



South Downs

National Park Authority

**Agenda Item 9
Report PC24/17**

Report to	Planning Committee
Date	13 April 2017
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/17/00554/FUL & SDNP/17/00595/LIS
Applicant	Mr B Camping
Application	Proposed Conversion of Tithe Barn, Monks Walk and the Garage building to form 5 dwellings (net increase of 4 units).
Address	Manor House, North Lane, Buriton, Petersfield, Hampshire GU31 5RT

Recommendation:

1. That planning permission SDNP/17/00554/FUL be granted subject to:
 - i. The conditions set out in Section 11 of this report; and
 - ii. The completion of a Section 106 Agreement with obligations relating to The relinquishment of rights to use the Tithe Barn as a function room as approved on planning permission reference number F.33208/011/FUL dated 12 August 2002 (use of the Tithe Barn as a function room)
2. That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the S106 Agreement is not completed or sufficient progress has been made on the agreement within 3 months of the 13 April Planning Committee meeting.
3. That Listed building consent SDNP/17/00595/LIS be granted subject to the conditions set out in Section 12 of this report.

Executive Summary

The Manor is situated on the south east edge of the village of Buriton and comprises a variety of listed and unlisted buildings, courtyard, walled garden, grounds and swimming pool within the walled garden. The Manor House and gardens were associated with various outbuildings and until recently were under single ownership. The Manor house itself and the outbuilding on the western side of the courtyard along with much of the courtyard were disposed of separately from the buildings the subject of the current applications.

The planning applications under consideration relate to the residential conversion of the Grade II listed Tithe Barn, the attached 'garages' building and an adjacent building known as 'Monks Walk' to provide five residential dwellings (Monks Walk already in a lawful residential use - therefore the net increase in units is 4). Also under consideration is an application for listed building consent in respect of the works required to facilitate the conversion of the Grade II listed Tithe barn and the curtilage listed garage building and Monks Walk.

The applications have been submitted following the refusal of planning and listed building consent applications SDNP/16/04494/FUL and SDNP/16/05687/LIS for the conversion of the same buildings to provide five residential units (see **Appendix 3**). The applications are almost identical in nature

albeit for additional marketing information and written justification to support the works for conversion of the Tithe Barn to a single residential unit. An appeal has been lodged against the previous applications, which is pending review by the Planning Inspectorate.

A second set of applications for planning permission and listed building consent were submitted to the Planning Authority under references SDNP/17/00757/FUL and SDNP/17/00778/LBC. These applications sought the conversion of building on the site to form four new dwellings with the grade II listed Tithe Barn to be used ancillary to the converted garages building. The applications were requested to be withdrawn by the applicant on 27th March 2017.

The applications are placed before Committee due to the sensitive nature of the site within the context of the National Park.

I Site Description

- I.1 The Buriton Manor site comprises a collection of buildings set in grounds on the south-east perimeter of Buriton village. The central part of the site comprises a courtyard. To the north of the courtyard is the Manor House, grade II* listed. The Manor House was built in two sections: one 16th /17th Century timber framed element and a newer 18th Century brick element. The property is a residential dwelling and in separate ownership to the buildings the subject of the application under consideration. To the south of the manor house is an enclosed courtyard accessed from the public highway in its south west corner, between the Tithe Barn and Manor Lodge. This access is not in the same ownership as the application site.
- I.2 To the west of the courtyard are a group of dwellings referred to as Orangery Cottages. This building was the former coach house, dairy and stable block and has been converted into four dwellings being from north to south, Dairy cottage, 2 Old Stable Cottage, 1 Old Stable Cottage and Manor Lodge. To the east of the courtyard is a single storey building which is grade II listed. These buildings, along with most of the courtyard, are in separate ownership from the application site.
- I.3 The grade II listed Tithe Barn is situated on the south side of the courtyard and an area of courtyard in front of the building has been retained in the same ownership. The barn is a brick and stone building with stone flagged floor and exposed timber frame roof. Until the license was revoked by the East Hampshire Council in April 2016 the Tithe Barn was utilised as a function venue, mainly for weddings. The barn did contain kitchens at its eastern end along with a garage/store room in the lower single storey component.
- I.4 Immediately to the south of the tithe barn is St Mary's church and churchyard, dating from the 12th century. The church is a grade II* listed building and sits at the heart of the Conservation Area. South-east of the courtyard and south-east of the tithe barn are further buildings which are the subject of the applications under consideration. These are:
- I.5 An open fronted Barn and two Stables with a concrete apron. The date of construction of the building is unknown but it appears on the 1870 OS map and Tithe Map. The garage block is largely roofed with suspected asbestos roof tiles whilst the southern section is roofed with slate tiles. The external walls to the west form the boundary with the churchyard and are constructed from masonry/malstone. The southern and northern external walls are also masonry with garage doors on the north elevation. Although unlisted the timber garages are a pleasant presence on the site and make what is considered to be a positive contribution to the setting of the listed buildings and Conservation Area.
- I.6 A single (albeit currently disused) dwelling with garaging known as Monks Walk immediately to the east of the garage block. Monks Walk was constructed as an agricultural building in 1909. The building was previously used as stables and planning permission was first granted to utilise part of the building as groom's accommodation (1984) and then to convert the building into a dwelling (1995). Monks Walk comprises a large dwelling of at least four bedrooms, over the ground floor and within the roof. At the time of the first site visit the ground floor also provided a double garage at its northern and southern end. There is a lawned area to the east of the dwelling which is located outside of the settlement boundary.

- 1.7 Both the garage block and Monks Walk are curtilage listed as they are within the historic curtilage of the Manor House and Tithe Barn.
- 1.8 A single storey residential property known as Old Spot Cottage stands beyond an area of hard-standing to the east of Monks Walk. This includes an area of lawn beyond. This not included in the application site but is in the same ownership and was converted from an agricultural building in the nineties.
- 1.9 All the buildings the subject of the applications under consideration lie within the settlement boundary of Buriton, though the southern access track lies beyond that boundary. The village's Conservation Area follows the settlement boundary to the east of application site and extends beyond the settlement boundary to the south of the site. Old Spot Cottage is outside of the Conservation Area and settlement boundary.
- 1.10 A public right of way runs through the pond community car park, along the access and then divides to run south climbing Buriton Hanger and east along the southern boundary of the site. Clear views of the Manor site can be obtained.

2 Proposal and new information

- 2.1 The applications under consideration relate to the conversion of existing former agricultural buildings to provide 5 dwellings (a net increase of 4). The buildings concerned are the Grade II listed 'Tithe Barn' to be converted into one unit, an existing residential conversion of Monks Walk to form three units and the conversion of an open fronted barn, commonly referred to as the 'garages' into a single unit.
- 2.2 Additional information has been provided with justification for the conversion of the grade II listed Tithe Barn to a single residential unit, including details of marketing, which has been undertaken since May 2016, and a written Assessment of Optimum Viable Use.
- 2.3 This information complements a resubmitted report put before Members in January 2017 which reviews, appraises and evaluates the prospects for the alternative use of the site for employment uses (Class B Use) in relation to relevant employment land planning policies and revealed commercial market evidence of availability, take-up and vacancy of B Use Class employment floor space in the vicinity of the Site. This report draws on published information from a variety of sources including *East Hampshire's Employment Review Update* (2013) and *South Downs National Park Employment Land Review* (2015) together with commercial market data published by CoStar and the Valuation Office Agency (VOA).
- 2.4 Further to the Employment Land case report, the application includes with this application additional details of a marketing exercise which is stated to have been carried since May 2016. The Tithe Barn has been marketed as a venue with planning permission for events and functions (Class D2) with a local agent Richard Mitham Associates, and is shown to have featured on two property websites (Rightmove and On the Market) since 31st August 2016.
- 2.5 The Tithe Barn has been marketed as a commercial property for lease with a value of £60,000 per Annum, equivalent to £5,000 per month. The submitted marketing evidence comprises the following:
 - 31st August 2016 - email correspondence from Richard Mitham Associates reporting 7 enquiries since May, but none 'serious enough to result in viewings'
 - 31st August 2016 – Spreadsheet of 'On the Market' database confirming marketing commencement on 31st August.
 - 31st August 2017 - Screen capture of a listing with "On the Market" confirming rental availability at £5,000 pcm
 - Screen capture of a listing with 'Rightmove' confirming rental availability at £5,000 pcm
 - 13th and 28th October 2016 & 18th January 2017 - three direct enquiries were made
 - 26th January 2017 - email correspondence from Richard Mitham Associates - Advises that enquiries with interest were put off when advised to speak to East Hampshire District Council about licensing.

- A table of information from agents mutual website showing the level of interest in online advertising between 29 December 2016 and 18 January 2017 - this shows website views on 19th December, 24 December, 27 December, 3rd Jan, 4th Jan, 6 Jan, 8th and 9th Jan.

2.6 Tithe Barn

This latest proposal is to convert the barn to a single dwelling with the insertion of a partial mezzanine, together with internal upgrading and ventilation. A large part of the interior would be left open to the roof timbers and roof light insertions or chimneys are omitted in order to reduce the visual impact externally. Existing window openings are to be utilised and new windows introduced into a number of brick-blocked window openings.

2.7 An area of garden would be provided to the east adjacent to Monks Walk. Parking would be provided to the front of the Tithe Barn at each corner of the building.

2.8 The applicant has advised that if granted planning permission the current lawful D2 use would cease with the rights to that permission relinquished through an appropriate Section 106 agreement.

2.9 Monks Walk

This former stable building was granted permission for a residential conversion to one dwelling in the nineties and the current application proposes its subdivision to provide three dwellings, with gardens provided for each property to the east of the building. The scheme for conversion remains the same as was proposed in application SDNP/16/04494/FUL (refused by the Planning Committee on 15 January 2017).

2.10 The proposed dwellings will front onto a concrete yard and are opposite to the open fronted 'garages' which itself is proposed for conversion to one residential unit. As Monks Walk pre-dates 1948 and is within the historic curtilage of listed buildings Listed Building Consent is required for the proposed conversion works.

2.11 The conversion is achieved within the existing fabric of the building and no extensions are proposed, with the conversion relying on the internal rearrangement of internal walls at ground level and in the roof to create two floors of accommodation. It is acknowledged that some internal works have already taken place and this has been raised in several objection letters.

2.12 First floor accommodation is proposed to be served by a total of 16 roof lights, evenly distributed across both elevations of the main roof. Roof lighting in this building is extensive, although Members are reminded that these details of the conversion were previously considered acceptable by the Planning Inspector subject to additional measures to mitigate light spill (with the scheme being dismissed for issues relating to vehicular activity, landscape impact and noise pollution).

2.13 Fenestration and door arrangements are also altered on the ground floor level albeit utilising existing openings where possible and minor alterations overall. A steel chimney is removed and smaller black wood burner flues are to be installed. A Juliet balcony rail is proposed beyond an existing door in the central gable at first floor level.

2.14 Open fronted barn

Also known as the 'garages or the 'cart shed', this open fronted building is constructed from a mix of sandstone block, brick walls and a timber frame supporting a slated roof. Given the relatively low ridge height, it is proposed to provide only a ground floor level of residential accommodation, incorporating a garage space for the parking of one vehicle.

2.15 The structure has been used as for car parking and storage in recent years and was the subject of a proposal for conversion to two dwellings under the refused application reference number SDNP/14/03321/FUL. The principle of conversion of this building was considered generally acceptable by the Inspector who considered the appeal of this refused application. The concern in that instance was that the conversion of this building would result in an unsatisfactory relationship with the Tithe Barn which at that time was being retained as a venue with associated noise and disturbance. Under the current proposal the

barn is to be converted to a single dwelling and the Tithe Barn would cease to be used as a venue.

2.16 Parking and Access

Access to the proposed dwellings in Monks Walk and the open fronted barn is from North Lane via the pond car park and an existing driveway to the south of the churchyard, which is also a public footpath. It is also proposed to close off any vehicular access through to the courtyard in front of the Manor House as indicated on the submitted Landscape Masterplan. Two parking spaces associated with the Tithe Barn would be located in the Manor House courtyard, with access from North Lane. This involves crossing land outside the application site nor in the applicant's ownership.

