



**South Downs**  
National Park Authority

**Agenda Item 9**

**Report PC22/23-17**

Report to	<b>Planning Committee</b>
Date	<b>8 December 2022</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Brighton &amp; Hove area)</b>
Application Number	<b>SDNP/22/02248/LIS</b>
Applicant	<b>James Taylor Homes Group Ltd</b>
Application	<b>Change of use of Ian Fraser House from Residential Care Home (C2) to provide 64 residential units (C3) including external and internal alterations to listed building, retention of associated Chapel, secure cycle storage provision, vehicle parking, conversion of existing garage to bin storage, hard and soft landscaping.</b>
Address	<b>Blind Veterans UK, Greenways, Brighton BN2 7BS</b>

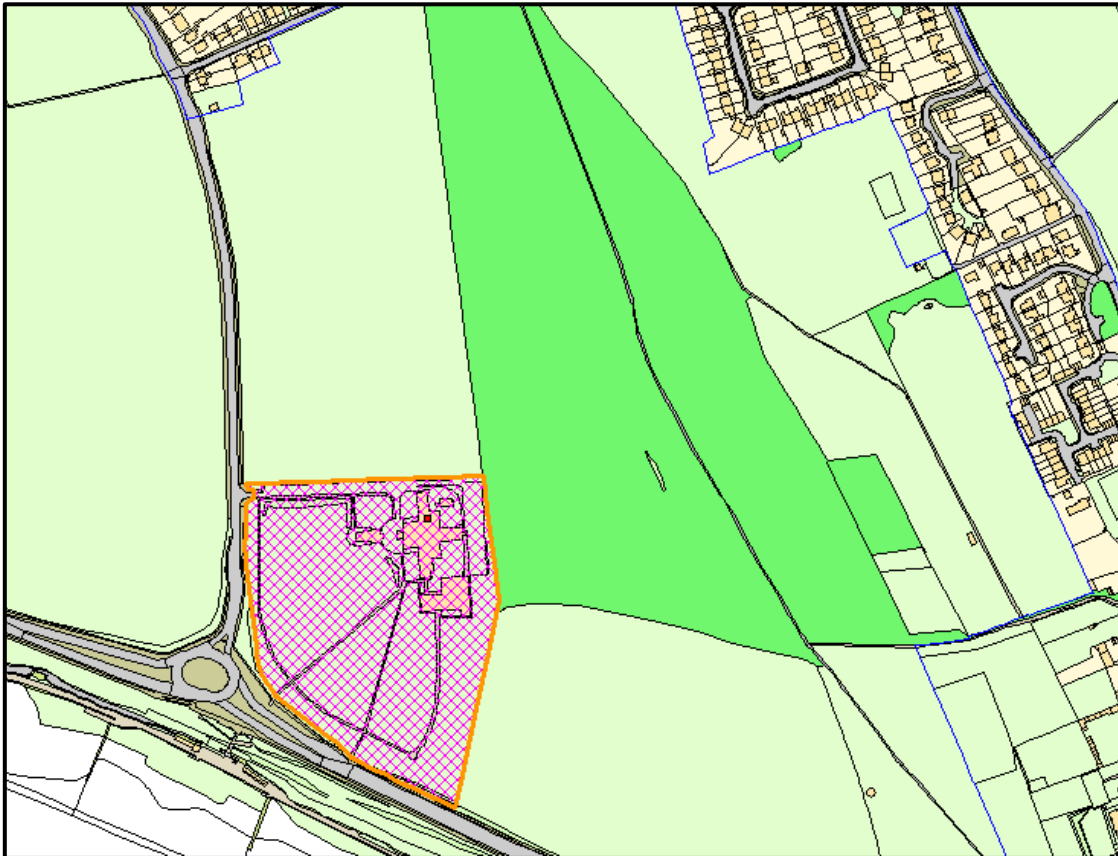
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**Recommendation:**

**That listed building consent be granted subject to the conditions set out at paragraph 10.1.**

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## Site Location Map



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## Executive Summary

The Grade 2 listed building (formerly known as St Dunstan's) was purpose built in 1938 within a small area of open downland to the west of Rottingdean as a rehabilitation centre for Blind Veterans UK. It has been used more recently to provide respite care for older veterans, however due to a decline in the number of veterans requiring the facility, the charity is relocating to a smaller premises in Rustington.

