character and use materials in keeping with the special character of the area; and
 - (e) facilitate, where practicable appropriate leisure and recreational use and public access to the countryside, without increasing private motor vehicle traffic.

Retention of the shed

- 8.3 It is appreciated that the shed is located within the corner of the application site and therefore, while visible from neighbouring land plots, is difficult to perceive in the wider landscape or from public vantage points outside the site. The dark green colour of the shed walls and roofs also give it a more recessive appearance in the landscape and, at least during the summer months, the shed is viewed against the backdrop of existing tall garden vegetation. The visual impact of the shed could be further minimised through the addition of screening planting immediately to the north and east of the shed as offered by the applicant, and as suggested by the Landscape Officer. It is also appreciated that the use of the shed would be linked to the maintenance and management of the wildflower meadow, and that this use could be secured by condition.
- 8.4 Notwithstanding this, the shed introduces a feature onto the site whose character relates more strongly to the residential character of the dwellings and gardens to the south, rather than the downland and designated landscape of the National Park on which it is located. Although the visual impact of the shed is localised, the retention of the shed would still contribute towards the domestication of the urban fringe and represent an undesirable encroachment of residential influences into the open landscape. If allowed to remain, the shed would therefore contribute to the breaking up of the definitive edge of the urban area, and would conflict with the objective of policy NC5. While the provision of the shed may provide localised private benefits to the applicant in terms of their personal enjoyment and use of the land the proposal is not considered to meet the exception tests of policy NC5 (see paragraph 8.2).
- 8.5 Although the shed would be used to store equipment used for the maintenance of the land (i.e. mower, strimmer and brush cutter), this could be sited within the existing residential curtilage of the dwelling, thereby avoiding any harm to the valued landscape of the National Park.
- 8.6 In addition, although each development must be judged on its own merits, there is a concern that, if approved, this development could set a precedent for further suburban/residential incursions into the National Park landscape. The applicant has expressed a willingness for conditions to be attached for a personal consent so that the shed can be removed if and when they leave. However, given the principle concerns outlined above, such a personal consent is not considered to make the development acceptable. Whilst the impact of the shed could be somewhat ameliorated by additional planting to the north of the building, this would be introducing more formal planting within the open downland which would in itself be an alien feature.

- 8.7 The applicant has made reference to structures in the adjacent plots of land. The Authority is currently actively reviewing the activities in the surrounding plots and options which are open in terms of resolving this.

Change of use of the land

- 8.8 The proposed change of use to garden land has been removed from the current application. The question of whether planning permission is required for the proposed wildflower meadow is still under debate but does not form part of the consideration for this application.

9 Conclusion

- 9.1 The application site is located at the hard edge of the National Park where urban and suburban influences represent a threat to the National Park landscape as set out in policy NC5 of the Brighton and Hove Local Plan 2005. Whilst the location of the shed in the corner of the plot means that its visual impact is localised, if allowed to remain, this structure would contribute towards a domestication of this part of the urban fringe and could create a precedent for further encroachment into the open countryside. This would not conserve or enhance the natural beauty of the National Park. The development is therefore considered to be contrary to policy NC5 of the Brighton and Hove Local Plan 2005, the objectives of the NPPF, and the first purpose of the National Park. The application for the retention of the shed is recommended for refusal.

10 Reason for Recommendation and Conditions

- 10.1 The application is recommended for refusal for the following reason:
1. The retention of the shed on the site would contribute towards an undesirable domestication of this part of the urban fringe and would result in an encroachment of suburban influences into the open landscape. The development would not conserve or enhance the natural beauty and landscape character of the National Park. The development is contrary to policy NC5 of the Brighton and Hove Local Plan 2005, the National Planning Policy Framework 2012, and the first purpose of the National Park.