2.17 A total of 10 parking spaces together with a single garage are provided in accordance EHDC Parking Standards, which refer to the "Hampshire Parking Strategy and Standards 2002". These parking spaces are located adjacent to each of the proposed dwellings.

2.18 The Transport Statement refers to refuse collection for the residential dwellings continuing from the collection point at the northern site access.

3 Relevant Planning History

3.1 The planning history is attached as **Appendix 4** of this report.

4 Consultations

4.1 SDNP Conservation Officer - Comment

- No comments given with regard to the owner's marketing exercise
- A number of past and potential uses need to be considered when attempting to assess the current optimum viable use of the barn. The first, the original, Eighteenth Century use of the structure for agriculture should not detain us for long as this function ceased a considerable time ago and there is no current connection with a local agricultural enterprise.
- In recent years, the barn has been used for functions and weddings. As stated on earlier occasions, this use was good for the listed building as it provided a steady income, sufficient to sustain the maintenance and repair of a substantial structure, and allowed ready appreciation of the spatial quality of the historic interior as well as the incidental advantage of a degree of semi-public access.
- The necessary licence for this use has now lapsed, following problems with noise nuisance; it is probable that the works required for effective sound attenuation would have a significant impact on the fabric of the listed building and some impact on its appearance, though these difficulties may not have proved insurmountable.
- Currently, a civil legal impediment to the reinstatement of the functions use also exists – but this has been imposed recently and these matters can always be subject to negotiation between the relevant parties and subsequent change – they are not necessarily set in stone.
- An employment use of some kind might have the advantage of retaining an unimpeded internal volume, but probable and acknowledged issues related to parking may raise fundamental problems. An 'antiques or crafts barn' kind of use, possibly incorporating a lower-key retail element, may also raise similar issues.
- The conversion of the barn for residential purposes is proposed under 17/00594/FUL. The value of such a residential unit would be considerable, even after the substantial costs of repair, the upgrading of fabric to allow for domestic environmental standards and the normal aspects of conversion are taken into account.
- There is little doubt that domestic use would be viable and would sustain the future of the Listed Building. However, it would do so at a significant cost to the internal character of the internal void. Some subdivision and the insertion of a partial mezzanine, together with the opening of a number of ventilation loopholes into full window apertures to the courtyard would create some degree of harm to character, though confined to a 'less than substantial' level, ground which was covered under

I6/04494/FUL. The use would be economically viable, but as Guidance tells us the optimum use is not necessarily the most profitable one.

- It has been suggested that use of the barn as domestic ancillary accommodation may prove the optimum viable use here, as it would be likely to preserve the open character of the interior, unlike the proposal for domestic conversion, or at least put it under minimal pressure for subdivision.
- However, application I7/00757/FUL [now withdrawn] proposed domestic ancillary use in relation to the converted unit in the 'garages' – actually a range of framed, once fully open-sided, wagon sheds. This indicates that the applicant recognises that domestic ancillary use offers an avenue through which the future of the heritage asset might be assured.
- Though physically attached, this association is unexpected because the hierarchy of relationships seems wrong. The barn is an immeasurably larger and more impressive structure than these wagon sheds. One would not expect a small converted dwelling, offering quite modest accommodation to 'own' such a large structure as an ancillary feature. It is quite difficult to imagine that this unbalanced relationship would sustain the maintenance and future of the larger building for very long, or prove a lasting association. For this reason, I conclude such an arrangement may not prove optimal.
- The final complication is the circulated proposal from Mr W Johnston, representing a group of (presumably local) individuals, interested in making an offer to the owner of the barn with the intention of using it as a 'centre of community and culture'. Until a properly constituted Community Company or Trust is formulated to this end limited weight can be given to this idea, but considerable thought and effort has plainly gone into his projected Business Plan and it is only appropriate that Members should be made aware of it.
- While viability would need to be examined and the use could raise some of the issues that proved problematic for the events business, parking and access in particular, such a use could prove benign for the character of the Listed Building and might carry very significant public benefits.
- These considerations lead to a very complex series of equations weighing assessed degrees of harm to the heritage asset against the public benefits pertaining to each, combined with a realistic appraisal of the probable outcome. One can only describe and work through each balancing exercise in turn, to arrive at the most optimal solution.

4.2 **Buriton Parish Council – Object**

- Objections and concerns are similar to those submitted in relation to SDNP/I6/04494/FUL (and SDNP/I6/05687/LIS), which should be taken into account as well.
- The 'Assessment of Optimum Viable Use' for the Tithe Barn is inadequate.
- The Marketing Exercise undertaken as part of the 'Assessment of Optimum Viable Use' is deficient.
- A Business Plan has been finalised by a community group, which intends to offer to purchase the Tithe Barn - these proposals would keep the barn intact (with no amendments to internal or external appearances) for a range of uses in line with the existing Planning Permission.
- Policy CPI6 of the East Hampshire Joint Core Strategy is relevant as the Manor Barn (Tithe Barn) at Buriton is a popular community venue for a wide range of social activities and events.
- Prior to the applicant's purchase of the Manor House and Barn in a successful wedding business had operated for over 10 years - it was only because the applicant failed to comply with the regulatory regimes that the licence was lost.
- There is new evidence about the importance of the Dark Night Skies above Buriton which these proposals would damage significantly.
- The 'pinch-point' location of the village is of importance to the Dark Night Skies status

- Buriton Parish Council is making progress towards Dark-Sky Association community status
- Conditions cannot control light spill from openings and glazed sections of the buildings as they will not meet the six tests which must be satisfied - this includes the "enforceability" of automated shutters.
- It is unclear whether any external lighting is being proposed
- There is a statement in the bat roost information that implies there will be external lighting,
- The SDNPA Planning Committee has previously rejected similar applications on the grounds of vehicular activity (and safety) through the community car park and these reasons for refusal are still valid in relation to these latest applications.
- Vehicular activity (and safety) through the community car park has previously been given as a reason for refusal and upheld at appeal.
- The District Council and County Council's highways and safety experts have always raised serious concerns about these proposals.
- A National Park Authority should be looking to safeguard tranquillity and safety at such a sensitive, attractive and popular location.
- The proposed parking arrangements are completely unacceptable with insufficient car parking spaces being provided.
- The proposals state that refuse collection vehicles will be required to travel through the car park even though in previous applications EHDC Contracts Monitoring stated that this has not and will not be allowed to happen.
- There will be no easy access to the building for work due to the sensitive nature of the churchyard.
- The proposals represent cramped over-development, incompatible with the rural nature of the setting, so close to the scarp slope, Rights of Way, ancient church and other Listed Buildings.
- Some of the changes would be outside the Settlement Policy Boundary and harmful to a Green Finger of important open space identified in the adopted Buriton Village Design Statement and Local Landscape Character Assessment.
- The proposed conversion of the 'garages' into one dwelling would result in their almost total reconstruction.
- The new dwelling in the 'garages' would over-look windows in the proposed Monks Walk development, allied to the fact that the frontage of the Garages would be predominantly glazed.
- The Garages adjoin the ancient churchyard and would spoil the tranquillity of the consecrated setting as well as potentially affecting ancient yew trees.
- The future use of this social asset should be subject to the full rigours of Policy CPI6 of the East Hampshire District Local Plan, Joint Core Strategy.
- A 'Masterplan' for the site has not been submitted.
- The Application form states there is no hazardous waste yet the garages have asbestos that needs to be removed.
- The application states that no rights of way overlook the site yet the site is overlooked by Buriton Footpaths 1 and 2.
- The Bat Survey is out of date.
- There is a concern about 'run off' into the village pond from the 5 new dwellings (and their vehicles) both during and after the development.
- There is no mention of sound proofing and yet noise generated by families on a daily basis
- Creation of 1.8 m high beech hedges will make this site urbanised and out of character with its rural location in a conservation area.

- There is no provision for storage of garden equipment and associated paraphernalia in Monks Walk.
- The work on the Monks Walk conversion is all but completed despite the statement that no work has started.
- The garages are ideally placed to act as garages for the dwellings proposed for Monks Walk.
- The Kitchen and bathrooms will be vented low down to the rear of the dwellings which will be directly onto the grave yard and the church.

4.3 Highway Authority – comment

- Visibility onto North Lane is good.
- Under SDNP/14/03321/FUL the Highways Authority has raised no objection regarding the access onto the public highway at North Lane and the appeal Inspector agreed that visibility is adequate and this would not present a danger to highway safety.
- The Highway Authority has consistently raised concerns regarding any increase in traffic using the access south of the church onto North Lane through the community car park. The car park appears to be regularly used by the public and an increase in vehicle movements could present a safety risk.
- The Planning Inspector echoed these concerns stating that access to Monks Walk and Old Spot Cottage already takes place across this land, and the increased use from the four additional dwellings proposed in these appeals (and cumulatively with the use of the new access track allowed under appeal APP/Y9507/W/15/3023073) would increase the danger to car park and footpath users to an unacceptable degree.
- The current planning application proposes the same refuse collection strategy as before (SDNP/16/04494/FUL) and although the Highways Authority could not object, the Local Planning Authority were advised to take the concerns outlined above into full consideration when determining the application.
- Concerns regarding access via the route to the south of the church via a private driveway and subsequently through the community car park which is also a public footpath.
- No objection, subject to conditions

4.4 Historic England – Object

- Historic England has concerns regarding the application on heritage grounds.
- The issues and safeguards outlined in HE advice need to be addressed in order for the application to meet the requirements of the NPPF.
- Previous advice (November 2016) was that if the authority saw the best route to preservation of this listed building as being through residential use, EH would accept that judgement.
- In respect of the second set of applications (17/00757/FUL and 17/00778/LBC), for ancillary use of the Tithe Barn the conversion is argued for by Planit Consulting largely on the grounds that residential conversion would generate least external change, traffic, etc., while securing the future of the building.
- The 'optimum viable use' for these reasons is argued because of the difficulties with the previous, commercial use, which eventually lost its licence.
- The possible 'ancillary residential use' mentioned in Planit's 'Assessment of Optimum Viable Use' is described as questionable
- It is doubtful whether the future owner of the barn ancillary to the garages would wish to take on the barn as ancillary
- The 'added risk of 'informal' works and operations' through ancillary uses is speculative as well as showing little faith in the Authority's ability to control the listed building stock.

- These arguments for residential use are forgotten in the simultaneous applications to develop the site as ancillary accommodation to the garage conversion.
- To which of these diametrically opposed positions should the Authority give credence? It is true that ancillary use should ideally be to a unit, and a use, likely to produce the funds needed for the repair of the Barn.
- A judgement needs to be made about plausibility of that proposal for ancillary use.
- The case does not appear to be argued in detail and the issues with ancillary uses does not prove that other options of this kind could not work.

