

Report to	Planning Committee
Date	9 May 2019
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/18/06553/FUL
Applicant	Mrs C Robinson
Application	Demolition of existing stables and erection of new single storey dwelling with associated landscaping.
Address	The Beacon Nurseries, Beacon Road, Ditchling, BN6 8XB

Recommendation for SDNP/18/06553/FUL:

- I. That planning permission be refused for the reasons set out in paragraph 10.1 of the report.**
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Executive Summary

The application site is located approximately 500m outside of the settlement boundary of Ditchling constituting a modest stable block accessed via a track off Beacon Road. The application seeks to replace the existing stables with a dwelling.

Both the submitted SDNPA Local Plan and the Ditchling, Streat and Westmeston Neighbourhood Plan seek to restrict development outside of settlement boundaries unless a proposal meets specific criteria, the only relevant one being the appropriate re-use of previously developed land.

Whilst the stables could constitute previously developed land the proposed dwelling is not considered an appropriate re-use of the site and, by reason of its form and intensification of use of the site, would not conserve and enhance the special qualities of the National Park. There are no exceptional circumstances to justify a dwelling in this location.

The application is therefore considered contrary to the Development Plan and there are no overriding material considerations to otherwise justify the introduction of a dwelling in this location. The application is therefore recommended for refusal.

The application is put forward for committee consideration due to the planning issues which it raises.

I. Site Description

- I.1 The application site constitutes a flat parcel of land located to the south of Ditchling and approximately 500m south of the Ditchling Settlement Boundary. The 0.2ha site is currently occupied by a single-storey stable block and associated parking with the remainder laid to grass. Accessed via a private track leading from Beacon Road the site is one of several parcels of land that once formed the land associated with Beacon Nurseries. The glass houses that stood on the site were demolished in the late 1980's (albeit some concrete hardstanding remains beneath the grass) whilst the existing stables were erected approximately 15 years ago.

- 1.2 The site is located within a rural cluster of approximately 15 dwellings, with large plots, on the site on the former Nursery. It is bounded to the north by the access track with open agricultural land beyond and to the west and east by residential properties. To the south is an open area of what appears to be agricultural or equestrian land with a residential property beyond.
- 1.3 The nearest public rights of way are located approximately 22m to the east and 340m to the west both running on a north-south orientation. The South Downs Way is approximately 800m to the south offering elevated views over the site.

2. Relevant Planning History

- 2.1 LW/81/0190 - Outline application for the erection of a dwelling in place of greenhouses. Refused and dismissed on appeal April 1981.
- 2.2 LW/98/0234 - Outline application for a single dwelling. Refused April 1998.

3. Proposal

- 3.1 The application seeks to demolish the existing stables and erect a three-bedroom open market dwelling.
- 3.2 The 'L' shaped mono-pitched dwelling would be single-storey and located broadly in the same position as the existing stables. It would include a green roof and timber clad walls. The existing concrete base of the former glasshouses would be removed and the existing parcel of land would constitute the curtilage of the proposed dwelling.

4. Consultations (as of 17 April)

4.1 Ditchling Parish Council: Object:

- The proposal is not in accordance with the neighbourhood plan;
- It would replace a 38m² stables with a 117² dwelling;
- There will be a significant unacceptable impact upon the landscape as the site features in prominent views;
- It is not an appropriate re-use of the site;
- It would be isolated from services and local amenities with no pavements linking the dwelling to Ditchling leaving any occupiers reliant on a motor car.

4.2 Ecologist: No objection subject to securing the mitigation measures set out in the submitted Ecological Assessments.

4.3 Landscape Officer: No objection:

- The proposed dwelling would be visible from the scarp slope of the Downs and the South Downs Way albeit within the context of other dwellings;
- The open character of the existing paddock would change negatively through the introduction of domestic paraphernalia which is challenging to control;
- The replacement of the existing fence adjoining the access track to a hedge would provide a minor local enhancement;
- The proposed green roof would help mitigate the visual impact from longer distance views; and
- The opportunity to provide significant landscape or visual enhancements in this location is limited as the existing building is not intrusive or out of character.

5. Representations

11 representations in objection:

- It is located outside of any defined settlement boundary;
- The site is accessed via a minor private track;
- The proposed dwelling has a larger footprint than the existing stables;
- The site ceased any commercial use a long time ago;
- Would set a precedent;
- Seeking to 'landscape' a site does not override the intrinsic harm; and

- There is no pavement between the site and Ditchling.