The proposal seeks to convert the main building from a C2 care home use to a C3 residential use, providing 64 market dwellings with a gym and swimming pool. The (separately) Grade 2 listed chapel will be retained for community use.

The proposal involves limited alterations to the external fabric of the listed building, including new and replacement window and door openings and removal of some existing rooflights. Internal works involve the removal of partition walls, and reconfiguration of the corridors in the north and south wings. The energy performance of the building will be improved by almost 50% via improvements to the fabric and heating system, replacement of the existing double glazed windows and installation of PV panels to the flat roofs.

The main issue for consideration in this application is the effect of the proposed works outlined above on the listed buildings and their setting, and whether their significance will be preserved and enhanced, having particular regard to Local Plan policies SD13 and SD14, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

The proposal will preserve the special historic and architectural interest of the Listed Buildings involved, and their setting. There would be less than substantial harm to the main building as a result of the works, which are outweighed by the public benefits of securing an ongoing, productive use of the building, and retention of the chapel. The application is therefore recommended for approval.

## **I. Site Description**

- 1.1 The 4.75ha site is located immediately north of the A259/Marine Drive to the south of Ovingdean, in an area of open downland to the west of Rottingdean. The site slopes gently from north east to south west and comprises approximately 4ha of amenity grassland, with the building itself located at the high point in the north eastern corner. The nearest residential dwellings are located approximately 400m away to the north and north-east.
- 1.2 The site is surrounded by open downland to the north, west, and east, the eastern parcel forming Beacon Hill Local Nature Reserve, and falls within the wider UNESCO Brighton & Lewes Downs Biosphere Reserve. There are two scheduled monuments (burial mounds) on Beacon Hill, and the eastern boundary of the site falls just within the Beacon Hill archaeological notification zone. The Brighton to Newhaven Cliffs Site of Special scientific Interest (SSSI) is located along the coastline to the south of Marine Drive.
- 1.3 The main building was constructed in 1938 and designed to mimic an airplane, with aerial views indicating a front 'cockpit,' rear 'fuselage' and side 'wings.' The building is arranged over seven storeys with ground and first floors called 'Level E' and 'Level M' respectively, followed by Levels 1-5, with flat roofs. The building is of a yellow brick construction, and the original windows have been replaced with double glazed aluminium units. A two storey annexe extension was added to the southern wing in 1975 and currently houses a pool and gym, and a small two storey flat roofed extension added to the rear of the building in 1998. The chapel, also constructed in the 1938, is located on lower ground in front of the main building.
- 1.4 The main building, chapel and flanking walls to the site entrance were given Grade 2 listed status in January 1999. The listings for the main building and chapel are as follows:

### Ian Fraser House

- 1.5 *Rehabilitation and training centre for those blinded in war. 1935-8. By Burnet, Tait and Lorne. Steel construction faced with brick laid in stretcher bond, cement, roof obscured by parapet. PLAN/EXTERIOR: 7 storeys, 12-window range to the principal, west front. In the style of the Modern Movement. The west front is symmetrical, and there is a wing of similar size behind it running east-west, so that the building resembles a cross in plan. Flat-arched entrance under an outswept and slightly upswept cantilevered canopy. 3-storey, flat-roofed centrepiece of 3-window range with a 4-storey polygonal glazed bay above; wings to either side of 6-window range to 5 storeys and 4-window range to top 2, these shorter wings having quadrant corners and the top storey almost continuous glazing slightly set back under a deep horizontal awning. The ground-floor windows have engaged columns set between them and faced with brown tiles; the glazing in the building has been generally renewed, except on the semicircular bays which terminate all 3 wings on the east side. A 2-storey wing in the north-east angle was added soon after the building was put up; a single-storey wing to the south was added in 1975. The 1975 addition to the south containing swimming pool is respectful of the original building, but is not in itself of special interest. A 1998 2-storeyed flat-roofed extension is also not of special interest. INTERIOR: the interior was designed to reflect the needs of the blind, in its simple axial plan, and in the provision of guide rails etc., and these features survive.*