4.5 Ecology – No objection subject to conditions

- The applications are accompanied by a letter report (AA Environmental, March 2016) detailing the results of a basic Phase I ecological survey of the Tithe Barn and surrounds.
- A letter report dated 15th November 2016 from AA Environmental states that there will be no works affecting the roof void areas above the Tithe Barn eastern extension.
- The ecologist has concluded that there will be no potential for impacts to bats or their potential roosting areas.
- If minded to grant permission it is suggested that the following condition is included: *Development shall proceed in strict accordance with the bat mitigation measures detailed within the letter dated 15th November 2016 (Aare, November 2016) unless otherwise agreed in writing by the local planning authority. Reason: to accord with species protection measures in line with the Conservation Regulations 2010, Wildlife & Countryside Act 198, NERC Act 2006 and Policy CP21 of the East Hampshire District Joint Core Strategy.*

South Downs Society – Object

- No objection to the principle of the proposed development.
- Garages should be retained as undercover garaging for the occupiers of these dwellings rather than being converted to another dwelling.
- Concerns that there would be pressure in due course for new undercover parking from the new residents.
- The conversion from a simple cart shed structure to a dwelling would require substantial works and significantly alter the character of the building.
- Concern about introducing substantial areas of glazing and rooflights within the International Dark Skies Reserve being at the narrowest point of the Reserve in the gap between Petersfield and Clanfield.
- If permission is granted, request conditions requiring the installation and use of automatic blinds or curtains.
- Concern at the proposed use/intensification of the southern access to the complex.
- Proposal is to the detriment the popular village car park adjacent to the pond.
- Possible damage to the surface of the car park.
- Vehicular access along Buriton Footpath No.1, is used by walkers.
- The potential use of this path by vehicles would adversely affect the legal public use of this footpath from vehicle movements in and out of the complex.
- Interference with a public right of way
- significant loss of character of the simple cart shed structure, which would be better retained in its current use as undercover parking,
- If minded to approve this application, request condition as follows: *requiring the installation and use of automatic blinds or curtains; restricting external lighting; requiring the approval of both hard and soft landscaping and means of enclosure; and restricting the external storage of domestic paraphernalia.*

4.6 Dark Skies Officer – Comment

- Buriton is a vital pinch point between the Hampshire dark sky core zone and the majority of the reserve in West Sussex.
- If this pinch point were to deteriorate in sky quality then the reserve would fall below the minimum size and no longer be eligible for IDA status - the skies themselves in Buriton (high Bronze) and are of intrinsic importance.
- The combination of sensitivity and quality has encouraged the parish to seek further IDA Community status - of which there are only a few (less than reserves) in the UK.
- Important that any lighting development in the parish is appropriate and does not unnecessarily or excessively reduce sky quality.
- Condition is recommended to be used ensuring that no external lighting be installed without consent.
- One of the other sources of light pollution that this proposal will create is internal spill through glazing. Given the differences between existing and proposed plans I would regard the increase in glazing - particularly the long barn section and the main entrances - excessive and potentially problematic.
- Would suggest the amount of glazing be reduced to an extent that is similar to the existing style, i.e. windows not glazed walls and openings.
- However given the nature of the development, it is likely that pollution will increase and be more persistent into the night regardless of glazing, which is contrary to the aims of dark skies protection and the aims of the Parish.
- Could be partly mitigated using low transmittance glass or smart glass be used to reduce the light from internal sources, but given the scale of change the proposal will present a threat to dark skies.
- If the addition of external lighting requirements are factored in, e.g. access paths, car parks, building illumination, that would normally accompany a proposal of this type then the development could and probably would reduce sky quality in the area, both in terms of overhead sky quality, viewpoints looking down at a dark landscape and the immediate local tranquil vicinity.
- Increase in traffic would also increase light pollution in the area, but due to the method of evidence gathering for reserve status, this is difficult to quantify.

4.7 East Hampshire Environmental Health Contaminated Land – Awaiting comments

4.8 East Hampshire Environmental Health Noise Control - No objection

- The proposed conversion of the Manor Barn to residential would remove the potential for noise from the use of the barn for functions.
- There are no objections to the proposal.

4.9 East Hampshire Drainage – No objection subject to conditions

- The applicant has submitted a satisfactory flood risk assessment confirming that run-off will not increase post development and that the drainage system will cater for the 1:100 year + 30% climate change event.
- A geotechnical desk top study is also provided. Foul drainage is indicated discharging to an existing septic tank.
- There are no objections in principle subject to satisfactory drainage systems for both foul and surface water. These can be covered by condition DR02, which should include a detailed drainage layout, run-off calculations and site percolation test to BRE 365.
- The existing septic tank requires an independent inspection and report to confirm capacity and suitability for additional dwellings.
- Additionally the applicant needs to provide a detailed maintenance management plan for all drainage features remaining private.

4.10 Environmental Services - Contracts Management Team - Comment

4.11 Refuse and Recycling - Comment

- Private bins will need to be taken to the current collection point for Manor Farm by white gates by the church.
- Community car park by the pond is not adopted highway and it is not appropriate for a 26 tonne refuse vehicle to be driving across this well used car park due to safety issues as well as the fact that it is not part of an adopted highway. Most collection days would require two separate vehicles as waste is collected separately.
- The car park is well used by families and dog walkers and due to its nature children and dogs are often allowed to run free.
- Consideration must also be given to the wildlife that surrounds the pond.
- There is also a concern over the tight turn at the bottom of the car park right at the edge of the pond and ditch.
- Suggest a bin collection point at the main Manor Farm Entrance to screen the bins.
- Each refuse/recycling vehicle can collect from here avoiding damaging the car park or risking injury to visitors or wildlife. Unless the site is adopted crew will not be entering to collect bins.

4.12 Street Care and Grounds Maintenance - Comment

- There are concerns regarding the proposed changes and the change of access to the development.
- The increased traffic, domestic and commercial having negative impact of the community car park and pond area as well as the visitors to the local beauty spot.
- The car park is used by visitors to the pond and also to the South Downs National Park footpaths and rights of way which have recently been upgraded.

4.13 **Open Spaces Society - Object**

- Adverse effect on the loss of public amenity with regard to the peaceful enjoyment of the area.
- Proposals appear to conflict with the National Park's statutory purposes by spoiling the natural beauty of the parish and damaging the local heritage which is presently enjoyed by both residents and visitors.

5 Representations

5.1 At the time of writing the report, 12 comments objection to the proposal have been received (across both the planning application and listed building consent).

5.2 Although the grounds of objection are many and varied there are nevertheless common themes which have been summarised below.

Parking, access and highway safety

- Motor traffic would be increased presenting a safety risk
- Additional traffic would be detrimental to the setting of the pond and visitors
- Safety risk associated with car park at peak times
- The poor access was commented on by the inspector at appeal 3129452 and 3129457
- There is already a safe entrance to the manor estate
- The surface through the car park is pitted with pot holes
- A refuse lorry cannot negotiate the proposed access
- Poor parking arrangements to monks walk
- Parking spaces should be close to houses in internal garages
- The garages are required for parking and storage and should not be converted
- The garages should be retained as covered parking

Impact on tranquillity and the wider setting

- Loss of privacy for the area around St Mary's church
- Object to windows overlooking the church

- Impact of residential noise will conflict with church services
- No reference to sound proofing
- The manor barn is a place of beauty, memories and heritage
- Bins stored outside the barn would be an eyesore on the conservation area
- Houses should not be built so close to the church

Impact on the heritage assets

- Large openings and glass doors will cause harm through light pollution in a sensitive part of the dark skies reserve
- If approved the barn will pass all historic ties on the site
- The plans are inaccurate and unsympathetic to St Mary's Church
- Access to the manor is blocked by the landscaping for private garden
- Internal conversion of monks walk into three dwellings is largely complete
- Historic features of the grade II listed tithe barn will be lost
- Garage reconstruction would result in the total loss of historic timber structures
- Object to the external changes including ventilation slits

Tithe Barn

- Garden curtilage should not spill into the courtyard
- Lack of evidence that appropriate marketing has been carried out
- The barn should be ancillary to the manor house
- Tithe barn slit windows will be altered
- The marketing exercise fails to meet Historic England's good practice advice note (managing significance in decision-taking in the historic environment)
- The marketing period and means of marketing are lacking - Only 6 months of marketing has been undertaken rather than 12
- The marketing fails to meet the tests required under the East Hampshire Joint Core Strategy
- The wedding venue use could be continued
- Precedent on other decisions should be considered

Other Issues

- Work has already started on the applications
- Too many dwellings segmenting the original site
- A large single dwelling with such limited garden space is unacceptable
- Overdevelopment of the site
- Large increase in the population of the village concentrated in this corner
- The applicant has submitted a different optimum use survey for ancillary use of the barn which conflicts with this application
- Unresolved issues with drainage and septic tanks
- The conversion risks loss of rare habitats

5.3 **St Mary's Parochial Church - Object**

- It is understood that a viable offer has been submitted for the Tithe Barn to retain an existing use.
- The barn has been a useful amenity for the village.
- New services to the barns could cause problems (foul drains) for the kitchen and toilets in the church Steward room.
- Construction works associated with the garage block could impact the churchyard.
- Increased light and noise from residential use will impact the tranquillity of the churchyard.
- The conversion of Monks Walk is an over-intensification of use.
- There will potentially be dangerous traffic movements from the community car park.

5.4 Buriton Village Design Statement Group - 6 March - Object

- An inadequate and insubstantial 'Assessment of Optimum Viable Use' is provided.
- Inconsistent information regarding the capability of the barn to be used for D2 purposes.
- The proposal would harm the setting of the Grade II and II* listed buildings.
- The proposal amounts to overdevelopment and poor design within a sensitive rural location.
- Safety issues are outstanding regarding access, traffic and parking.
- Light pollution and impacts on community work towards becoming a Dark Skies Community.
- Loss of tranquillity and serenity due to adverse changes adjacent to the church.
- The conversion of the cart shed is unsympathetic to listed buildings in the area.
- Historic planning precedents have been set including the existing use of monks walk and use of the Manor courtyard access.
- Information provided is insufficient and inaccurate.
- There is a danger to trees and to biodiversity.
- There are potential water supply and drainage problems.
- The development does not meet the guidelines set out in the Buriton Village Design Statement including reducing glare and light pollution.

5.5 Buriton Village Association - 1 March 2017 - Object

- The assessment of optimum viable use for the main 'Tithe Barn' building is seriously flawed not least the paucity of marketing alleged to have been undertaken.
- Physical changes to the main Grade II Listed 'Tithe Barn' building need not be made – and the association between the Barn and the main (Grade II*) Manor House could be maintained – if an alternative viable use which is currently available was pursued.
- Daily traffic (in both directions) for all the new dwellings in Monks Walk and the historic cart shed 'Garages' will all need to travel through the community car park (and along a public footpath) which the County Highways Authority, District council officers, Ramblers Association, South Downs Society, Parish Council and others have repeatedly pointed out would be unsafe to families and children at the village pond.
- With there being a number of very large glazed areas (including walls and doors as well as lots of new roof lights) it will not be possible to control light pollution in this crucial pinch-point part of the International Dark Skies Reserve by Conditions. Who will check that all the necessary blinds are closed every day?
- Conditions should be enforceable; and lighting conditions will not be - It would be much better to reduce the risk of light pollution by preventing the conversion of the Garage building so that it could serve other domestic uses for residents in Monks Walk.
- Other matters are referred to below and in previous letters about similar planning application at this site.

5.6 Planning Officer Comment: The above list is not exhaustive of the objections received but does cover the material relevant to the determination of the application. An update on representations received after completion of this report will be available for the Committee meeting.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the

- East Hampshire District Local Plan Second Review 2006
- East Hampshire Local Plan: Joint Core Strategy which was adopted by EHDC on 8th May 2014 and by the SDNPA on 26 June 2014.