68 representations in support:

- It is an appropriate re-use of the site;
- Attractive design;
- Would be a sustainably built dwelling;
- The application site is surrounded by dwellings;
- There would be an acceptable impact upon landscape character;
- It is previously developed land;
- Limited views of the site from public rights of way;
- Would improve drainage on the site;
- Would improve the site;
- Uses appropriate external materials;
- Would not result in the felling of any trees;
- The current site is too small for the keeping of horses so should be put to better use;
- The dwelling is only single-storey; and
- The existing building detracts from landscape character.

- 5.1 In addition, Westmeston Parish Council (the adjoining Parish who co-authored the Neighbourhood Plan) and the Ditchling Society both object due to the location outside of the settlement boundary which would set a precedent contrary to the policies of the Neighbourhood Plan and submitted SDNPA Local Plan.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the Lewes District Local Plan 2003, the submitted SDNPA Local Plan 2014-2033 and the Ditchling, Streat and Westmeston Neighbourhood Development plan 2017-2032. The relevant policies are set out in section 7 below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the updated National Planning Policy Framework (NPPF), which was issued and came into effect on 24 July 2018. 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 of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

The South Downs Partnership Management Plan (PMP) 2013

- 6.4 The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in the determination of the application. The following policies are relevant: 1, 3, 4, 48 and 50.
- 6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

7. Planning Policy

7.1 The following saved policies of the Lewes District Local Plan 2003 are relevant:

- CT1: Planning Boundary and Key Countryside
- ST11: Landscaping of Development

The South Downs National Park Local Plan 2014-2033

7.2 The Pre-Submission version of the South Downs Local Plan was submitted to the Secretary of State for independent examination in April 2018. The Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is now in its final stage before adoption with consultation on relatively minor Main Modifications having been undertaken from 1 February 2019 to 28 March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD22: Parking provision
- SD25: Development Strategy
- SD48: Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD51: Renewable Energy
- SD55: Contaminated Land

Ditchling, Streat and Westmeston Neighbourhood Development Plan 2017-2032

7.3 The following policies of the Ditchling, Streat and Westmeston Neighbourhood Development plan 2017-2032 are relevant:

- DS1: Development Strategy
- CONS6: Conserve Landscape and Important Views
- CONS8: Preserve Dark Night Skies
- CONS9: Protect and Enhance Habitats and Biodiversity
- CONS13: Protect and Enhance Links to the Countryside

8. Planning Assessment

Principle of development

8.1 The application site is located outside of any settlement boundary defined by either the submitted SDNPA Local Plan, the Lewes Local Plan 2003 or the Ditchling, Streat and Westmeston Neighbourhood Plan.

8.2 Both the submitted SDNPA Local Plan (policy SD25) and the Neighbourhood Plan (policy DS1) seek to direct development to within settlement boundaries but do accept “exceptionally” that development can be located outside settlement boundaries where it is an appropriate reuse of a previously developed site (both policies set out other situations whereby development could be supported outside settlement boundaries, such as for agricultural purposes, but none which apply to the proposal). Any appropriate re-use should “comply with relevant policies in the Development Plan” (Policy DS1) and “conserve and enhance the special qualities of the National Park” (policy SD25).

8.3 Supporting paragraph 7.11 of policy SD25 provides additional clarification stating that the development of previously developed land outside of settlement boundaries is only

acceptable “in exceptional circumstances” and “where demonstrably necessary to meet the wider objectives of the Local Plan”.

