

Report to	Planning Committee
Date	8 November 2018
By	Director of Planning
Local Authority	SDNPA (Called In Application)
Application Number	SDNP/18/02405/FUL & SDNP18/02709/LIS
Applicant	Mr B Camping
Application	Proposed Conversion of Monks Walk and the Garage building to form 4 dwellings. Use of Tithe Barn as ancillary accommodation (to serve Buriton Manor). Associated parking and private amenity /garden space.
Address	Monks Walk/Manor House, North Lane, Buriton, Petersfield, Hampshire, GU31 5RT

Recommendation:

- 1) **That planning be granted subject to the conditions set out in Section 10.1 of this report and subject to 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)**
 - **The discharge of the S.52 Agreement dated 15 May 1985 relating to a previous consented application (F21080/02) for the conversion of part of stables to grooms accommodation.****and subject to conditions set out in Section 10.1 of the report.**
 - 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 substantial progress has not been made within 3 months of the 8 November 2018 Planning Committee meeting.**
 - 3) **That Listed building consent be granted subject to the conditions set out in Section 10.2 of this report.**
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Executive Summary

Buriton Manor comprises a variety of listed and unlisted buildings to the south east edge of the village of Buriton within the Conservation Area. The Manor house itself and the outbuildings on the western side of the courtyard were disposed of separately from the buildings the subject of the current applications, along with much of the courtyard. The application under consideration relates to the use of the Grade II listed 'Tithe Barn' as ancillary to Manor House, together with the conversion of the attached 'garage block' and an adjacent building known as 'Monks Walk' to provide four residential dwellings (A net increase in 3 units as Monks Walk already has a lawful residential

use as a single dwelling). Also under consideration is an application for listed building consent in respect of the works required to facilitate the conversion of the garage block and Monks Walk.

A previous application which was for the same proposals with the exception that the Tithe Barn was being proposed for conversion to a single dwelling, had a protracted process which ultimately resulted in members resolving to refuse on 12 April 2018 as it had not been proven that the proposed residential conversion of the Tithe Barn would represent the optimum viable use of the grade II listed Tithe Barn. In addition it had not been demonstrated that ecology interests would not be detrimentally affected. Also, in the absence of a legal agreement to relinquish the use of the Tithe Barn as a wedding venue, the application was also refused based on the impact on the highway. The listed building consent application was also refused in relation to the issue of optimum viable use.

The current application(s) seek the same proposals in relation to Monks Walk and the garage building, however the Tithe Barn is now proposed to be used as ancillary to the residential use of Manor House.

The proposal is considered to represent the optimum viable use of the Tithe Barn and is acceptable in this respect. The previous proposals for Monks Walk and the garage building did not receive an in-principle objection from members and are considered to be acceptable on this occasion. It is not considered that there are any elements of the revised NPPF nor the policies in the emerging South Downs Local Plan that would bring officers to a different conclusion than previously concerning the conversion of these buildings to 4 dwellings. The Ecological issues have now been addressed.

Permission is therefore recommended subject to conditions and a legal agreement relinquishing the use of the Tithe Barn as an events venue, and an agreement to discharge the requirements of the S52 Agreement in 1985 for the dwelling to be only for an Estate worker.

Listed Building consent is also recommended subject to conditions.

This application is placed before members due to previous considerations for development of this site and the number of representations received.

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 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. A site plan is available to view as Appendix I.
- I.2 To the west of the courtyard are a group of dwellings referred to as Orangery Cottages. These buildings were 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 Tithe Barn which is grade II listed 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. Essentially, whilst the license was revoked the permission to use as a wedding/event venue remains extant.
- 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. To the south-east of the courtyard and south-east of the tithe barn are further buildings which are the subject of the applications under consideration, commonly known as the 'garage block' and 'Monks Walk'. Both the garage block and Monks Walk are curtilage listed as they are within the historic

curtilage of the Manor House and Tithe Barn.

- 1.5 The garage block is largely roofed with suspected asbestos roof tiles whilst the southern section is roofed with slate tiles. It is 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 external walls to the west form the boundary with the churchyard and are constructed from masonry/malmstone. 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.
- 1.6 To the east of the garage block is a single dwelling known as Monks Walk; originally 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. During a February site visit, internal works to convert the building were underway, and a number of rooflights had been installed. There is a lawned area to the east of the dwelling which is located outside of the settlement boundary.
- 1.7 Beyond an area of hard-standing and east of Monks Walk is an area of lawn beyond which to the east is a single storey residential property known as Old Spot Cottage, this is not included in the application site but until recently was in the same ownership and was converted from an agricultural building in the nineties.
- 1.8 All the buildings the subject of the applications under consideration lie within the settlement boundary of Buriton, though the southern access lies beyond that boundary. The village 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.
- 1.9 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 site can be obtained.

2. Relevant Planning History

- 2.1 Given the complex history and number of applications relevant to the site, a full planning history is attached as Appendix 2 of this report.

3. Proposal

Procedural note

- 3.1 The proposals relate to the conversion of existing former agricultural buildings to provide 4 dwellings (a net increase of 3). The buildings concerned are 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 residential unit. In addition, the proposal includes the use of the Tithe Barn, a Grade II listed building within the main courtyard, as ancillary to the use of the Manor House.

Tithe Barn

- 3.2 The proposed use as ancillary to the main Manor House does not include any internal or external alterations to this building.
- 3.3 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, as was the case following the 2017 decisions. The barns have remained in disuse since April 2017, primarily due to the loss of a license for some elements of the lawful use of the Tithe Barn such as weddings.

Monks Walk

- 3.4 Planning permission and listed building consent are required for the proposed conversion of Monks Walk into three residential units. 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 3 dwellings, with gardens provided for each property to the east of the building. The scheme remains predominantly the same as was proposed in application SDNP/16/04494/FUL.