- 6.2 The relevant policies and other material considerations to these applications are set out in Section 7 below.
- 6.3 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.
- 6.4 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

- 7.1 Statutory Requirements
The Planning (Listed Buildings and Conservation Areas) Act 1990 places the following duties on planning authorities when determining applications for listed building consent and planning permission in Conservation Areas:
- 7.2 In determining a Listed Building application Section 16 requires the local planning authority to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 7.3 Section 66 (1) states that In considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 7.4 Section 72 (1) then sets out the general duty on local planning authorities in relation conservation areas and the exercise of planning functions. The section provisions that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 7.5 As both Monks Walk and the open fronted barn/garage predate 1948 then they are listed by virtue of being within the historic curtilage of the Tithes Barn and Manor House. As well as requiring listed building consent for the works of conversion the planning application will need to be considered in terms of its impact on the setting of the listed buildings.
- 7.6 Relevant Government Planning Policy and Guidance
Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012.
- 7.7 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.
- 7.8 National Planning Policy Framework (NPPF)
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.
- 7.9 The following National Planning Policy Framework provisions are relevant to the determination applications which relate to designated heritage assets:
- 7.10 Paragraph 132- Requires greater weight to be given to the asset's conservation and any harm or loss should require clear and convincing justification. This paragraph gives advice on what constitutes 'significant harm' and 'less than significant harm' to a heritage asset.
- 7.11 Paragraph 134 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 7.12 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the National Planning Policy Framework
- 7.13 The following National Planning Policy Framework sections have been considered in the assessment of this application:
- Part 3 - Supporting a prosperous rural economy
 - Part 6 - Delivering a wide choice of high quality homes
 - Part 7 - Requiring good design
 - Part 12 - Conserving and enhancing the historic environment
- 7.14 In addition, it is considered that the following paragraphs of the NPPF are relevant to the determination of this application: Paragraphs 14, 17, 28, 34, 58, 75, 115, 118, 125, 128 – 134, 206, of these paragraphs 128-134 require the SDNPA identification and assessment of the significance of heritage assets and to take account of the desirability to sustain and enhance this significance.
- 7.15 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 7.16 The following policies are relevant to this application:

East Hampshire District Local Plan: Second Review 2006

- C6 – Tree Preservation
- HE2 - Alterations and Extensions to Buildings
- HE4 - New Development in a Conservation Area
- HE5 - Alterations to a Building in a Conservation Area
- HE6 - Change of use of Buildings in a Conservation Area
- HE8 - Development Affecting the Setting of a Conservation Area
- HE10 - Extension or Alteration of a Listed Building
- HE12 - Development Affecting the Setting of a Listed Building
- HE17 - Archaeology and Ancient Monuments
- T4 - Pedestrians and Cyclists
- T14 – Servicing

East Hampshire District Local Plan Joint Core Strategy (2014)

- CP1 - Presumption in favour of sustainable development
- CP2 - Spatial Strategy
- CP6 - Rural Economy and Enterprise
- CP19 - Development in the Countryside
- CP20 – Landscape
- CP21 – Biodiversity
- CP24 - Sustainable construction
- CP25 - Flood Risk
- CP27 – Pollution
- CP29 – Design
- CP30 - Historic Environment
- CP31 - Transport General Comments

South Downs Partnership Management Plan

- 7.17 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.
- 7.18 The following Policies are of particular relevance to this case:
- General Policy 1 – conserve and enhance the natural beauty and special qualities of the landscape

- General Policy 3 – protect and enhance tranquillity and dark night skies
- General Policy 9 – the significance of the historic environment is protected from harm
- General Policy 10 – improve the management of heritage assets
- General Policy 28 – improve and maintain rights of way and access land
- Transport Policy 37 – encourage cycling
- Transport Policy 39 – manage vehicle parking

7.19 The Buriton Village Design Statement is also considered to be relevant to the determination of the applications.

8 Planning Assessment

The main issues for consideration with regard to these applications are:

- Principle
- Impact on a Heritage Assets
- Ecology
- Parking and access
- Impact on residential amenity
- Landscaping
- Drainage
- Ground Contamination
- Lighting and acoustic impacts
- Other issues raised by interested parties

8.1 Principle

Lying within the settlement boundary the general principle of residential development with regard to conversion of a building is acceptable in policy terms. In this particular case and with previous applications for the site, regard must be had to the fact one of the buildings is Grade 2 listed and two are curtilage listed. This and other material considerations are considered in more detail below.

8.2 Impact on Heritage Assets

Members of the Planning Committee refused applications I6/04494/FUL and I6/05687/LIS in January of this year with a principal reason (1) stating:

It has not been demonstrated, on the basis of submitted information, that the proposals would represent the optimum viable use of the Tithe Barn. In the absence of a meaningful marketing exercise to thoroughly explore the optimum viable use which would not have such an impact on the existing building or the setting of the listed building, as the current scheme does, the proposal is therefore contrary to saved policies HE2, HE10, HE11 and HE12 of the East Hampshire District Local Plan; Second Review and Policies CP29 and CP30 of the East Hampshire District Local Plan Joint Core Strategy, the Purposes of the park and the National Planning Policy Framework and National Planning Policy Guidance.

8.3 Assessing the optimum viable use of the grade II listed Tithe Barn remains a key material consideration in determining the current applications. Paragraph 134 of the Framework states: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

8.4 A key word to be considered under paragraph 134 is 'securing' meaning there should be some certainty that it will not only represent but provide the optimum viable use. The Planning Practice Guidance states that:
If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

8.5 In the context of paragraphs 133 and 134 of the Framework it is agreed upon that the harm associated with these applications is less than substantial in nature. This has been confirmed by English Heritage and the Authority's Conservation Officer. The test of optimum viable use therefore is whether the public benefits and harm to the heritage asset associated with a proposed residential use would outweigh existing or alternative viable uses.

- 8.6 Paragraph 020 of the Practice Guidance defines what is meant by the term public benefits. This states:
Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as:
- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
 - *reducing or removing risks to a heritage asset*
 - *securing the optimum viable use of a heritage asset in support of its long term conservation*
- 8.7 Your officers consider there would be a public benefit in securing the long term preservation of the Tithe Barn, particularly where the majority of proposed works affect the internal fabric and do not risk wider harm to the fabric of the Manor courtyard.
- 8.8 The findings of the Employment Land assessment report are still considered to be relevant to the determination of this application and the Authority still concludes, as it did in relation to applications SDNP/16/04494/FUL and SDNP/16/00595/LIS, that the Tithe Barn is not a suitable or realistic employment site despite there being some economic public benefit.
- 8.9 A summary of the findings of the applicant's Employment Land assessment report are:
- Given the close proximity to existing residential properties within the courtyard, any employment use would conflict with the residential amenity of the neighbouring dwellings.
 - Access to the site is limited and is effectively restricted to an access point located between two Grade II listed buildings which offers no prospects for improvement;
 - The site has no dedicated parking relevant for supporting employment uses and would effectively be reliant on the use of a small car park opposite the church that would impact on the setting of the heritage assets, together with the displacement of parking to elsewhere in the village. This has been deemed as unacceptable in past planning / appeal decisions;
 - The servicing and delivery arrangements which support modern business requirements are wholly inadequate at the application Site;
 - Irrespective of the employment use, some form of internal alteration/adaptation of the Tithe Barn would be required to facilitate B Use Class activities,
 - In transport terms, alternative modes to the private car are restricted to a limited local bus service. In this respect, the site is not in a sustainable location.
 - The barn has the potential to accommodate 31 employees in a B1a office use could generate (based on the Homes and Communities Agency (HCA) Employment Density Guide (November 2015
 - In commercial market terms, local evidence of supply and demand confirm very limited demand coupled alongside the existence of a sufficient supply of suitable existing employment accommodation in more sustainable, prominent and visible locations and other clusters of employment activity;
- 8.10 The Local Planning Authority considers that the information provided within the applicant's additional marketing exercise demonstrates that a reasonable attempt has been made to market the barn as a venue since May 2016.
- 8.11 Buriton Parish Council has submitted that the applications should be assessed under Policy CPI6 of the East Hampshire Joint Core Strategy. This explains that development proposing the change of use of 'Community Facilities' will only be permitted if two strict criteria can be met, one of which is a 'rigorous marketing exercise' defined in the supporting text as being 'for a period of at least 12 months'.
- 8.12 Under this policy the Parish Council assert that the required marketing exercise has not been undertaken for a period of at least 12 months as required, and therefore the

applications should be refused. The Glossary of the EHJCS defines Community Facilities as *'facilities that provide for the health and well-being, social, educational, spiritual, recreational, leisure and cultural needs of the community'*.

- 8.13 Whilst there is a strong local interest in the preservation of the Tithe Barn, your officers consider that this policy is not relevant to the applications. The Tithe Barn is a privately owned building which has principally been used for private weddings and events under the current and previous owners and which in any event cannot currently take place.
- 8.14 Notwithstanding the extent of the marketing exercise that has been undertaken, paragraph 134 of the Framework does not explicitly mention the type of evidence that is required to demonstrate the optimum viable use and public benefits, unlike paragraph 133 which gives explicit mention to the need for *appropriate marketing in the medium term* for development amounting to substantial harm of a heritage asset.
- 8.15 The application includes a written assessment of optimum viable use to complement the marketing exercise carried out which concludes that there is no reasonable prospect of use as a wedding venue under the extant D2 use. This assertion is further supported by evidence submitted by the applicant's solicitor, detailing that any attempt to use the barn for any purpose other than a residential use would give rise to a breach of legal agreement. Whilst the plausibility of a use being continued is a material consideration, the Authority cannot consider legal restrictions and covenants, given they can be subject to further change, beyond the realm of the planning decision making process.
- 8.16 The Local Planning Authority has recently been provided with a Business Plan, submitted by a local 'Community Group' fronted by Dr Ian Johnston. Membership of the community group is unclear although an offer is presented for an alternative use of the barn. There has been further confirmation that the group has established a company from which to pursue an offer.
- 8.17 The Business Plan document proposes a use of the Tithe Barn as a 'centre of community and culture' and includes a review of the barn's previous uses, the planning context, a proposal for its use, corporate structure, financial plans and details of an offer.
- 8.18 In summary, the group seek the use of the building for village events, concerts, recitals and charity fairs, although financial figures to support this use are illustrative only, and do not give a guarantee of the performance of the business.
- 8.19 The business plan was forwarded to the applicant inviting comments. A response was provided arguing that the 'community type use will simply not have sufficient funds to preserve the building into the future, and that there is no clear indication that the group will have the capital to purchase the building in the first place.
- 8.20 The applicant highlights that there must be a real prospect that an alternative use of the barn can be 'secured' and notes the comments of Historic England that the best route to the preservation of the listed building would be through a residential use.
- 8.21 The community group assert the proposed use would require no change of use, no planning permission and no listed building consent, given that there would be no physical alterations required to enable this use. It is also argued that the building would be used for small to medium scale unamplified events, thereby reducing noise impacts on nearby residential properties including the Manor and the Orangery, although the extant permission for events and functions does not restrict the use of amplified noise.
- 8.22 Officers have regard to the High Court Cases of Gibson vs Waverley (2012) and the Queen vs Waverley (2015) which offer guidance on assessing the material nature of alternative viable proposals for change of use and works affecting heritage assets. This case law supports the case that where a test of optimum viability is concerned, the decision taker must give weight to potentially viable uses, and in turn balance the level weight in terms of the level of public benefit against the harm to the asset.
- 8.23 Officers consider that a significant amount of work has been put into the proposal, and the business plan shows some level of intention to pursue the proposed use.

- 8.24 Having regard to Gibson vs Waverley (2012) and the Queen vs Waverley (2015) the Business Proposal is considered to be material to the assessment of the applications, although the weight that can be given to this alternative community use is limited.
- 8.25 It is acknowledged that the proposed use of the barn for local community events could provide a community benefit, and the extent of harm caused to the listed building would be less than that associated with conversion to a residential use.
- 8.26 This should however be seen against the context of existing community facilities in the village, such as the village hall, the church hall and the church itself, all of which 'compete' for a limited market of events.
- 8.27 This alternative proposal may amount to the viable use of the building, although the financial information provided does not give a guarantee regarding the future of such a business.
- 8.28 Members are reminded of Practice Guidance on this subject area. The Guidance states *that where there is only one viable use for an asset, that use is the optimum viable use. If there is a range of viable uses, [...] then the optimum use is the one likely to cause the least harm to the significance of the asset.*
- 8.29 The community Business Plan and financial schedule includes a schedule of costs for repairs and maintenance which factors for small repairs. This appears reasonable however the question remains how viable is the alternative use given the sale has not been taken further by the owner.
- 8.30 The Practice Guidance also states: *The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.* Whilst the initial harm caused to the fabric of the building through residential conversion would be far greater than a continued D2 use, it is considered to secure the longer term preservation of the heritage asset.
- 8.31 Members are reminded that the use of the word 'securing' [optimum viable use] is highly relevant to this assessment under paragraph 134. If a community use is found to be a viable alternative, officers cannot conclude this can also be secured.
- 8.32 On this subject, the Practice Guidance notes that harm may not just be caused through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. Therefore, there is weight added to the case that a residential use of the barn would be a viable long-term use.
- 8.33 Overall, your officers consider that only limited weight can be given to the alternative community use proposed by the local group, given that it would provide no guarantee of preserving the Tithe Barn through the scale of events and functions under the current D2 use.
- 8.34 Officers consider that the initial harm associated with the works to convert the Tithe Barn to a single dwelling is less than substantial, and is a common feature of many sensitive barn conversions. The less than substantial harm caused, can therefore be measured against the wider benefits and impacts and of the scheme, as discussed below.
- 8.35 Together, the applicant's marketing assessment and supporting arguments provide a convincing argument that the conversion of the Tithe Barn to a residential unit would secure its long term preservation and therefore amount to the optimum viable use of the heritage asset.
- 8.36 Open fronted barn/garage
Representations refer to the potential impact that the works necessary to convert this building would lead to encroachment into the adjacent churchyard and potentially damage to yew trees.
- 8.37 The applicant's agent has advised that there is no requirement to enter the churchyard to carry out the works of conversion and consent for this would, in any event, be required from the PCC.