- 8.4 The NPPF defines previously developed land as “land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”. Equestrian uses are therefore not excluded from this definition, as supported by Case Law, although agricultural (such as the nursery that used to be on the land) and forestry uses are.
- 8.5 Whilst the permanence of the stables could be questioned and clearly the built form present on the site only has a modest footprint it is considered appropriate for this report to assess the application on the basis that the existing stables could constitute previously developed land albeit it is recognised that this is a balanced judgement.
- 8.6 The applicant contends that the historic use of the wider area as a nursery, and the subsequent interspersed development since the nursery’s closure, is an exceptional circumstance that provides a landscape led rationale for the introduction of a dwelling on the site. However, this is not considered an exceptional circumstance and the introduction of a single open market dwelling in this location is not “demonstrably necessary to meet the wider objectives of the Local Plan” given the planned approach for housing within defined settlement boundaries in accordance with a “medium level of growth dispersed” strategy that the submitted SDNPA Local Plan advocates.
- 8.7 Whilst the site is not considered to be ‘isolated’ (with regard to the NPPF) it is not located where there is good access to facilities and services as there are no pavements nor public transport connecting the site to nearby facilities and services. The proposed dwellings location is not therefore considered to be an appropriate location for growth.
- 8.8 As set out below it is not considered that the proposal would deliver landscape enhancements. Furthermore, the economic, social and housing supply benefits associated with the proposal are recognised but are not considered overriding. There are no other exceptional circumstances put forward to otherwise justify the introduction of a dwelling in this location given that the proposal is in conflict with policies DSI and SD25 and does not meet any of the exceptions.
- 8.9 It is therefore considered that the proposal is in conflict with Policy DSI of the Neighbourhood Plan, Policy SD25 of the submitted SDNPA Local Plan 2014-2033, policy CT1 of the Lewes Local Plan 2003, the NPPF and the first purpose of the National Park.

Landscape Character

- 8.10 Although there were previously glass houses on the site these were demolished in the late 1980’s with the current stables built approximately 15 years ago. The stables and, in particular, the general lack of built form on the parcel of land supports the character of the wider area which is one of older dwellings developed after the closure of the nursery interspersed with open undeveloped or equestrian land. The relief that such open land between interspersed dwellings provides contributes significantly to the intrinsic character of the rural area and the experience of those moving through it (particularly when viewed from the Downs). It is therefore considered that the existing site conserves the landscape character of this part of the National Park.
- 8.11 The proposed development, whilst of modest proportions, would introduce more built form of a ‘formal’ character than is currently there (including extending into the site in contrast with the stables which are linear to the access track). It would also introduce an intensity of domestic usage and paraphernalia that accompanies any dwelling. This would change the character of the site as it is not a location where one would expect to find each open pocket

of land to be occupied by a dwelling but rather a rural area which has witnessed some historic development but very much retains a rural 'unpolished' character.

- 8.12 Therefore, it is considered that the proposal would fail to conserve and enhance landscape character in conflict with policy SD4 of the submitted SDNPA Local Plan, policy CONS6 of the Neighbourhood Plan, the NPPF and the first purpose of the National Park.

Miscellaneous

- 8.13 The proposal would have an acceptable impact upon highway safety, biodiversity, dark skies and the amenity of neighbouring properties whilst adequate off-road parking could be provided. The design would also include opportunities to deliver an integrated eco-system services approach such as through the green roof and rainwater harvesting. It is not considered that any of these matters carry overriding weight when balanced against the policy conflict identified above.
- 8.14 Whilst a number of representations refer to the precedent that an approval would set each application is considered on its own merits.

9. Conclusion

- 9.1 Given the above it is considered that the proposal is not in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should be granted. It is therefore recommended that planning permission is refused.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for refusal for the following reason:
1. The proposed dwelling is located outside of a settlement boundary where policies DSI of the Ditchling, Streat and Westmeston Neighbourhood Development Plan and SD25 of the submitted SDNPA Local Plan seek to restrict new development. It would not constitute an appropriate re-use of the site and, by reason of its form and intensification of use of the site, would fail to conserve and enhance the special qualities of the National Park. There are no exceptional circumstances to justify a dwelling in this location. The proposal is therefore in conflict with Policies CONS6 and DSI of the Ditchling, Streat and Westmeston Neighbourhood Development Plan 2017-2032, Policies SD4 and SD25 of the submitted South Downs National Park Local Plan 2014-2033, policy CT1 of the Lewes Local Plan 2003, the NPPF and the first statutory purpose of the National Park.

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 meeting the applicant on site and accepting additional evidence during the course of the application.