11 Crime and Disorder Implication

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

12 Human Rights Implications

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

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

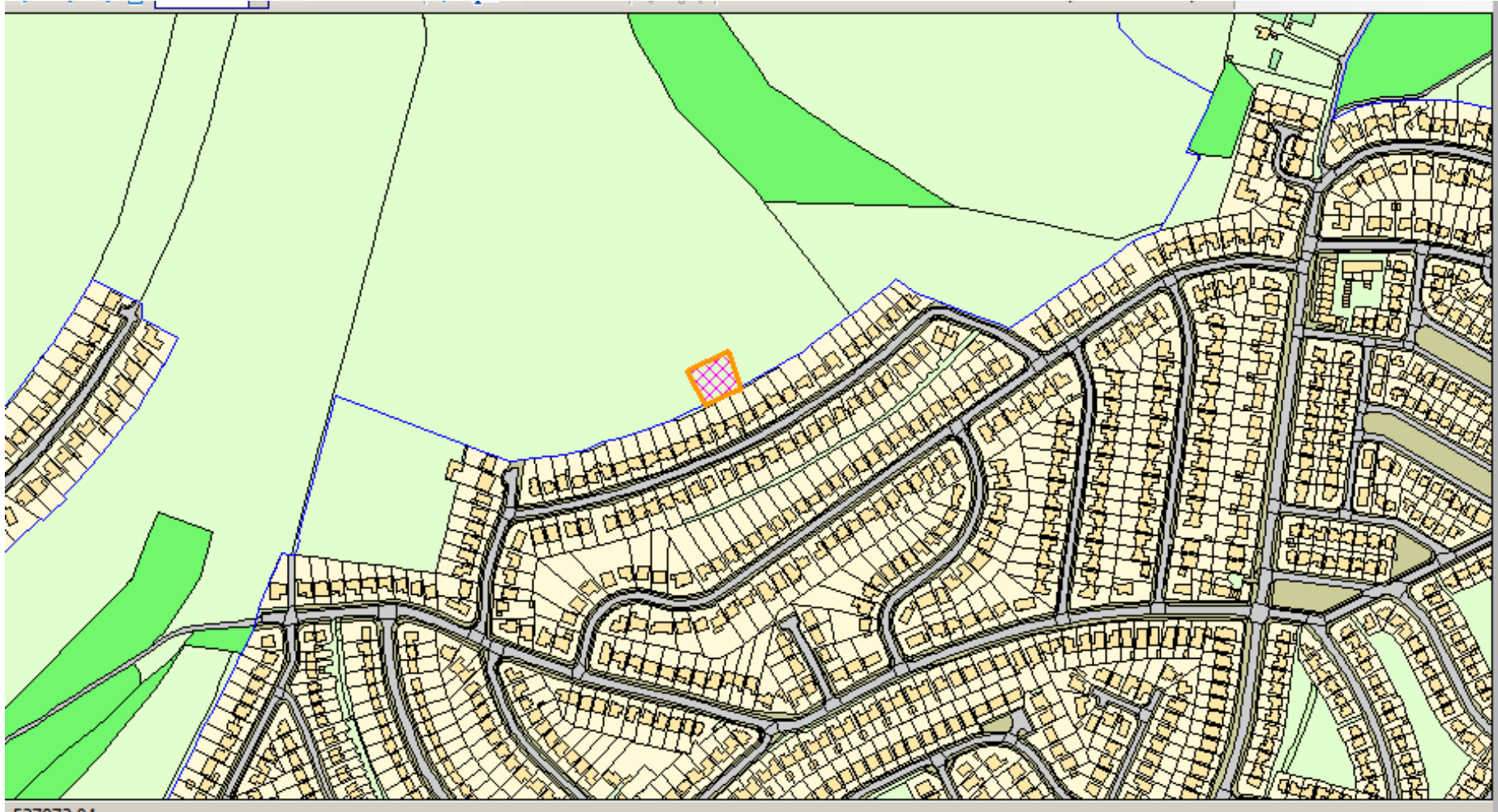
14 Proactive Working

In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included discussions and an opportunity to provide further information.

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Appendices I. Site Location Map
SDNPA Consultees Legal Services, Development Manager.
Background [All planning application plans, supporting documents, consultation and third party responses:](#)
Documents [National Planning Policy Framework \(2012\)](#)
[South Downs National Park Partnership Management Plan 2013](#)
[Brighton and Hove Local Plan 2005, saved policies](#)

Agenda Item 16 Report PC41/17 Appendix I Site Location Map



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