- 3.5 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.
- 3.6 The conversion is achieved within the existing fabric of the building and no extensions are proposed; the conversion relying on the internal rearrangement of internal walls at ground level and in the roof to create two floors of accommodation. Further internal works have been carried out since the determination of the applications in April of last year, consisting of internal studwork, plastering and decorating. The site has been subject to enforcement investigation including formal notice to the applicant to cease all work.
- 3.7 First floor accommodation is proposed to be served by a total of 16 roof lights, evenly distributed across both elevations of the main roof. Members are advised that these details of the conversion were previously considered acceptable by the Planning inspector who considered that appeal (with the scheme being dismissed for issues relating to vehicular activity, landscape impact and noise pollution).
- 3.8 Fenestration and door arrangements are also altered on the ground floor level albeit utilising existing openings where possible and minor external 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.

The Garages

- 3.9 Planning permission and listed building consent are required for the proposed conversion of this open fronted barn, which is constructed from a mix of sandstone block, brick walls and a timber frame supporting a roof of natural and artificial slates. Given the relatively low ridge height, it is proposed to provide a single storey residential unit incorporating a garage for the parking of one vehicle.
- 3.10 The building was known to have been used as a car port and for storage in recent years, although it has remained redundant more recently. There is evidence of some deterioration of the roof with a number of slate roof tiles slipping. Officers took the step to request a structural survey report for the building. The results of the report survey are mentioned in the assessment section of the report.
- 3.11 It is worth noting that the building was the subject of a proposal for conversion to two dwellings under the refused application reference number SDNP/14/03321/FUL. The principle of the conversion of this building was considered generally acceptable by the Inspector. 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 Tithe barn is to be used as ancillary to the Manor House and would cease to be used as a venue (subject to a S106 Agreement relinquishing the use).

Landscaping, Parking and Access

- 3.12 The proposed landscaping is predominantly the same as previously considered by members and was not raised as a reason for refusal on the most recent application. 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. This has been subject of previous discussion by the Planning Committee and is a key point of concern amongst a number of local residents as well as the Buriton Parish Council. The access to the south of the churchyard was not considered to be unacceptable on the most recent application and it is not considered that circumstances have changed which would bring officers to a different conclusion. The access is considered to be acceptable, subject to the relinquishing of the rights to use the Tithe Barn as an

events/wedding venue. It is also proposed to close off any vehicular access through to the courtyard in front of the Manor House as indicated on the proposed Landscape Masterplan.

- 3.13 A total of 10 parking spaces together with a single garage are provided in this proposal. There are currently no set parking standards for the East Hampshire Area of the Park. The recently adopted parking standards in East Hampshire relate specifically to land outside the Park. Notwithstanding this, the proposed parking provision aligns with the most recent parking standards that the Park were working to. It is considered that the provision is acceptable for the number of units proposed and in relation to the size (and number of bedrooms) for the properties. These parking spaces are located adjacent to each of the proposed dwellings.
- 3.14 The Transport Statement refers to refuse collection for the residential dwellings continuing from the collection point at the northern site access with a further plan submitted showing refuse storage adjacent to parking spaces between Monks Walk and the Garages. It is considered that this can be appropriately conditioned.

4. Consultations

4.1 Buriton Parish Council: Object.

- In conflict with Updated NPPF (July 2018): specifically Paras 172 and 184.
- Situation has changed in relation to Dark Night Skies: Designation has occurred since earlier appeal decision. Recent appeal dismissed. Policy SD8 explanatory text cites Buriton as vulnerable area. Similar application refused for impact on Dark Skies. Additional rooflights added recently.
- Issues with Ecology have not been adequately dealt with.
- Current parking at Old Spot Cottage shows potential issues with 4 new dwellings. Inadequate parking for new dwellings. Impact on character.
- Committee have previously rejected applications on vehicular activity reasons. Highways concerns should not be ignored.
- Proposed ancillary use to Tithe Barn gives no clarity as to what is proposed.
- This is still not a 'Masterplan': Proposed use of some land still unclear.
- Cramped over-development, incompatible with the rural nature of the setting,
- Some of the changes are outside the Settlement Policy Boundary and harmful to important open space in the Buriton VDS.
- Proposals threaten the setting of listed monuments in churchyard.
- Urbanising influences erode the rural landscape character.
- Garage conversion tantamount to total reconstruction and harmful change to the building.
- Lack of privacy for dwellings in Monks Walk and garage conversion.
- Impact on tranquillity of church and churchyard.
- Potential Impact on trees.
- Impact on tranquillity and safety of cars going through car.
- Licence for the Barn's events/weddings business was revoked due to the licence holder disregarding licence conditions.
- Numerous errors in the application.
- Light Pollution from French doors, rooflights and lack of clarity in relation to external lighting.
- Uncertainty about drainage and sewerage.

- Monks Walk: No provision for storage of garden equipment and associated paraphernalia. Creation of 1.8 m high beech hedges will make this site urbanised and out of character.
- Lack of clarity in relation to refuse collection.