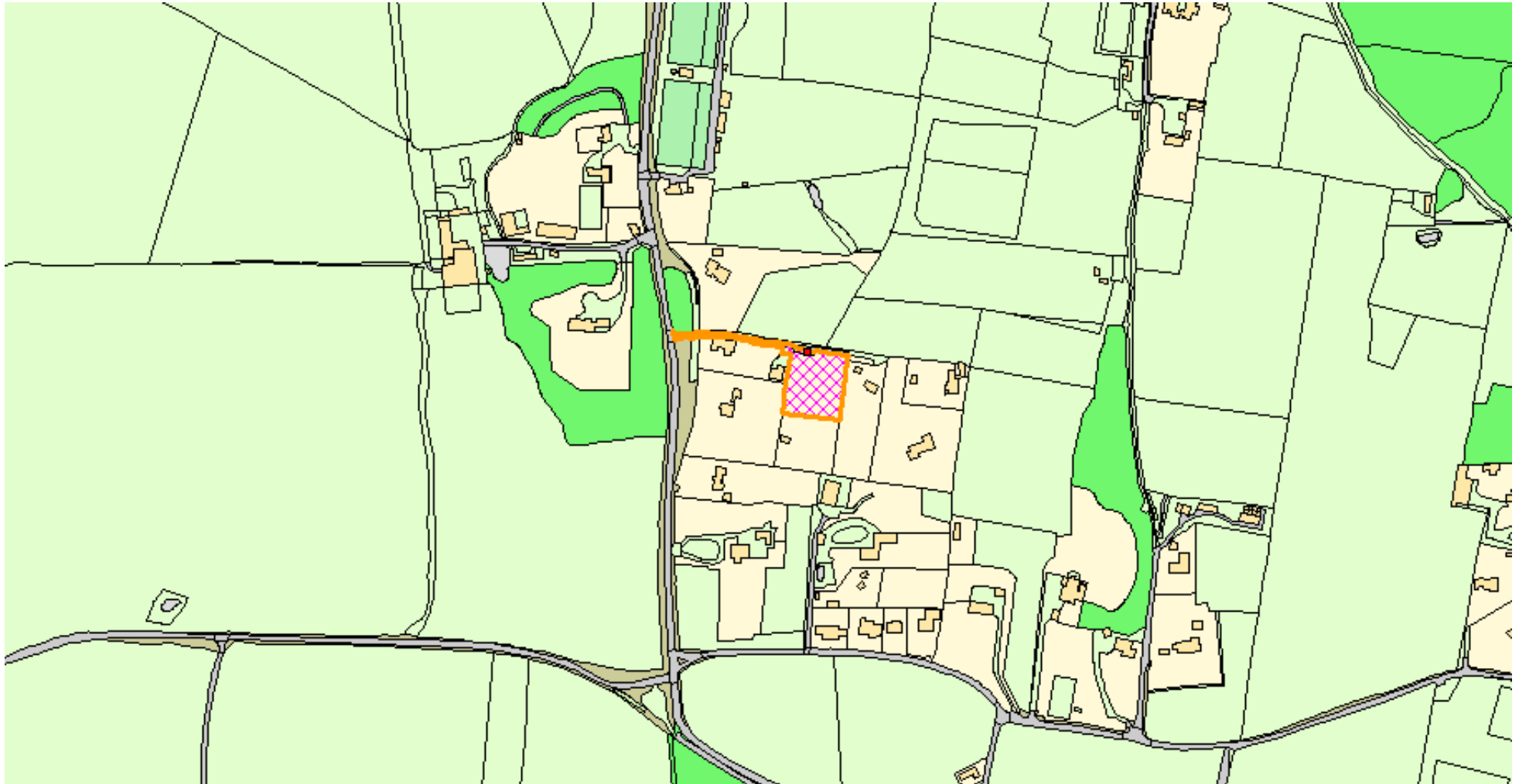
TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices	I. Site Location Map
SDNPA Consultees	Legal Services, Development Manager.
External Consultees	None
Background Documents	All planning application plans, supporting documents, consultation and third party responses https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFCXSFTUGIL00 National Planning Policy Framework https://www.gov.uk/government/publications/national-planning-policy-framework--2 South Downs National Park Partnership Management Plan 2013 https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/ South Downs National Park Local Plan 2014-2033 https://www.southdowns.gov.uk/planning/national-park-local-plan/ Lewes District Local Plan 2003 https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-local-plan-2003-saved-policies/ Ditchling, Streat and Westmeston Neighbourhood Development Plan https://www.southdowns.gov.uk/wp-content/uploads/2018/03/NP-Referendum-version_Compressed.pdf

Agenda Item 7 Report PC24/19 Appendix I
Site Location Map



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