- 8.38 An informative is therefore recommended to be attached if members are minded to grant planning permission to clarify the position that a grant of planning permission does not authorise any work on or access to land not in the applicant's control.
- 8.39 Ecology
Concerns are raised in letters of objection regarding the impact of the proposal on ecology and whether appropriate up-to-date evidence has been provided. Hampshire Ecologist has reviewed the submitted information including supporting letter from the applicant's ecologist. It is confirmed that the works will be acceptable subject to conditions for works to be carried out in accordance with the recommendations of the survey and report.
- 8.40 Parking and Access
Parking and access arrangements remain as previously described under the applications considered by members at the Planning Committee in January 2017.
- 8.41 Buriton Parish Council have highlighted a concern relating to the wording of the reason for refusal under application 16/04494/FUL. It is mentioned that the Committee's discussion at the January meeting confirmed that vehicle movements associated solely with the additional four units would be unsafe and undesirable. However, if the Tithe Barn is converted to a dwelling, regard must be had to applicant's agreement to enter the Section 106 agreement and therefore the loss of vehicle movements associated with that D2 use.
- 8.42 Two parking spaces are provided in the courtyard serving the Tithe Barn; these are accessed from North Lane via the existing courtyard access. This access is not included in the application site but the applicant has provided details a land registry extract showing they have full rights of access over the land.
- 8.43 Both the three units in Monks Walk and the new unit in the open fronted barn have car parking spaces proposed in the yard area between the two buildings. These spaces are accessed from North Lane through the public car park adjacent to the pond and then the drive which runs to the south of the churchyard. The latter is also a public footpath. Use of this access was the subject of much debate in the consideration of previous applications and the inspector confirmed her concerns about an increase in vehicular activity across the car park. The Inspector commented:
"...the increased use from the four additional dwellings proposed in these appeals...would increase the danger to car park and footpath users to an unacceptable degree"
- 8.44 The Highway Authority has highlighted previous concerns with the site but has raised no objection to this route subject to the applicant be advised of certain responsibilities as the access is shared with a PROW. This can be done through an informative attached to the planning permission.
- 8.45 The Inspector was also particularly concerned about highway safety in relation to collection of refuse which was previously proposed via the southern access. The Highway Authority also refer to refuse collections in its comment on the current application. EHDC have stated they will not collect via the south access but from an area adjacent to North Lane currently used by residential properties on the Manor complex. As per the previous proposal, this arrangement is confirmed in the applicants Transport Statement.
- 8.46 In light of no changes from the previous scheme the access, parking and refuse collection arrangements proposed are, on the basis of the comments received, considered adequate subject to the imposition of appropriate conditions and informative.
- 8.47 If members are minded to approve the application, a condition must be imposed securing the relinquishing of the extant D2 use of the Tithe Barn.
- 8.48 Impact on residential amenity
The scheme remains the same as per that refused by members in January and it is acknowledged that impacts on residential amenity were not highlighted by the committee. Further to concerns by local residents regarding the loss of privacy between Monks Walk and the 'garages', your officers consider that there would be an adequate separation distance between the units, despite the open form of the garage conversion.

- 8.49 All the units provide in Monks Walk are provided with adequate private garden areas to the east of the building. The single dwelling created in the open fronted barn conversion has a very modest patio area on its southern side. However this was not seen as an issue by the Inspector when the earlier appeal was determined.
- 8.50 Landscaping
A landscaping plans has been provided with the application setting out an indicative layout for provision of open spaces and private gardens. This preserves the setting of the Manor Courtyard and entails some subdivision of the land adjacent to Monks Walk.
- The scheme of landscaping has been simplified from that indicated with earlier proposals, but provides clarification of the management of areas to the south of the churchyard, which members had previously expressed concern about. If Members are minded to approve the applications, a condition for a full landscaping scheme is recommended to ensure the additional works are sympathetic to both the setting of the listed buildings and conservation area.
- 8.51 Drainage
The East Hampshire Drainage consultant has advised that subject to condition, the proposed drainage and septic tank details will be acceptable and do not constitute a reason to refuse the applications.
- 8.52 The submitted Flood Risk Assessment indicates that the development will not increase impermeable area, that the run-off will mimic the existing situation and not increase flood risk elsewhere. Conditions requiring the submission of an independent report prior to the commencement of any work are recommended along with a requirement for the foul drainage system to be installed in accordance with details to be submitted and approved prior to any occupation.
- 8.53 Ground Contamination
As per the previous applications, there are no objections to planning permission being granted. However as the proposed development is in an area sensitive to contamination, a standard planning condition could be recommended along with an informative attached to the permission.
- 8.54 Lighting and acoustic impacts
Objections from local residents highlight recent developments in the community dark skies status for the village. It is argued that additional weight must be given to the issues of light pollution because Buriton is at a 'pinch point' within the Park, whereby sensitivity to light pollution is a material consideration.
- 8.55 This aspect was considered on the previous application. This was also considered by the inspector in the appeal decision issued in 2015 where it was concluded on this matter that: *"The Authority has raised no objection to the proposed works to the Monks Walk building other than the impact of additional lighting. I am satisfied that the conditions referred to above would overcome this concern and that the alterations to that building, including a minor improvement in terms of the replacement of a large flue, would preserve its architectural and historic interest, the setting of the listed buildings and the character and appearance of the Conservation Area and the wider area"*.
- 8.56 You officers consider that this matter could still be adequately controlled by a condition requiring automatic electronic shutter blinds and use of tinted low transmittance glass to reduce spill during the hours of darkness.
- 8.57 The proposed conversion of the Manor Barn to a residential dwelling would, if implemented, remove the potential for noise and disturbance associated with the use of the Tithe Barn for functions. Whilst there is no Premises License under the Licensing Act there is still Planning Permission for use as a function venue and the applicant has confirmed they are happy to relinquish rights under this permission through a S106 agreement.
- 8.58 Concerns are raised regarding the loss of tranquility and impact on the adjacent churchyard. This the issue relates to the impact of two dwellings being accommodated in buildings adjacent to the Churchyard. Given the current lawful use of the Tithe Barn as a D2 venue, it

is considered that the proposal will be an improvement on the current position. This was not given as a reason for refusal of the previous applications put before the Planning Committee.

8.59 Other issues raised by interested parties

A concern is raised regarding overdevelopment associated with the conversion of the garages in addition to Monks Walk and the Tithe Barn. The principle for conversion of the garages has already been broadly established at appeal.

8.60 Although not consulted on this application, The South Downs National Park Authority consulted Hampshire Archaeology on the previous scheme (identical to this proposal) in January 2017. The archaeologist did not raise an objection to the scheme.

8.61 The Local Planning Authority has been advised that Buriton Parish Council has nominated the Tithe Barn as an Asset of Community Value under the provisions of the Localism Act 2011. To become an Asset of Community Value a building must enhance the social wellbeing of an area and an assessment is made relating to a) the relevant use of the building in the recent past; and b) the realistic use of the building to meet a set of criteria defining community value.

8.62 Members are advised that this nomination has not been confirmed by East Hampshire District Council, and as such the nomination carries limited weight in this decision making process.

9 Conclusion

9.1 The principle for residential development in this location is established, and your officers consider that the applicant has now addressed the previous concerns raised by Members of the Planning Committee regarding the optimum viable use of the Tithe Barn. Despite some harm to the fabric of the listed building, a residential use of the Tithe Barn is considered to sustain the significance and long term preservation of the building without substantial harm to the contribution of its setting. Therefore the public benefit of a residential unit is considered to represent the optimum viable use of the building in accordance with paragraph 134 of the NPPF.

9.2 Highway safety concerns can be addressed by a condition to secure a Section 106 agreement to relinquish the extant use of the Tithe Barn for events and functions whereby there will be a significant reduction in the total number of vehicle movements associated with the use of the Tithe Barn as venue for functions and events. Additional light pollution associated with new and existing openings is considered to be capable of mitigation and ongoing management by planning condition. A condition is recommended to secure the details of the final landscaping scheme.

9.3 On balance, the Local Planning Authority concludes that the proposed development including change of use of Monks Walk, the garages and the Tithe Barn to five residential units (net increase of 4) has been appropriately justified and would secure wider public benefits through the long term preservation of the heritage assets with less than substantial harm in the context of paragraph 134 of the Framework. Subject to conditions, the proposed works are not considered to result in unacceptable harm to the wider setting of the Buriton Conservation Area, adjacent listed buildings, neighbouring properties or the special qualities of this part of the National Park.

10 Recommendation

It is recommended that planning permission be granted subject to the conditions set out below and subject to the completion of a Section 106 Agreement with relating to:

The relinquishment of rights to use the Tithe Barn as a function room as approved on planning permission reference F.33208/011/FUL (12 August 2002)

It is recommended that the Authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the S106 Agreement is not

completed or sufficient progress has been made on the agreement within 3 months of the 13 April Planning Committee meeting.

II Conditions

- 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 The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans referred to in Consideration of this Application".
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Before the development hereby permitted commences details of hard and soft landscape works shall be submitted to and approved by the Local Planning Authority in writing. These details shall include:
 - i. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - ii. schedules of trees/ shrubs/ plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - iii. retained areas of grassland cover, scrub, hedgerow, and trees;
 - iv. full details and sample panels of walls and fencing;
 - v. Boundary treatments
 - vi. hard surfacing materials to be used in pathways, parking bays and circulation areas;
 - vii. a schedule of landscape maintenance including details of the arrangements for its implementation.

The landscaping shall be carried out in accordance with the approved details and maintained for a period of at least 10 years following implementation to the satisfaction of the SDNPA.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings and residential properties and to improve the appearance of the site in the interests of visual amenity and to comply with Policy CP20 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and NPPF.
- 4 Prior to the commencement of development details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved prior to the occupation of the development.
Reason: To ensure a satisfactory relationship between the new development and adjacent buildings and residential properties and to improve the appearance of the site in the interests of visual amenity and to comply with Policy CP20 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and NPPF.
- 5 Prior to development commencing, detailed plans and elevations of the boundary treatment proposed for the five dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details prior to first occupation of the dwellings and shall remain in perpetuity.
Reason: To preserve the rural character of the surrounding area and the setting of the listed buildings.
- 6 Prior to the commencement of development, details of the bin storage and collection points shall be submitted to and approved in writing by the Local Planning Authority. This provision shall be carried out in accordance with the approved details prior to first

occupation of the dwellings being brought into use and thereafter so maintained at all times.

Reason: To ensure adequate and appropriately located bin storage is provided in the interests of highway safety and visual amenity

- 7 No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 8 No part of the development hereby permitted shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

- 9 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The approved CEMP shall be adhered to throughout the construction period and suitably address:

- the parking of vehicles of site operatives and visitors, both on-site and off-site
- the routes of operation vehicles through the local highway network
- hours during which materials can be delivered to and removed from the site
- the storage of plant and materials used in constructing the development
- wheel washing facilities
- measures to control the emission of dust, mud from vehicles and dirt during construction
- hours during which site clearance, demolition and building operations (including use of plant and machinery) can be undertaken
- The CEMP approved in writing pursuant to this condition shall be adhered to throughout the construction period.

Reason: To safeguard the amenities of nearby residents in accordance with Policy CP2 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and NPPF.

- 10 There shall be no burning of demolition or other materials on the site during the period the works of conversion are taking place

Reason: To safeguard the amenities of nearby residents in accordance with Policy CP2 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and NPPF.