4.2 **Historic Buildings Officer: Comments.**

- These proposals relate to buildings which appear to be within the historic curtilage of the Manor House, Buriton. One, the Manorial Barn is listed, the others are not identified with list descriptions in their own right. It is considered that they are listed by virtue of curtilage. They vary in their intrinsic heritage interest.
- Monks Walk is a simple, but fairly imposing, brick-built agricultural structure of 1909. It has limited heritage interest, but some design quality. It underwent single residential conversion several years ago and has now been proposed for residential subdivision into three units for some time. Relatively minor elevation changes are required to achieve this end, of which the provision of rooflights would constitute the most significant alteration and has proven the most contentious.
- Looking back over previous conservation comments, there has never been a significant heritage objection to the sub-division of this building. The interior had little intrinsic interest following the original conversion. If any harm would result from conversion, it would lie at the lower points of the 'less than substantial' scale.
- Having said that, the building is clearly visible from the South Downs Way and also the London to Portsmouth railway line. However, given the relatively low significance of the building, the minor changes proposed would not raise a heritage objection in themselves.
- By far the more significant structure is the Garage Range. These buildings are not entirely consistent in quality but are mostly timber-framed structures of indeterminate age. Their siting is highly significant to the setting of surrounding buildings and the Conservation Area, as they form the boundary with the churchyard, enclosing it to one side. The submitted heritage statement does not attempt to describe them in any great detail, or date them beyond conventional map regression, but I would suspect them to be around two hundred years old. The range is modest in footprint and height and probably started off as a row of cart hovels.
- The proposals for this building have changed over time, from subdivision into two residential units to conversion to one dwelling. Converting the range for residential purposes is sensitive because upgrading these simple structures implies very considerable impact on historic fabric; there was reason to fear that the process of converting these buildings would result in their almost total reconstruction. However, a structural report and method statement has now been submitted which, if followed through conscientiously on site, might reasonably be expected to ensure that the later end structures, the contiguous churchyard wall and the central truss frames should all survive the process of conversion in-situ and intact. While a steel frame will be inserted to take most of the loads it will mostly be concealed within the new domestic subdividing walls. Additionally, the arboriculture report demonstrates that yew trees and the Western Red Cedar in the churchyard do not appear to pose insuperable problems to conversion.
- However, the range is located very close to Monk's Walk and care should be taken that the provision of access and curtilage subdivision should not be allowed to disrupt the settled relationship between the two buildings.
- There has always been a risk that if nothing happens to these structures, they will ultimately fall into disrepair and permanently compromise the crucial boundary with the churchyard. The asbestos tile roof has already failed in places, leading to avoidable decay of roof timbers and localised staining of the back wall. The best result may be to sustain the long-term future of the structure by a single residential conversion, but to impose

close conditions to ensure that the conversion is undertaken with a high degree of care, guided by the method statement, to protect, as far as is possible, the integrity of the surviving historic fabric.

- Some time ago, Historic England suggested that the C20 roof materials used on this structure should be replaced by clay, plain tile and it seems that the timber trusses will be capable of taking the additional load. A condition is required to control their selection.
- A condition should also be imposed to secure a proper record of the structure, before commencement of works.
- Happy with the proposal to use the Manorial Barn as ancillary domestic accommodation, related to the Manor House. This use should minimise any incentive to subdivide the building internally. It need not imply particularly onerous improvements in insulation or other environmental services. It would also preserve the highly sensitive courtyard relationship with the Manor House, without eventual risks of curtilage subdivision.
- These buildings also have the longest historical association; the barn was originally built by the first Edward Gibbon, father of the historian, in the early Eighteenth Century. Re-establishing this association between the two buildings offers the best chance of a benign long term outcome for this site.

4.3 **Historic England: No objection.**

- The conversion of the garage/cartshed indicates that there should be no adverse impact on the setting of the church (this is on the assumption that the rear wall and the rear roof slope remain unaltered, which is the current indication). On this basis, happy to defer to the own conservation officer's advice in regard to the detail of the conversion of the garage/cartshed.

4.4 **Highways: No objection subject to conditions.**

- Concerns raised in relation to increase in traffic but no objection raised given due to area of concern not being within the highway.

4.5 **Ecology: Comments.**

- The most recent work has highlighted the presence of a single serotine bat within the garages as well as evidence of long-eared bat. The proposed works to the Garages will result in impacts to bat roosting habitat.
- Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- Will the development result in a breach of the EU Directive? Yes, unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.
- Is the development unlikely to be licensed? An EPS licence can only be granted if the development proposal is able to meet three tests: 1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))* 2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a));* and 3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*
- In order to assess the development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of bat presence upon which to base informed mitigation proposals. It is considered that

sufficient survey effort has been expended within the active season and that these surveys are likely to provide an accurate assessment of current bat activity.

4.6 East Hants Environmental Health Officer: No objection subject to condition.

- Contaminated Land – no objection subject to condition

4.7 East Hampshire Environmental Services: Comment

- Not appropriate for a 26 tonne refuse vehicle to be driving across the car park due to safety issues. Consideration must also be given to the wildlife that surrounds the pond. 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.
- Comments also as the **Contracts Monitoring Officer with regard to maintaining and monitoring Buriton Pond area.**
- Concerns about increased traffic, and a negative impact of the Community car park and pond area.

4.8 Southern Water: Comments.

- The applicant has not stated details of means of disposal of foul drainage from the site
- Alternative means of draining surface water from this development are required and should not involve disposal to a public foul sewer.

4.9 Drainage: No objection subject to conditions.

4.10 Tree Officer: No objection subject to conditions.

4.11 Dark Skies Officer: Comments.

- Due to the location of Buriton at an important pinch point for the Hampshire and West Sussex areas of the International Dark Skies Reserve, the sky quality will be very favourable and any sources of un-mitigated light pollution will reduce this and potentially add an impact on the landscape. This is particularly evident as the development is on the edge of the village and any exposed sources would be more visible from the surrounding landscape and viewpoints.
- Given that Buriton is already street-lit however, and the development lighting is not purely additional, then any domestic style light sources planned should be diluted somewhat by the natural ambient lighting. Additionally, the existence of buildings close to the development would act as a buffer and reduce the impact of any sources of light pointing towards these buildings.
- The east elevation does present the larger issue due to the increase on potential light coming from an extensive glazed surface running along the length of the elevation. When the total elevation area is considered, the total surface area of the lighting would not be significantly excessive given its domestic setting, but the appearance of a long continuous glazed would appear to stand out more. Where a reduction in glazing to break up this feature would be suggested, the use of low transmittance glass or auto black out blinds should be used. The use of blinds – if used properly – will block out all internal spill and reduce this impact significantly and offers a means of effective mitigation in this case. However, these are not full-proof and are prone to abuse.
- To summarise, the development will introduce new forms of light sources through glazed surfaces and not properly conditioned could pose a threat to dark skies and to the view of the village from the darker landscape. However, as Buriton does have a measurable ambient level of pollution and the development uses existing domestic buildings, then the use of blinds and low transmittance glass offers some mitigation which should dilute the impact if properly used as a domestic development. Some

consideration could be given to softening the view of the continuous glass front, but this could be resolved by auto black out blinds.