### Chapel to Ian Fraser House

- 1.6 *Chapel. 1935-8. By Burnet, Tait and Lorne. Brown brick and stone, the roof originally of concrete but now pitched. The drive up to Ian Fraser House (qv) is ramped and contained by brick walls; from these the chapel projects, below the main building, but on its axis: to the east, a tall top-lit chancel in the form of a flat-roofed bay with a massive stone statue of an angel on the parapet; then the lower nave, with a west entrance, flat-arched, between splayed reveals with a shallow canopy; flat-arched windows to north and south; and porches to north and south of cement and composition stone. INTERIOR: the interior is unusual for its date in being treated in a distinctly Modern style, especially in the choir stalls and canopy over them.*

## **2. Proposal**

- 2.1 The application seeks listed building consent for alterations to the external fabric of the listed building, including new and replacement window and door openings and removal of some existing rooflight, plus internal works involve the removal of partition walls, and

reconfiguration of the corridors in the north and south wings. The energy performance of the building will be improved via improvements to the fabric and heating system, replacement of the existing double glazed windows and installation of PV panels to the flat roofs.

- 2.2 These works are to facilitate the conversion of the main building to a total of 64 market dwellings (which is the subject of a concurrent full application) comprising
- 13 No 1 bedroom units (20%)
  - 19 No 2 bedroom units (30%)
  - 31 No 3 bedroom units (48.5%)
  - 1 No 4 bedroom unit (1.5%)
- 2.3 The proposal initially included the conversion of the separately listed chapel to a 4 bedroom residential dwelling, however following concerns raised by officers and consultees this element has subsequently been removed. No works are now proposed to the chapel, which will remain in a community use and made available to community groups for events and concerts.
- 2.4 In terms of internal works to the main building, this will require removal of partition walls, and reconfiguration of the corridors in the north and south wings. The main lobby and staircase will be retained with the original parquet flooring. The floor level in the remainder of the building will also be raised to better relate to the height of the existing window sills, and provide a space for services, allowing the removal of suspended ceilings. The later southern and rear extensions will also be converted to residential accommodation retaining the gym and swimming pool and providing a new cinema area for residents' use. The existing passenger lifts will be retained, and 50% of the flats will meet the standard for accessible and adaptable dwellings. 5% will also meet the standard for wheelchair user dwellings. The energy performance of the building will be improved via a combination of fabric/insulation improvements, and the installation of photovoltaic panels on the flat roofs above the fuselage and north and south wings, and southern annexe.
- 2.5 In terms of external works, the narrow, vertical slot windows in the ground floor along the western (primary) elevation will be replaced with wider, vertical windows. A row of new windows will also be inserted in level 5 of the rear 'fuselage' part of the building (in place of existing rooflights) and the southern extension. New rooflights will also be installed to the southern and rear extensions. To the rear, roller shutters and louvered service doors will be replaced by windows and glazed access doors. A new courtyard garden and play area will be provided in the rear service yard, and replacement signage will be provided to the front elevation, and a timber clad, grass roofed cycle storage building will be provided in front of the building to the north of the existing chapel. This structure is sited on lower ground and will be dug in so as to not obscure views of the main building. The solar arrays proposed will be located behind a low parapet, and sectional drawings have been provided demonstrating that they will not be visible in wider views.
- 2.6 The separately listed flanking walls to the entrance are not affected by the proposals.