- 11 None of the dwellings hereby approved shall be occupied until works for the disposal of sewerage and surface water run-off have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent possible pollution

- 12 Prior to the commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of

the Local Planning Authority. The report of the findings must include: i) a survey of the extent, scale and nature of contamination;

ii) an assessment of the potential risks to:

human health property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

iii) an appraisal of remedial options, and proposals of the preferred option(s).

This must be conducted in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

Reason: In the interests of the safety and amenity of the future occupants to comply with Policy CP27 of the East Hampshire District Local Plan Joint Core Strategy (2014)

- 13 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In the interests of the safety and amenity of the future occupants to comply with Policy CP27 of the East Hampshire District Local Plan Joint Core Strategy (2014)

- 14 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In the interests of the safety and amenity of the future occupants to comply with Policy CP27 of the East Hampshire District Local Plan Joint Core Strategy (2014)

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12 which is subject to the approval of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

Reason: In the interests of the safety and amenity of the future occupants to comply with Policy CP27 of the East Hampshire District Local Plan Joint Core Strategy (2014)

- 16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A B C D E F G and H of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage(s) of the dwelling(s) hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling(s) unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity and to ensure the development conserves the landscape character of the South Downs National Park in accordance with Policy CP20 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and NPPF.

- 17 Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order with or without modification) no new fences, gates, walls or other means of enclosure shall be erected without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policy CP2 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and NPPF.

- 18 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: To protect the appearance of the area, the environment and wildlife and local residents in accordance with Policy CP20 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and NPPF.

- 19 The dwellings hereby permitted shall not be occupied until parking spaces have been provided in accordance with the approved plans and the spaces shall thereafter be retained solely for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

- 20 The development shall not be occupied until cycle parking has been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

- 21 Prior to development commencing, detailed specifications and plans of the roof lights and associated shutters/blinds to be installed in the three dwellings hereby permitted, including details of how the blinds would be operated, shall be submitted to and approved in writing by the Local Planning Authority. The roof lights and associated shutters/blinds shall be installed and operated in accordance with the approved details prior to first occupation of the dwellings and shall remain in perpetuity.

Reason: To prevent light pollution to the dark skies and to preserve the character of the listed building.

12 It is recommended that listed building consent be granted subject to the conditions set out below:

- 1 The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings

- 2 The works hereby consented shall be carried out in accordance with the approved plans.

Reason: In the interests of clarity and to comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 No works shall take place until details of all internal construction works, the methods, materials and components to be used in the works have been submitted to and approved in writing by the Local Planning Authority. Works shall include (but are not limited to) structural strengthening, timber re-jointing, re-plastering, providing service routes and alteration, replacement or maintenance of architectural features. The development shall be completed in accordance with the approved details
- Reason: To safeguard the historic fabric and the architectural character and appearance of the buildings in order to comply with the provision of Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 4 A schedule and samples and finishes, including paint, stains or colours of all facing and roofing materials to be used for the proposed works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved, and adhered to in those works.
- Reason: To ensure the use of appropriate materials in order to comply with the provision of Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 5 No development shall take place until details of the design and materials of all external rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and the materials shall not subsequently be altered without the prior written approval of the Local Planning Authority.
- Reason: To ensure the use of appropriate materials in order to comply with the provision of Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 6 Prior to the commencement of the works hereby approved to facilitate conversion of the garage block (or at such other time as shall first be agreed in writing by the Local Planning Authority), a comprehensive method statement to describe any necessary timber-frame treatment or repair and the provision of insulation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved, and adhered to in those works.
- Reason: To safeguard the historic fabric and the architectural character and appearance of the buildings in order to comply with the provision of Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7 Details of glazing screens, drawn to a scale not less than 1:10, external joinery, roof lights and chimney/vents and flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved, and adhered to in those works.
- Reason: To safeguard the historic fabric and the architectural character and appearance of the buildings in order to comply with the provision of Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 8 All roof lights to be inserted shall all be of a 'conservation' style pattern, without an externally visible blind box, to be flush with the roof plane. Details shall be submitted to and approved by the Local Planning Authority prior to the installation of roof lights and only such roof lights as approved shall be inserted and thereafter permanently retained as such.
- Reason: To safeguard the historic fabric and the architectural character and appearance of the buildings in order to comply with the provision of Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

13 Crime and Disorder Implications

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

14 Human Rights Implications

- 14.1 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.

15 Equality Act 2010

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

16 Proactive Working

In accordance with the NNPF the Planning Authority has worked positively and proactively with the applicant to try to resolve issues associated with the applications. This has involved meetings and discussions with officers, and providing opportunities for the applicant to provide additional information during the assessment process.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Luke Smith

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Appendices

1. Site Location Map
2. Plans Referred to in Consideration of this Application
3. Decision notices for SDNP/16/04494/FUL and SDNP/16/05687/LIS
4. Planning History

SDNPA Legal Services & Development Manger

Consultees

Background Documents [All planning application plans, supporting documents, consultation and third party responses for SDNP/16/06186/FUL](#)

[For SDNP/16/06187/LIS](#)

[East Hampshire Local Plan Second Review \(2006\)](#)

[East Hampshire Joint Core Strategy \(2014\)](#)

[National Planning Policy Framework 2012](#)

[South Downs National Park Partnership Management Plan 2014-2019](#)

Site Location Map



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Agenda Item 9 Report PC24/17 Appendix 2
Plans submitted

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 - Photograph Record Sheet	I63085/01		03.02.2017	Submitted
Plans - Photograph Record Sheet	I63085/01		03.02.2017	Submitted
Plans - Location Plan			03.02.2017	Submitted
Plans - Mitigation Plan	FIGURE 1		03.02.2017	Submitted
Plans - Existing Ground Floor Plan	I010/010		03.02.2017	Submitted
Plans - Existing Roof Plan	I010/011		03.02.2017	Submitted
Plans - Existing Elevations 1	I010/012		03.02.2017	Submitted
Plans - Existing Elevations 2	I010/013		03.02.2017	Submitted
Plans - Existing Sections	I010/014		03.02.2017	Submitted
Plans - Proposed Ground Floor Plan	I010/020		03.02.2017	Submitted
Plans - Proposed First Floor Plan	I010/021		03.02.2017	Submitted
Plans - Proposed Roof Plan	I010/022		03.02.2017	Submitted
Plans - Proposed Elevations 1	I010/023		03.02.2017	Submitted
Plans - Proposed Elevations 2	I010/024		03.02.2017	Submitted
Plans - Proposed Sections	I010/025		03.02.2017	Submitted
Plans - Existing Ground Floor Plan	I317(PL)3010	PI	03.02.2017	Submitted
Plans - Existing First Floor Plan	I317(PL)3011	PI	03.02.2017	Submitted
Plans - Existing Roof Plan	I317(PL)3012	PI	03.02.2017	Submitted
Plans - Existing Section A-A	I317(PL)3031	PI	03.02.2017	Submitted
Plans - Existing Elevation North	I317(PL)3040	PI	03.02.2017	Submitted
Plans - Existing Elevation East	I317(PL)3041	PI	03.02.2017	Submitted
Plans - Existing Elevation South	I317(PL)3042	PI	03.02.2017	Submitted
Plans - Existing Elevation West	I317(PL)3043	PI	03.02.2017	Submitted
Plans - Proposed Ground Floor Plan	I317(PL)3110	P2	03.02.2017	Submitted
Plans - Proposed First Floor Plan	I317(PL)3111	P2	03.02.2017	Submitted
Plans - Proposed Roof Plan	I317(PL)3112	PI	03.02.2017	Submitted
Plans - Proposed Section A-A	I317(PL)3131	PI	03.02.2017	Submitted
Plans - Proposed Elevation West	I317(PL)3140	P2	03.02.2017	Submitted
Plans - Proposed Elevation East	I317(PL)3141	PI	03.02.2017	Submitted
Plans - Proposed Elevation North	I317(PL)3142	PI	03.02.2017	Submitted
Plans - Proposed Elevations South	I317(PL)3143	PI	03.02.2017	Submitted
Plans - Bat Roost Plan	FIGURE 2		03.02.2017	Submitted
Plans - Landscape Masterplan and Block Plan	8777-GA-07D		03.02.2017	Submitted
Plans - Flood Map: Zones 2, 3a, 3b and Localised Flooding Areas Tile E			03.02.2017	Submitted

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

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TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015

Application No: SDNP/16/04494/FUL
Proposal: Proposed Conversion of Tithe Barn, Monks Walk and the Garage building to form 5 dwellings (net increase of 4 units)
Site Address: Monks Walk and Garages at Buriton Manor, North Lane, Buriton, Petersfield, Hampshire, GU31 5RT

REFUSAL OF PLANNING PERMISSION

In pursuance of its powers under the aforementioned Act, the South Downs National Park Authority, as the Local Planning Authority, hereby **REFUSE** Planning Permission for the above development in accordance with the plans and particulars submitted with your application received on 13th October 2016 for the following reasons:

1. It has not been demonstrated, on the basis of submitted information, that the proposals would represent the optimum viable use of the Tithe Barn. In the absence of a meaningful marketing exercise to thoroughly explore the optimum viable use which would not have such an impact on the existing building or the setting of the listed building, as the current scheme does, the proposal is therefore contrary to saved policies HE2, HE10, HE11 and HE12 of the East Hampshire District Local Plan; Second Review and Policies CP29 and CP30 of the East Hampshire District Local Plan Joint Core Strategy, the Purposes of the park and the National Planning Policy Framework and National Planning Policy Guidance.
2. In the absence of a legal agreement securing the relinquishment of rights to use the Tithe Barn as a function venue (as approved under 33208/11) the proposal would result in an unacceptable degree of vehicular activity through the existing Community Car Park which would result in a danger to users of this and the adjacent highway to their detriment. The proposal would therefore be contrary to saved policy T4 of the East Hampshire District Local Plan; Second Review and Policy CP21 of the East Hampshire District Local Plan Joint Core Strategy, the purposes of the National Park and the NPPF.
3. It has not been demonstrated, on the basis of the information submitted with the application in relation to areas to the south west of the site by the southern access, that the proposal would not have a detrimental impact on the landscape character of the site and surrounding area and would fail to preserve or enhance the character of the Conservation Area. The proposals would therefore be contrary to saved policies HE4 and HE8, Policy CP20 and CP30 of the East Hampshire District Local Plan Joint Core Strategy, the purposes of the park and the NPPF

INFORMATIVE NOTES

These are advice notes to the applicant and are not part of the planning conditions:

1. Crime and Disorder Implications

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

2. 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.

3. 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.

Appendix 4

Mrs J Long
PO Box 721
GODALMING
GU7 9BR

**Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Application No: SDNP/16/05687/LIS

Proposal: Proposed conversion of Tithe Barn, Monks Walk and garage building to form 5 dwellings (net increase of 4 units).

Site Address: Monks Walk and Garages at Buriton Manor, North Lane, Buriton, Petersfield, Hampshire, GU31 5RT

REFUSAL OF PLANNING PERMISSION

In pursuance of its powers under the aforementioned Act, the South Downs National Park Authority, as the Local Planning Authority, hereby **REFUSE** Listed Building Consent for the above development in accordance with the plans and particulars submitted with your application received on 15th November 2016 for the following reasons:

1. It has not been demonstrated, on the basis of submitted information, that the proposals would represent the optimum viable use of the Tithe Barn. In the absence of a meaningful marketing exercise to thoroughly explore the optimum viable use which would not have such an impact on the existing building or the setting of the listed building, as the current scheme does, the proposal is therefore contrary to saved policies HE2, HE10, HE11 and HE12 of the East Hampshire District Local Plan; Second Review and Policies CP29 and CP30 of the East Hampshire District Local Plan Joint Core Strategy, the Purposes of the park and the National Planning Policy Framework and National Planning Policy Guidance.

INFORMATIVE NOTES

These are advice notes to the applicant and are not part of the planning conditions:

1. Crime and Disorder Implications

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

2. 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.

3. 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.