5. Representations

5.1 18 third-party representations have been received relating to the planning application (SDNP/18/02405/FUL) and 14 third-party representations relating to the listed building consent application (SDNP/17/02709/LIS) all objecting to the proposal. In addition, there was 1 neutral representation. The representations raised the following issues:

- Impact of traffic through car park and impact on tranquillity and safety.
- Visual impact of open parking. Insufficient parking.
- Insufficient storage space and gardens for dwellings.
- Application documents are misleading or incomplete.
- All buildings can be seen from various footpaths.
- Old Spot Cottage now has numerous cars and activity around it.
- Overdevelopment.
- Doubtful that existing garage structure would be retained. Impact on churchyard and its Yew trees. Glazed frontage to garage conversion is objectionable.
- Impact of residential use on tranquillity of church affecting worship.
- Light pollution in Dark Skies Reserve.
- No clarity on use of some areas of land.
- Impact on tranquillity generally.
- Would detract from historic setting of church.
- Increase in the population.
- Works have already commenced at Monks Walk.
- Ineffective enforcement has been undertaken at the site. Quality of applications remains insufficient. Approving them will make any attempt at enforcement impossible but will also invite possible legal action.
- Proposals do not meet the Annex B to Historic Englands latest guidance. “*Those taking decisions need enough information to understand the issues*”. This application clearly fails the test. Proposal does not comply with the NPPF in many respects.

In addition, representations have been submitted from the following groups:

5.2 **Buriton Village Association: Object.**

- Contrary to Paras 172 and 184 of the revised NPPF.
- Missing and inaccurate application documents.
- Light Pollution.
- Safety and access through car park:
- Inadequate Parking and location of parking.
- Unsuitability of cart sheds (‘garage’) as a dwelling.
- Overdevelopment of Monks Walk: Concern about proliferation of outbuildings in gardens.
- Ecology: Still great uncertainty about ecological effects. Proposals do not meet either of two tests of EU Directive.
- Utilities: Lacks information.

- Construction traffic causing harm to access and wall.

5.3 **Ramblers Association – Object**

- Impact of Increase in traffic on safety.
- No reference to the legality of extending the right of access to other households.
- The access would become a road. A difference between vehicles approaching to park in this area and through traffic.
- Highways Authority and HCC Countryside access team are not aware of vehicular rights over the footpath.

5.4 **St Mary’s Church – Object (Representation submitted by Murphy Associates on behalf of the PCC)**

- Impact on this part of the village, the conservation area and also the significance of the listed church and its setting, the walls and the 7 listed tombs.
- No indication that a legal agreement would rescind the wedding function. Concern about Church being surrounded effectively on all sides by residential activity and traffic movement. Today the area reads as an agricultural working environment. Further conversion and residential development would become more domestic with grounds becoming ‘manicured’. Concern about domestic paraphernalia.
- Heritage Statement plays down significance of the cart lodge. Subdividing Monks Walk will result in over-intensification of internal sub-division and over domestication of its elevations.
- Physical and harmful change to the cart shed and Monks Walk. Their appearance will affect how the setting of the church is read and experienced. Tranquil setting of church will be lost. Cumulative increase in vehicular activity through the community car park.
- Key judgements made in relation to setting, where inspector failed to meet statutory duty to have special regard to desirability of preserving the setting of listed buildings. There is a clear message in order to demonstrate that the statutory duty has been applied and met. This is not the case in this application.
- No information submitted about nature of internal changes or structural changes to the cart shed. Works most likely to require reconstruction of cart shed which will damage the important boundary wall of the church.
- Impact of Traffic Generation.
- Light pollution.
- Harm arising particularly to heritage assets is not outweighed by perceived public benefits.

5.5 **Open Spaces Society - Object**

- Support Buriton PC and other local groups in objecting to this application.
- Adverse effect on the loss of public amenity with regard to peaceful enjoyment of this tranquil area of the South Downs National Park. Proposals conflict with the statutory purposes.

5.6 **Buriton Village Design Statement Group - Object**

- Inaccurate/incomplete application documents.
- Light Pollution: Recent appeal decision nearby of relevance. Dark skies Reserve.. Dark Skies Officer has previously expressed concerns. Contrary to VDS.
- Loss of tranquillity, harm to setting and access/parking issues.
- Contrary to New NPPF.

- Parts of the application proposed development outside of the settlement boundary,. A new septic tank is proposed outside of the settlement boundary.
- Poor Design with danger to trees. Cars parked in open will interrupt unspoilt views. Impact on trees.
- Biodiversity: Lack of clarity of effect on bats.
- Planning Precedence: SDNPA should be aware of previous consents. If Monks Walk were to be converted into 2 or more dwellings access must be through Manor Courtyard (21080/005 and 21080/011). There is also an existing S52 Agreement limiting the occupation of Monks Walk to persons whose full employment is at Buriton Manor (21080/2).

6. Planning Policy Context

6.1 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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.

National Planning Policy Framework and Circular 2010

6.2 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). The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in the national parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. Paragraph 172 states that planning permission for major developments within National Parks should be refused except in exceptional circumstances. For the purposes of this application it is not considered that the proposals constitute Major Development as mentioned in Paragraph 172.

6.3 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. Planning Policy

Statutory Requirements

7.1 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 16 relates to the grant of Listed Building Consent and states that in considering whether to grant consent special regard shall be had 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 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.'

7.5 Section 72 (1) then sets out the general duty on local planning authorities in relation to conservation areas and the exercise of planning functions. The section provides that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

7.6 As both Monks Walk and the open fronted barn/garage predate 1948 they are listed by virtue of being within the historic curtilage of the Tithe Barn and Manor House. As well as requiring listed building consent for the works of conversion, the planning application needs to be considered in terms of its impact on the setting of the listed buildings.

Relevant Government Planning Policy and Guidance

7.7 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).