Planning History

SDNP/17/00757/FUL Proposed Conversion of Monks Walk and the Garage building to form 4 dwellings. Use of Tithe Barn as ancillary accommodation (linked to garage conversion). Associated parking and private amenity / garden space.

Withdrawn 27 March 2017

SDNP/17/00778/LIS Proposed Conversion of Monks Walk and the Garage building to form 4 dwellings. Use of Tithe Barn as ancillary accommodation (linked to garage conversion). Associated parking and private amenity / garden space.

Withdrawn 27 March 2017

SDNP/16/04494/FUL Conversion of Tithe Barn, Monks Walk and the Garage building to form 5 dwellings (net increase of 4 units).

Refused 25 January 2017

SDNP/16/05687/LIS Listed Building Consent for Conversion of Tithe Barn, Monks Walk and the Garage building to form 5 dwellings (net increase of 4 units).

Refused 25 January 2017

SDNP/16/01381/FUL Conversion of Monks Walk and the Garage building to form five dwellings

Refused 9 September 2016

SDNP/16/01484/LIS Listed Building Consent for the proposed conversion of Monks Walk and the Garage building to form five dwellings.

Withdrawn 24 January 2017

SDNP/16/01636/FUL Proposed conversion of Tithe Barn to form 2 residential dwellings, each with three bedrooms, parking and amenity space

Refused 9 September 2016

SDNP/16/01637/LIS Listed Building Consent - conversion of Tithe Barn to form 2 residential dwellings, each with three bedrooms, parking and amenity space

Refused 9 September 2016

SDNP/16/00665/HOUS Conversion of garage and loft space (over residential area) into habitable accommodation for use by 1 & 2 Old Stables Cottages

Withdrawn 5 May 2016

SDNP/16/00666/LIS Listed Building Consent – Internal alterations to facilitate conversion of garage and loft space (over residential area) into habitable accommodation for use by 1 & 2 Old Stables Cottages

Approved 27 April 2016

SDNP/15/04749 Removal of conditions 2 & 3 of planning permission 33208/11 (12/8/2002)

Withdrawn 8 January 2016

SDNP/15/04738/LIS Listed Building Consent - Works to the fabric of a listed building to accommodate noise attenuation measures, including re-roofing and re-cladding. Proposed inclusion of acoustic envelope surrounding dance floor and performance space with mezzanine above as part of noise attenuation measures.

Withdrawn 8 January 2016

SDNP/15/03442/LIS Listed Building Consent – Alterations to Manor House Master Bathroom

Approved 2 September 2015

SDNP/15/01636/FUL The Conversion of 1 dwelling on the Manor House Estate to form three dwellings together with parking provision within an existing garage building and immediately adjacent to the garage building. Alterations and change of use of existing outbuilding adjacent to Manor House to be utilised as a ceremony room in conjunction with the Tithe Barn.

Deferred from Planning Committee in July 2015. Application withdrawn 29 December 2015

SDNP/15/01637/LIS Listed Building Consent - for the Conversion of 1 dwelling on the Manor House Estate to form three dwellings together with parking provision within an existing garage building and immediately adjacent to the garage building. Alterations and change of use of existing outbuilding adjacent to Manor House to be utilised as a ceremony room in conjunction with the Tithe Barn.

Deferred from Planning Committee in July 2015. Application Withdrawn 29 December 2015

SDNP/14/01599/HOUSE New entrances to the orangery and stables cottages with cast iron stairs, restoration of dovecote, internal alterations to master bathroom.

Application Refused 15 January 2015 (inadequate garden and amenity space for Manor Lodge: Harm to setting of heritage assets)

Appendix 4

Appendix 4

Excerpt - SDNPA Planning Committee 13 April 2017 Update Sheet - Buriton Agenda Item 9

Agenda Item	Page No	Para	Update	Source/Reason
			The LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32).	
8	16	4.5	Revised comments from the Ecologist sought further clarification from the applicant and recommended further detailed survey work. Following further clarification from the applicant, Officers consider that sufficient information has been provided to make an assessment on the potential ecological impacts and the applicant has put forward appropriate and reasonable mitigation measures (these measures will be secure by condition).	Update
8	16	4.6	Comments are awaited if received they will be reported verbally to Committee. Officers considered sufficient information has been provided to make an assessment on the impact to trees and the applicant has put forward appropriate and reasonable mitigation measures to protect the remaining trees during the construction period (these measures will be secure by conditions).	Update
8	17	4.12	All references to Madehurst Parish Council should be corrected to refer to Madehurst Parish Meeting. Madehurst does not have a Parish Council.	Correction / Clarification
8	18	Section 5	Three further letters of objection have been received from existing objectors. Officers do not consider that these letters raise any new issues (as summarised in Section 5 of the report) or alter the conclusions reached under Section 8 of the report.	Update
8	24	8.19	Amended wording to first sentence. This The issue of viability has been raised by third parties.....	Correction
8	27	8.42	Additional sentence at the end of the paragraph. <i>If permission is granted, the provision of a Section 59 agreement (an agreement under the Highways Act to make good any damage caused to the public highway) could be secured via a S106 legal agreement.</i>	Correction / Clarification
9	45	Recommendation	Recommendation point 2 to be amended as follows: That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the S106 Agreement is not completed or sufficient progress has not been made on the agreement within 3 months of the 13 April Planning Committee meeting.	Correction
9	47	2.5	Typing error on date given at bullet point 3. This should state: <ul style="list-style-type: none"> 31 August 2016 - Screen capture of a listing with "On the Market" confirming rental availability at £5,000 pcm 	Correction

Agenda Item	Page No	Para	Update	Source/Reason
9	64	8.47	Amended wording: <i>If members are minded to approve the application, a Section 106 agreement must first be secured to relinquish the extant use of the Tithe Barn as a function venue.</i>	Correction / Clarification
			<p>Email correspondence dated 6 April 2017 from Planit Consulting with additional comments regarding minor inaccuracies:</p> <p>Application form</p> <p>Qu 3. Internal building work has been commenced within Monks Walk, including the addition of chimney flues. These works have been carried out under permitted development rights for which permission is not required.</p> <p>Qu 12. There is a stream within 20 metres to the south of Monks Walk (which will not be, materially impacted upon by the proposed development)</p> <p>Qu 15. There are both trees and hedges within the red line development site, however as this is essentially a 'change of use' application no trees will be affected by this proposal</p> <p>Qu. 24 Only part of the site can be seen from public footpaths and public land therefore entry to the site is need by officers, (hence the 'No' box was ticked)</p> <p>Qu 25. Date given on ownership certificate B incorrectly states 06/08/2016 - Notice under Town and Country Planning (Development Management Procedure) (England) Order 2015 certificate under Article 14 was served on Mr and Mrs Figgis on 10/2/2017 (sent by post with compliments slip)</p> <p>Assessment of Optimum Use Report</p> <p>The venue has been used for concerts, art exhibitions and the odd village events mainly before my client acquired the barn. This was on an infrequent basis. Since acquiring the barn it has been used only once for an art fair and the Campings allowed the school to use it one bad weather day.</p> <p>The application has 5 bedrooms and not 4 bedrooms. This is correctly stated on the application form</p> <p>Other Points</p> <p>The site location plan does not provide an up to date footprint of the Tithe Barn. However the Tithe Barn is correctly shown on the other submitted drawings, including the 1:100 plans. In this respect the 1:1250 location plan does not need to be up to date in terms of buildings on site.</p> <p>The site location plan was amended prior to submission of the application and correctly draws the red line ownership to the north of the Tithe barn.</p> <p>The red line boundary correctly shows the ownership of the application property. Notwithstanding this point the adjacent owners have been notified of the proposal (attached Certificate B) and therefore if is considered any of the application site strays onto their ownership they have been legally notified.</p>	Update

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			Officer Comment The points submitted by Planit Consulting are not considered to prejudice the assessment or final recommendation given by officers. The agent has confirmed that Mr and Mrs Figgis were served notice in February 2017 and the responsibility for this procedure rests with the applicant.	Update / Clarification
9			Consultation Response - Hampshire County Council Countryside Service – Public Rights of Way – 4 April 2017 updated 12th April 2017 HCC PROW has reviewed the application and are satisfied that there will not be increased vehicular movements over the public right of way and withdraw our request for a developer contribution towards the future maintenance of Buriton Footpath 1 as referenced under previous response dated 4 th April 2017. PROW still have concerns regarding highway safety and vehicular access rights. We therefore amend our objection to this application and in the interests of the amenity and safety of the public we request the following: a) condition to ensure that no development takes place until full details of necessary private vehicular rights of access over the public right of way have been confirmed. b) condition requiring suitable signage to be erected warning drivers of the presence of walkers on the footpath and of the requirement to give way.	Update
			Officer Comment The access adjacent to the footpath already serves several residential properties including Monks Walk, Old Spot Cottage, the Manor as well as the Tithe Barn which has an extant D2 use as a wedding venue. The proposed works will increase the number of residential units at the site by 4, but would also relinquish the use of the Tithe Barn as a venue for functions and events. Your officers consider that point a) would not be a suitable planning condition as it relates to private access rights. This is not a matter for determination of the planning application and it is a legal matter that the applicant will need to resolve in order to implement the permission if granted. In relation to point b), your officers would question if such a condition would be necessary to make the development acceptable, given that the access already serves the properties referred to above with an overall reduction in the potential vehicle movements associated with the loss of the Tithe Barn as a wedding venue.	

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9			<p>Letter to Mr J Geoghegan of East Hampshire District Council Community team dated 22 March regarding Nomination of the Tithe Barn as an Asset of Community Value summarised as follows:</p> <ul style="list-style-type: none"> • The owner (Mr Camping) objects to the nomination of ACV on two principal grounds • For the barn to be of community value, the barn must further the social wellbeing or social interests of the local community and it is realistic to think this can continue, and there was a time in the recent past when an actual non-ancillary use of the Barn furthered the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next five years that there could be such use. • Social interests include cultural, recreational and sporting interests and the Localism Act focuses on local communities, not individuals which have no connection to the locality of the barn. • The barn has been used principally as a privately run wedding venue and since this has ceased the barn has been redundant. There has therefore not been a time in the recent past when a non-ancillary use of the barn furthered the social wellbeing or interests of the local community. • There is a lack of supporting evidence to support the assertion that the barn has been used for the list of events stated by the nominator with no specific community uses between 2001 and 2012 to support the nominee's case. • The nomination fails to evidence that the community value criteria has been satisfied in the recent past and in light of covenants affecting the barn, it is unrealistic to think that the Barn will be used in a way which furthers the community value criteria within the next 5 years. <p>Officer Comment: Whilst the decision relating to the nomination of the Asset of Community Value lies with East Hampshire District Council, your officers consider that the nomination carries very limited weight at this stage in the determination of this application. A decision has yet to be made by EHCC and the applicant has provide reasonable evidence to question its suitability for nomination.</p>	Update
9			<p>Email correspondence from Community Officer, Mr J Geoghegan of East Hampshire District Council received 12 April 2017:</p> <ul style="list-style-type: none"> • The nomination of the barn as an Asset of Community Value is still pending a decision, which will need to be issued by 17th April. As yet, no decision has been issued. 	Update