National Planning Policy Framework (NPPF)

7.8 In addition to Paragraph 172 (as already mentioned above) the following National Planning Policy Framework provisions are relevant to the determination applications which relate to designated heritage assets.

7.9 Paragraph 193 - Requires great 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.

7.10 Paragraph 195 - 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, where appropriate securing its optimum viable use.

7.11 In relation to Ecology and Biodiversity the following paragraph is relevant.

7.12 Paragraph 175 – If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last result, compensated for, then planning permission should be refused.

7.13 The proposal does not constitute major development for the purposes of paragraph 172 of the NPPF or policy SD3 of the emerging South Downs Local Plan: Pre-Submission (2017). In reaching this conclusion, regard has been had to the opinions of James Maurici QC, and the recent judgment of the High Court in R (FH Green Ltd) v South Downs National Park.

7.14 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

7.15 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)

- CPI: Presumption in favour of sustainable development
- CP2: Spatial Strategy
- CPI9: 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 Local Plan: Pre-Submission (2017)

7.16 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September and 21 November 2017, and the responses considered by the Authority. The plan was submitted to the Secretary of State for independent examination in April 2018. The submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this application in accordance with Paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation and given the relative age of saved policies in the East Hampshire District Local Plan Second Review 2006 and the East Hampshire District Local Plan Joint Core Strategy (2014), the policies within the Submission South Downs Local Plan are currently afforded considerable weight, depending on the level of objection received on individual policies. The relevant policies are:

- SD1: Sustainable Development
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD12: Historic Environment
- SD13: Listed Buildings
- SD14: Climate Change and Adaptation of Historic Buildings
- SD15: Conservation Areas
- SD16: Archaeology
- SD19: Transport and Accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD22: Parking Provision
- SD25: Development Strategy
- SD26: Supply of Homes
- SD41: Conversion of Redundant Agricultural or Forestry Buildings
- SD50: Sustainable Drainage Systems
- SD51: Renewable Energy

South Downs National Park 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. The following Policies are of particular relevance to this case: 1,3,9,10,28,37 and 39

7.18 The Buriton Village Design Statement (VDS) has been adopted as a Supplementary Planning Document (SPD) by the South Downs National Park Authority and is also considered to be of relevance in the determination of the applications. The VDS covers the historical and landscape setting, settlement pattern, open spaces and green corridors, dark night skies and

tranquillity, the public realm and the form and style of buildings.

8. Planning Assessment

Principle

- 8.1 There is a broad presumption in favour of residential development on the application site given that the site lies within the village settlement boundary. This has already been established and accepted by Members under a series of previous applications, including SDNP/14/03321/FUL and SDNP/14/03322/LIS where the Inspector agreed with a broad principle in favour of residential development.
- 8.2 The main issues in determining the scope for conversion of the buildings relate to: the impact of the proposals upon the character of the listed buildings and their historic significance; the impact upon the setting of adjoining listed buildings, including the Grade II* listed St Mary's Church and village Conservation Area; design; parking and access; impact on dark night skies and ecology.

Assessing Heritage Impact

- 8.3 Decision taking must have special regard to the desirability of preserving the buildings and their setting including features of special architectural or historic interest which they possess. Paragraph 192 of the Framework requires authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 194 of the Framework requires clear and convincing justification for any harm to, or loss of, significance to a heritage asset.
- 8.4 The Authority refused the previous application based predominantly on whether the residential conversion of the Tithe Barn had been demonstrated to be the Optimum viable use, representing an element in the balancing of any harm with the public interest in finding a suitable use for the asset. . Members concluded that it had not been demonstrated to be the case and that efforts had not been made to market the property for uses ancillary to the main Manor House. For sake of completeness the issue of optimum viable use is set out in the report on the previous application which is attached as Appendix 3.
- 8.5 Subsequent to the refusal of the application, the applicant has now submitted this application which includes a proposal to use the Tithe Barn as ancillary to the residential use of the Manor House. Given that this was considered to be a use which had not been explored sufficiently and was considered to be potentially the optimum viable use, it is considered that the current proposal meets the requirements of Paragraph 195 of the NPPF.
- 8.6 It is noted that some representations have raised concerns that the use as ancillary to the main house provides no clarity as to specifically how the barn will be used. It must be acknowledged however that this is returning the building to a subsidiary use and any proposed incursions internally to the building would, in themselves, require listed building consent. In addition, it would appear that the use as ancillary to the Manor House had co-existed previously alongside the neighbouring church historically for many years without any known issues in relation to noise or disturbance. It is therefore considered that this aspect of the proposals is acceptable.

Garage Conversion to Dwelling

- 8.7 This aspect of the proposals has previously been considered to be acceptable by Members and a refusal on this part has not previously been raised. Notwithstanding this, there remains concern from local residents that the building cannot be converted without substantial reconstruction which could affect the buildings heritage value and also potentially impact on the setting of the adjacent churchyard and listed tombs, together with a potential impact on ancient yews which are located in the churchyard.
- 8.8 The applicant therefore commissioned a structural report survey which has been submitted and been subject to scrutiny by the relevant consultees. The Historic Buildings Officer required a more detailed survey/report together with accompanying plans. These have now been received and the Historic Buildings Officer is broadly content with the conclusions of the report and the suggested works to enable the conversion.

- 8.9 Conversely, the Tree Officer has expressed concern that the works to the ground level of the building could potentially affect trees in the neighbouring churchyard. Officers have therefore sought the submission of an Arboricultural Impact Appraisal and Tree Survey to further consider this issue. The Tree officer is happy with the findings of the AIA subject to conditions to ensure protection of the trees during construction. Confirmation is being sought as to whether the works to the building can be carried out within the ownership of the applicant without need to encroach on land outside their ownership. Members will be updated in this respect.

Conversion of Monks Walk to 3 dwellings

- 8.10 This aspect of the application has previously been considered to be generally acceptable by members. The conversion from 1 to 3 dwellings is considered to conserve and enhance the character of the area with a suitable sensitive landscape approach concerning the enclosure of the garden areas. The provision of parking within the farmstead hardstanding between Monks Walk and the garage building is considered to be sensitively located with appropriate landscaping to reduce the impact of the cars in this location.
- 8.11 It is noted that there remain concerns about the introduction of 16no rooflights in this location. It is acknowledged that the site is located in a sensitive location in the Dark Skies Reserve and therefore close consideration needs to be given to this matter and is considered in more detail below.
- 8.12 Previous recommendations have been based on the Appeal decision where the Inspector reached the conclusion that conditions could be imposed to address issues of light pollution. Since that time the new NPPF has been issued but in relation to the appropriateness of conditions, this does not change anything.

Design, character and appearance

- 8.13 Apart from the proposed use of the Tithe Barn, the proposal remains predominantly unchanged from the scheme previously considered at the planning committee. Members voted in favour of the scheme in April 2017 subject to a strengthened condition for landscaping and enhancements. The design of the proposed scheme remains unchanged and officers do not consider that the design would result in adverse harm to local landscape character having regard to policies in the emerging Local Plan. Subject to an appropriate scheme of landscaping to improve planting along the southern boundary the visual impact of the scheme where it is visible from more elevated vantage points along the Public Right of Way to the south. The proposal is considered to comply with policies SD5 and SD6.
- 8.14 However, in the event that the Tithe Barn were to retain a use as a wedding and function venue (i.e. the applicant could implement the residential conversion of Monks Walk and yet not fully implement the permission, thus continuing to use the Tithe Barn for functions) your officers would highlight concerns with regard to additional vehicle movements associated with residential conversions of the Garage Block and Monks Walk. In this scenario the proposals would conflict with emerging policy SD7 of the emerging Local Plan, as well as saved policy T4 of the East Hampshire District Local Plan and Policy CP21 of the East Hampshire District Local Plan Joint Core Strategy. However, in the event that Members vote to approve the planning application, this issue could be resolved through the imposition of a Section 106 agreement to relinquish the use of the Tithe Barn for weddings and functions.

Ecology

- 8.15 A number of surveys have been undertaken over the recent history concerning Monks Walk and the garage building. As stated in the most recent report submitted with this application, evidence was found of presence of a single serotine bat within the garages as well as evidence of long-eared bat. The proposed works to the Garages are therefore considered to potentially result in some impact to bat roosting habitat.
- 8.16 Where developments affect EPS (European Protected Species), permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the

Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

- Will the development result in a breach of the EU Directive? It is considered that, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.
- Is the development unlikely to be licensed? An EPS licence can only be granted if the development proposal is able to meet three tests: 1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*(Regulation 53(2)(e)); In this respect the long term retention of the garage which is a curtilage listed building and heritage asset is considered to be of overriding public interest of a social nature and primary importance for the environment. 2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)). In this respect the building has been used for garage and storage for a considerable period but appears to have fallen into disrepair. It is considered that no satisfactory alternatives are possible in this respect.;* and 3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*
- In order to assess the development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of bat presence upon which to base informed mitigation proposals. In this respect, and as confirmed by the ecologist, It is considered that sufficient survey effort has been expended within the active season and that these surveys are likely to provide an accurate assessment of current bat activity.

- 8.17 Given the above in terms of a robust assessment and the ability to mitigate, it is considered that the proposals are acceptable in relation to ecological issues subject to the imposition of an appropriate condition.

Parking and Access

- 8.18 Further representations have been received highlighting concerns regarding parking and access over the village car park, although these concerns were considered as part of the earlier committee report, and there are no material differences between the site today and as it was previously considered in 2018. The conclusions of the previous officer report in this respect remain valid, which can be found under Appendix 3.

Impact on residential amenity

- 8.19 The discussion provided under the April 2018 committee report remains valid, and can be found under Appendix 3. Several additional letters of objection have questioned whether the conversion of the Garages and Monks Walk would result in a poor relationship between future occupants due to lack of privacy. The buildings are separated by approximately 12 metres and whilst there is some overlap between the two positions, there would not be excessive overlooking between primary living accommodations.
- 8.20 It should also be noted that under appeal decision for applications SDNP/14/03321/FUL and SDNP/14/03322/LIS the Inspector highlighted that potential occupiers of Monks Walk and the Garages would be well aware of the relationship between the two buildings and this could be mitigated by appropriate landscaping. Officers would therefore not recommend refusal on grounds of unacceptable impacts on residential amenity.

Lighting impacts

- 8.21 The discussion provided under the April 2018 committee report remains valid, and can be found under Appendix 3. However Dark Night Skies policy SD8 of the emerging Local Plan 2017 is now relevant in decision making. The Buriton Village Design Statement (VDS) has also been approved and adopted since the determination of the applications in April 2018 which seeks to protect Buriton's status as a 'pinch-point' in the National Park's Dark Skies Reserve.