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			<p>Three further representations received from Mr A Grant, Ms F Vesey & Mr N Hooper, Mr C Cooper raising the following points:</p> <ul style="list-style-type: none"> • Unanswered questions regarding frequency of use, noise levels, parking and privacy associated with a continued commercial use of the Tithe Barn • Loss of wedding business has resulted in loss of trade for local businesses • A revival of a community use would support other local businesses • Local employment opportunities if the barn is retained under a community use • Village events have been moved or cancelled due to double bookings with the village hall. • The barn has been used successfully as a venue in the past • The barn can still offer much to the village under a community use <p>Officer Comment: The Authority cannot force the sale of the Tithe Barn to a community group and the community have previously expressed concern over the use of the Tithe Barn under its extant permission. Members are advised to consider what the optimum use is, and not whether an owner of a private asset can be forced to sell.</p>	Update
			<p>Letter sent by Freeths on behalf of the applicant to Richard Mitham Associates on 30 March 2017 regarding an offer to acquire the Tithe Barn. The main points from this letter are:</p> <ol style="list-style-type: none"> 1. <i>The application is considerably below the market price for the barn. Additionally the proposed terms demand that our client does further works to the Barn at his own cost and accept a 6 month retention of £30,000. In return, your clients are demanding that the property is transferred to them without any restriction (including, we note, any restriction on the use of the Barn, despite your clients' stated purpose in acquiring it, or any restriction on your client subsequently developing the Barn themselves).</i> 2. <i>Despite the uncommercial terms your client proposes for our client, they suggest that he should contract with a newly incorporated company (so new that it has not yet been incorporated) which is to act as a special purpose vehicle and which does not have any obvious means to stand behind its proposed contractual obligations. This is particularly important in this case as our client's losses, with the knock on effect on the planning process, would be considerable if our client treated your clients as valid purchasers and they subsequently breached a contract.</i> 3. <i>The Barn is a listed building and your client is proposing to acquire it as an alternative to our client's proposals for residential use. Accordingly, your clients must be able to demonstrate not only that they can genuinely acquire the barn for proper market price, but also that they can maintain the Barn indefinitely in line with its current listing.</i> 	Update

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9			<p>4. You have not disclosed who your clients are. The heads of agreement refer to your client only as “A company” and give no information about its proposed shareholders and directors will be. Prior to company set up, you do not confirm who you act for as individuals, beyond the names of Jonathan Jones and Ian Johnston who have signed the heads of agreement. Your clients cannot expect our client to enter into a contract if he does not know who they are. It would clearly subvert the proper planning process if any person now assisting or participating in the proposed purchase were in any way involved with the objections to our client’s planning application without informing the planning committee of this interest. The only reasons our client can see for any ongoing secrecy regarding the purchaser/your clients are:</p> <p>4.1. to conceal the extent to which the people intending to acquire the barn are actively involved in objecting to his application for planning. In this regard, we note that Ian Johnston is husband of the Vice-Chairman of Buriton Parish Council who initially proposed an ACV application in respect of the barn</p> <p>4.2. to avoid disclosing the identity of those behind the alleged offer in case it were treated, to our client’s detriment, as a genuine viable offer but does not then proceed.</p> <p>5. The area your clients propose to acquire for parking is an area that the planning committee has indicated in response to a previous planning application made by our client that it would not want to see any parking. If parking remains a concern for the planning committee, this would be a reason to reject your clients’ proposals.</p> <p>6. Perhaps most fundamentally, as your clients have themselves set out at paragraph 5 of the heads of agreement, the Barn is currently subject to covenants which expressly prevent it from being used, at all, for your client’s intended use. It is simply not credible that your clients would genuinely pay £300,000 for the Barn (regardless of its market value) unless they were certain that they could actually use it.</p> <p>Accordingly, if your clients want to be treated as genuine prospective purchasers, they will need to address the above and provide our client, as a minimum, with:</p> <p>1. Evidence of your clients’ funding and where it is sourced from. Your clients must be able to demonstrate not only that they can purchase the Barn but also maintain it as a listed building;</p> <p>2. Confirmation of the proposed company’s registration and, in the meantime, details of your current clients and the proposed directors and shareholders; and</p> <p>3. Disclosure of any discussions or agreement regarding release of the restrictive covenants and/or consent to your clients’ proposed use of the site despite the covenants. We must emphasise this point in particular as your clients cannot be taken as having any serious intention to acquire the barn without clear plans to be able to use it.</p> <p>Officer Comment: Member are advised that restrictive covenants carry limited weight in decision making, as they can be varied subject to mutual agreement by interested parties.</p>	Update

9			<p>Letter sent by Mr J G Jones dated 5th April submitted to Freeths in response to their letter (referred to above). The main points summarised in the letter are as follows:</p> <ul style="list-style-type: none"> • An offer was made through Richard Mitham Associates and the Business Plan is available on the SDNP website containing answers to questions raised. • A fully financed company has been established with Mr I Johnston as Director and Mr J Jones as Secretary • <i>The company is in a position to purchase the barn at an existing use value and operate it in line with the business plan. No change of existing use Class D2 is proposed.</i> • <i>The purpose of the business is to propose a viable community use of for the barn which secures this historic building for the future and is consistent with its setting at the heart of the village.</i> • The offer is motivated by the refusal of the previous planning application for the barn encouraging the applicant to explore alternative viable uses. • The offer made is genuine. <p>Email correspondence from Mr J G Jones to the Case Officer, received 11 April stating the following: <i>Freeth's letter seeks to question the credibility of our offer and the motives behind it. We emphasise, therefore, that:</i></p> <ol style="list-style-type: none"> 1. <i>Our offer is serious, genuine and carefully considered.</i> 2. <i>Our offer is based on advice about a realistic market value from a nationally known estate agent.</i> 3. <i>We have no other motive than to preserve a beautiful and historic building for the benefit of the community.</i> 4. <i>We have a credible business plan to use the Barn as a community and cultural centre.</i> 5. <i>The plan includes substantial on going provision for maintenance, based on advice from a highly qualified chartered surveyor and drawing on experiences of maintaining similar properties elsewhere.</i> 6. <i>It also explains in detail how we propose to manage car parking for those events which attract external visitors, based on discussions with the Parish Council.</i> 7. <i>We are aware of a number of restrictive covenants , which the applicant has agreed in the past year. Our legal advice is the same as that in the Officer's report i.e. that "the Authority cannot consider legal restrictions and covenants, given they can be subject to further change, beyond the reach of the planning decision making process."</i> 8. <i>A fully incorporated company has been established with an operational bank account and sufficient funds to pursue the acquisition of the Barn.</i> 9. <i>We have replied to Freeth's by the requested deadline with the information requested. So far the applicant has not been willing to explore or discuss our offer. We question whether he is serious about exploring alternative viable uses, as the Planning Authority has requested.</i> 	Update
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			<p>Officer Comments</p> <p>It is not clear that proposed community use would comply with the lawful D2 use of the barn. East Hampshire District Council granted planning permission for the retrospective use of the barn as a function room under planning reference F.33208/011/FUL. Condition 1 of the consent restricted the D2 use with the following wording:</p> <p><i>Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the development hereby permitted shall be used only for weddings, receptions, private parties, lectures, seminars, conferences, meetings, exhibitions, corporate events, charity events and local social club meetings, and for no other uses within Class D2 (assembly and leisure) except with the prior written consent of the Planning Authority.</i></p>	
			<p>Email correspondence received 11 April sent from Mrs M Johnston, Chair of Buriton Parish Council:</p> <p>Buriton Parish Council has recently received a copy of a letter from Freeths Solicitors sent to East Hampshire District Council and dated 22 March 2017.</p> <p>It reveals some very material information with regard to the current planning applications and we enclose a copy. In paragraphs 28 to 32 it is revealed that, as long ago as 24 March 2016, the owner of the Manor Barn (Mr Camping) included clauses in a legal 'transfer' document which promised [Clause 12.10(b)] that the Barn would not be used for any other purpose than for private dwellings. In Clause 12.10(c) Mr Camping also covenanted not to carry out any trade or business in the Barn. The Parish Council has a full copy of this transfer document (also received from EHDC) if it would be of any interest to SDNPA.</p> <p>In paragraph 30, point (c) the letter stresses that Mr Camping is "under a positive obligation" to only use the Barn for residential purposes and paragraph 32 explains that "it is not realistic, or remotely reasonable, to think that the owner will open himself up to a claim for breach of the several covenants set out therein."</p> <p>These promises (and these covenants) must cast even more doubt about the adequacy and thoroughness of the applicant's marketing exercise which, it appears, commenced in May 2016 – two months <u>after</u> the legal promises were made to use the Barn only for residential purposes.</p> <p>With these covenants (and their implications) in place from 24 March 2016, is the SDNPA really satisfied that the Barn has really been promoted / marketed for any purposes other than residential use?</p> <p>Case law from the High Court case of Gibson vs Waverley concludes that "Marketing of a heritage asset will only be of weight if it has adequately tested the market ...".</p> <p>Members of your Planning Committee will surely conclude that since March 2016 the applicant has only ever had one intention in mind (to sell the Barn for residential purposes) and that this therefore explains the paucity and restricted nature of the marketing exercise.</p>	Update

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9			<p><i>This issue connects with the 5 Questions which the Parish Council has repeatedly put to Mr Camping in writing (first copied to Messrs Slaney, Ainslie, Scammell and Harrison on 2^h February 2017).</i></p> <p><i>The Parish Council had noted that, in his report on application SDNP/16/0449/FUL, the Conservation Officer identified as the possible optimum viable use of the barn its use as ancillary domestic accommodation for the Manor House.</i></p> <p><i>However, Planit Consulting's "Assessment of Optimum Viable Use", which accompanies the current applications, does not refer to the Manor House or make any assessment of this particular use.</i></p> <p><i>In the Parish Council's view it is important that the viability of this potential use should be addressed and the facts relating to it established.</i></p> <p><i>The Parish Council, therefore, asked Mr Camping to provide answers to the following questions:</i></p> <p><i>Has the barn been offered for sale to the owners of the Manor House? If so, when?</i></p> <p><i>Have the owners of the Manor House offered to buy the barn? If so, when?</i></p> <p><i>If yes to 1 and/or 2, has any such offer been refused or withdrawn or has it lapsed?</i></p> <p><i>If yes to 3, please provide particulars as to why the (or each) offer has been refused or withdrawn or has lapsed</i></p> <p><i>If there is no outstanding offer either to buy or to sell the barn, will you now invite the owners of the Manor House to make an offer to buy the building?</i></p> <p><i>Despite repeated attempts to get answers from Mr Camping, no replies have ever been forthcoming.</i></p> <p><i>In order to satisfy itself about the availability or otherwise of at least one potential 'Alternative Viable Use' (and about the adequacy of the applicant's marketing exercise) SDNPA must insist upon receiving answers to each of these five questions from Mr Camping.</i></p> <p><i>Without answers to these questions it is impossible for the SDNPA to conclude that the marketing exercise has been adequate to demonstrate that the market has been thoroughly tested.</i></p> <p><i>We trust that this new information is helpful to you and that it will all be taken into account when the Planning Committee considers this matter on Thursday.</i></p> <p>Officer Comment:</p> <p>The applicant has advised that covenants were attached to the legal transfer of the Manor in order to protect the amenity of the new occupants of the Manor and adjoining properties. Covenants carry limited weight in determining planning applications, and it is acknowledged that covenants can be subject to amendment.</p> <p>Members are advised that a marketing exercise is not the only way in which a viable use can be proven. Your officers consider that the applicant has provided sufficient justification in the form of a written assessment, marketing information, report of potential commercial uses and additional correspondence.</p>	Update

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9			<p>Email correspondence from St Mary's Church received 11 April 2017</p> <p><i>I refer to the committee report on the above application and item 8.26 concerning the proposal to use the barn for D2 uses. We have carefully considered the matter and conclude that there would not be any adverse impact or conflict on either the church itself or the church hall (Steward room) by the proposed D2 uses in the barn. Indeed these uses will attract more visitors to Buriton and we always like to encourage people to come into the church to appreciate its beauty and tranquillity.</i></p> <p>Officer Comment:</p> <p>The change of use of the Tithe Barn and garages to dwellings is considered to result in a lesser impact than the extant D2 use.</p>	Update
9			<p>Email correspondence from Buriton Parish Council Village Hall Committee received 11 April 2017</p> <p><i>Further to your report recommending acceptance of Planning Application Nos SDNP/17/00554/FUL and SDNP/17/00595/LIS [description] I refer you to comments at Para 8.26.</i></p> <p><i>The Village Hall has happily coexisted with the Barn for over 15 plus years. The two venues offer different event spaces in both character and scale.</i></p> <p><i>The proposed use for the barn would not conflict with the existing use of the Village Hall and we welcome the proposed venture for the village.</i></p> <p>Officer Comment: It is acknowledged that the Tithe Barn is different in character, shape and form to the village hall, although the Tithe Barn has served a private business rather than a venue for frequent community use.</p>	Update