- 8.22 SD8 requires development proposals to conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core as indicated on the Policies Map. The policy also requires that opportunities are taken to reduce light pollution and to avoid installation of lighting unless it is demonstrated to be necessary and appropriate for its intended purpose.
- 8.23 The VDS also seeks to protect dark night skies from lighting throughout the parish for both public and private areas. Lighting should be: (a) kept to the minimum necessary for safety; whilst (b) preventing light spill or glow by incorporating fixtures such as down lighters and timing switches. Any areas of glazing and roof-lights in new developments and in redevelopments or alterations must also include measures to prevent light pollution (such as specially treated glass).
- 8.24 The areas of the development with the more significant risks of light spill are considered to be Monks Walk (proposed roof lights across both of the main elevations) and the garage block (glazed frontage). With Monks Walk, it is proposed to install Velux automatic electrically operated blackout blinds with a controller linked to external light sensor. This would ensure an automatic blackout function between dusk and dawn which cannot be overridden. It should also be noted that Monks Walk is already a dwelling which benefits from certain permitted development rights under Class C of the Town and Country Planning (General Permitted Development) Order 2015 (As amended), although this does not relate to rooflights
- 8.25 A number of objectors have reiterated concerns regarding the extent of glazing proposed in the converted garage block. It is commonly the case that glazing is used on conversions of open fronted agricultural buildings and whilst this will result in some light spill into the adjacent outdoor space, the impact could be mitigated to a reasonable extent through the use of low transmittance glazing. This would adhere to the VDS objective to prevent light pollution. Overall, your officers maintain the view that this measure would be appropriate to reduce the extent of harm caused through the conversion in accordance with emerging policy SD8.
- 8.26 A few of the objections have made reference to an appeal decision in May 2018 where an inspector expressed concern about the impact on Dark Skies and dismissed the appeal on this, amongst other grounds. It is acknowledged that there are similarities, notably in relation to the sites both being visible from public view points. It is important however to note that the appeal in question relates to a new building where in the current case, the proposal is for conversion of an existing building. In the original appeal for Monks Walk, the Inspector specifically considered there to be a solution by way of 'black out blinds' whereas the inspector in the appeal in Bones Lane was concerned that any solution would significantly change the design of the scheme. Most importantly they stated *"I am concerned that a condition would not be appropriate in the circumstances, particularly as it is not clear that suitable measures could be incorporated without necessitating significant alterations to the design of the scheme"*.
- 8.27 In the proposals for Monks Walk and the Garages, the Inspector clearly felt that solutions by way of a condition would be acceptable in this respect and therefore it is considered that the proposals can be accommodated without impacting adversely on Dark Night Skies and the proposals are considered to comply with the Policies within the Adopted East Hants Local Plan Joint Core Strategy, the Emerging South Downs Local Plan and the Buriton Village Design Statement.

9. Conclusion

Planning Application SDNP/18/02405/FUL

The proposed use of the Tithe Barn as ancillary to the use of Manor House is considered to represent the optimum viable use of the heritage asset. The conversion of Monks Walk and the garages to residential is considered to be acceptable and would preserve and enhance the character of the existing buildings and the surrounding area. Permission is therefore recommended.

Listed Building Consent Application SDNP/17/00595/LIS

The proposed residential use of the buildings is considered to represent a viable use of the heritage assets and would not have an adverse effect on the heritage assets. It is recommended that listed building consent be granted.

10. Reason for Recommendation.

10.1 It is recommended that:

- 1) Planning permission be granted subject to the conditions set out in Section 10.1 of this report and subject to 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).
 - The discharge of the S.52 Agreement dated 15 May 1985 relating to a previous consented application (F21080/02) for the conversion of part of stables to grooms accommodation.
- 2) That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the S106 Agreement is not completed within 3 months of the 8 November 2018 Planning Committee meeting.
- 3) That Listed building consent be granted subject to the conditions set out in Section 10.2 of this report. 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)

and subject to the following 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 4 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. No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging offsite and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.

Reason - To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be considered in the construction of the development and thus go to the heart of the planning permission.

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:

- A survey of the extent, scale and nature of contamination;
- 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;
- 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 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.

22. Notwithstanding the recommendations within the submitted Ecological Bat Survey by AAe Environmental Limited (June 2018) before development commences, a detailed scheme of ecological mitigation measures shall be submitted to the Local Planning Authority for approval. Development shall be undertaken strictly in accordance with the approved details.

Reason: in order to protect ecological interests.

23. Development shall be carried out strictly in accordance with the details set out in the submitted Arboricultural Impact Assessment and Method Statement (AC.2018.208) and associated Plan TPP-01/A in relation to tree protection measures. Development shall not commence until a site visit has been undertaken with the Tree Officer to ensure that the appropriate protection measures are in place and thereafter retained during development.

Reason: In order to protect trees during development.

- 10.2 It is recommended that listed building consent be granted for SDNP/18/02709/LIS subject to the following conditions:

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, rooflights 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 rooflights 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 rooflights and only such rooflights 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.

11. Crime and Disorder Implication

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

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

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

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees. However, given the complex circumstances of the case this did not result in a recommendation of approval in this instance.

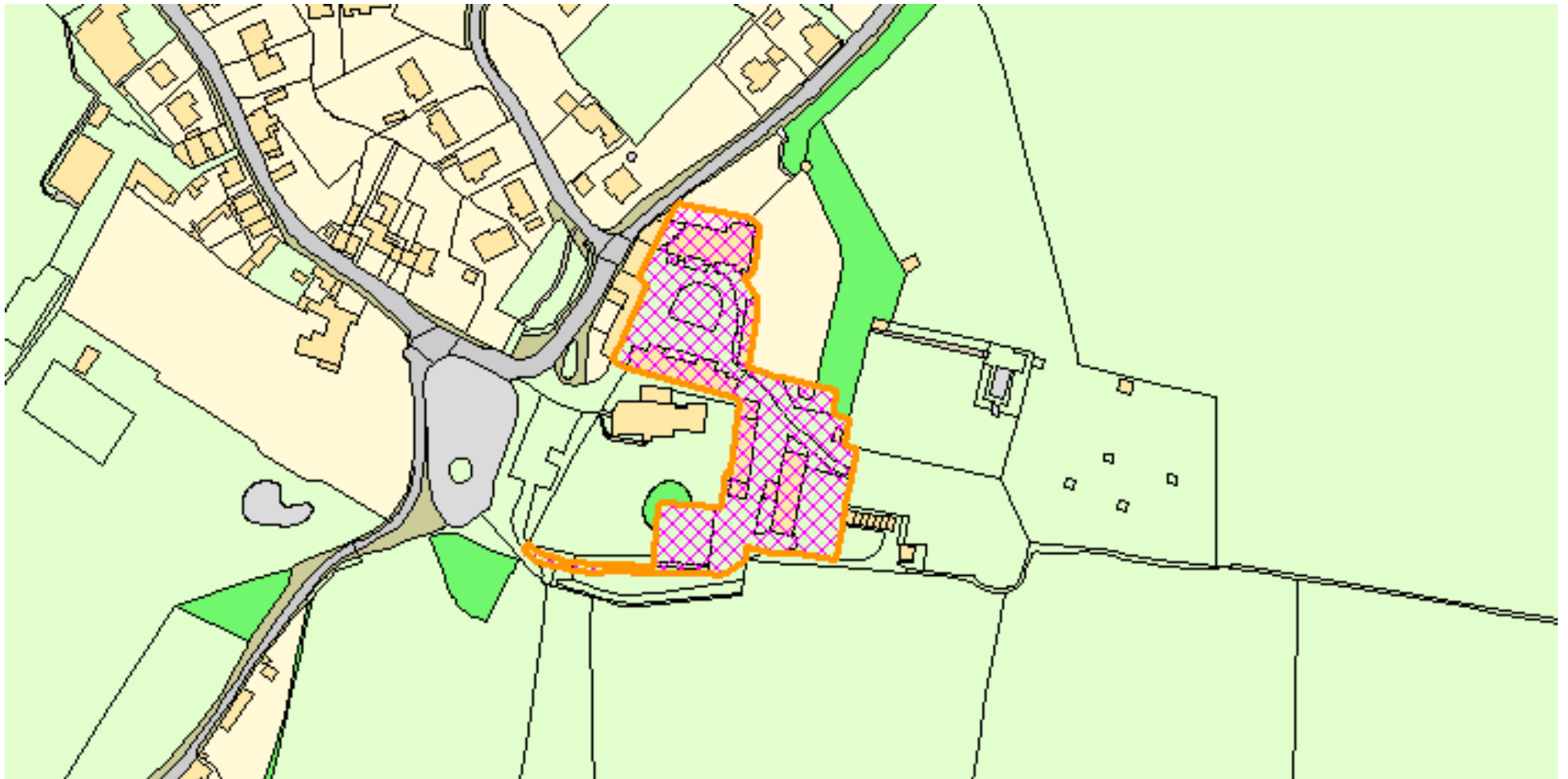
TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices	<ol style="list-style-type: none">1. Site Location Map2. Planning History3. Documentation 12 April 2018 Planning Committee: Committee Report (inc April 2017 report and Appendices) Excerpt 12 April 2018 Update Sheet Excerpt 12 April 2018 Minutes
SDNPA Consultees	Legal Services & Director of Planning
Background Documents	<p>All planning application plans, supporting documents, consultation and third party responses for SDNP/18/02405/FUL https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=P85WT2TUKBV00&activeTab=summary For SDNP/18/02709/LIS https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=P8X7Z8TUKQO00&activeTab=summary East Hampshire Local Plan Second Review (2006) East Hampshire Joint Core Strategy (2014) National Planning Policy Framework 2018 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf South Downs National Park Partnership Management Plan 2014-2019 South Downs Local Plan: Submission (2018) https://www.southdowns.gov.uk/planning/community-planning/village-design-statements/</p>

Site Location Map



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Planning History

SDNP/17/00554/FUL & SDNP/17/00595/LIS

The South Downs National Park Authority Planning Committee granted planning permission and listed building consent for the above applications on 8th August 2017. The decisions of the Planning Committee were subject to a legal challenge through judicial review proceedings by the Claimant (B2C3 Ltd). Upon further review, the South Downs National Park Authority (SDNPA) confirmed that it would not be defending the claim made against it by the Claimant. The reason was that SDNPA believed that one of the grounds would be successful. The particular ground related to the consideration of the offer made by a third party to purchase the Tithe Barn for use ancillary to the residential use of the Manor House.

On 19th December 2018 David Elvin QC quashed the planning permission and the listed building consent.

The applications were subsequently considered by members in April 2018 and were refused for the following reasons:

SDNP/17/00554/FUL

1. In the view of the Local Planning Authority it has not been proven that the proposed residential conversion of the Tithe Barn would represent the optimum viable use of the grade II listed Tithe Barn, in light of evidence indicating that an ancillary residential use in connection with the Manor House is viable and would reunite the historic association between the buildings, in the wider public interest. It has not been demonstrated that this use has been adequately explored nor has the barn been adequately marketed for such a use. Therefore the less than substantial harm caused to the historic fabric of the building resulting from the proposed residential conversion to a single dwelling has not been justified, and is contrary to policies HE2, HE6, HE10, HE11 and HE12 of the East Hampshire District Local Plan: Second Review 2006, policies CP1, CP29, and CP30 of the East Hampshire District Local Plan Joint Core Strategy 2014, emerging policies SD1, SD12 and SD13 of the South Downs Local Plan: Pre-Submission (2017), the National Planning Policy Framework and the Statutory Purposes of the National Park.
2. It has not been demonstrated, on the basis of any updated ecological information submitted with the application, that the proposed works would not result in a detrimental impact on protected species which may be present on the site. Granting permission for the proposal at this stage would therefore be contrary to the Local Planning Authority's role under Conservation of Habitats and Species Regulations 2010, as well as Policy CP21 of the East Hampshire District Local Plan Joint Core Strategy, the National Planning Policy Framework and the First Purposes of the South Downs National Park.

3. 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.

SDNP/17/00595/LIS

1. In the view of the Local Planning Authority it has not been proven that the proposed residential conversion of the Tithe Barn would represent the optimum viable use of the grade II listed building, in light of evidence indicating that an ancillary residential use in connection with the Manor House is both viable and would reunite the historic association between the buildings in the wider public interest. It has not been demonstrated that this use has been adequately explored nor has the barn been adequately marketed for such a use. Therefore the less than substantial harm caused to the historic fabric of the building resulting from the proposed residential conversion to a single dwelling is not justified, and would be contrary to policies HE2, HE6, HE10, HE11 and HE12 of the East Hampshire District Local Plan: Second Review 2006, policies CPI, CP29, and CP30 of the East Hampshire District Local Plan Joint Core Strategy 2014, emerging policies SD1, SD12 and SD13 of the South Downs Local Plan: Pre-Submission (2017), the National Planning Policy Framework and the Statutory Purposes of the National Park.

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

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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 us 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 us 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)