### **3. Relevant Planning History**

- 3.1 There is extensive planning history relating to the site over many years, most of which relates to minor alterations, refurbishments, signage and landscaping. The following is the most recent planning history pertaining to the site:
- SDNP/12/02074/LIS New nurses station in main stair/lift lobby on the first floor. Approved 21.11.2012
  - SDNP/13/02780/LIS Comprising: Internal alterations, refurbishment and improvement to First Floor Residential Care (primarily to North & South Wing) to create 14 No. bedrooms and en-suites suitable for use by the visually impaired and disabled, with wet rooms, ceiling hoists, and associated ancillary nursing facilities including, nurses' station, assisted bathing, sluice, clinical preparation room. Associated ancillary works elsewhere

in the building including provision of ventilation for the en-suites, and comfort cooling plant [for the clinical preparation room (drugs storage)]. Plant located on North Wing fourth floor roof, and in Ground Floor under-croft to swimming pool annexe. Services runs in main, first, and part second and third floors, all in existing or new suspended ceiling voids. Replacement glazing to existing Wing windows at First Floor level to remove original frosted glass to bathrooms. Approved 07.08.2013

- SDNP/13/02952/FUL New Outdoor Gym - (Equipment and surfacing) located to the south side of the main entrance to BVUK's Ovingdean Home. Approved 15.08.2013
- SDNP/14/05980/FUL Proposed installation of 2 no. covered, clear glazed cycle shelters to replace existing 3 no. open cycle racks. Approved 21.01.2015
- SDNP/17/03158/FUL & SDNP/17/03163/LIS Construction of an open-sided barn. Approved 21.08.2017
- SDNP/17/04675/DCOND Discharge of Condition 3 on planning consent SDNP/17/03158/FUL and SDNP/17/03163/LIS Approved 31.10.2017
- SDNP/17/06521/FUL Installation of a Landscaped Community Garden [previously displayed at the RHS Hampton Court Flower Show in July 2017] into the Inner Garden at BVUK's premises in Greenways, Ovingdean, Brighton comprising of landscaped paths and features (including wicker sculptures), trees, shrubs, stone benches and flowers and an open sided oak framed workshop with conical pitched roof clad in oak shingles. Approved 23.02.2018
- SDNP/18/01905/DCOND Discharge of Condition 4 on planning consent SDNP/17/03158/FUL Approved 04.06.2018
- SDNP/20/05054/LIS Internal alterations (Replacement of the existing Kitchen (located on Level 5)) Approved 22.01.2021

#### **4. Consultations**

##### **4.1 Historic Buildings and Places (formerly the Ancient Monuments Society):** No objection. Comments:

- Retention of the chapel is welcomed;
- Similar schemes have secured the upkeep of chapels by means of a charitable trust.

##### **4.2 Historic Buildings officer:** No objection, subject to conditions.

- The architectural quality of Ian Fraser House has been compromised by alterations particularly inside the building, where the surviving original details are mainly limited to the staircases and handrails;
- The re-ordering of the interior would result in less than substantial harm;
- The harm would be outweighed by the public benefit of ensuring that such a prominent building remains in productive used, and well maintained.

##### **4.3 Twentieth Century Society:** No objection.

#### **5. Representations**

##### **5.1** Three letters of objection, including from the Ovingdean Choral Society and four neutral representations were received raising the following concerns: *[Officer Note: issues raised prior to the removal of the chapel from being part of proposals for residential conversion]*

- The Chapel is an iconic twentieth century building and its location and heritage are valued;
- The Chapel is used as community space for various organisations including concerts and not suitable for conversion or development.
- The site is highly prominent and the original permission was only granted because it was for blind military personnel;

- Should be retained for use by other veterans, retired police or teachers, or disabled people;
- Conversion to residential use will have a major impact on medical services, schools and roads
- Will result in future building on surrounding land
- Sufficient parking should be provided to avoid overspill into surrounding streets;
- Beacon Hill chalk grassland habitat should be expanded into the site, and the closely-mown grassland rewilded;
- The metal guides beside the paths installed to assist blind veterans should be removed;
- Provision should be made for swift/swallow/house martin and raptor boxes;
- Existing external lighting is harmful to moths on Beacon Hill and should be reduced.

## 6. Planning Policy Context

### Statutory Requirements

- 6.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission and listed building consent. Section 16 of the Act states “in considering whether to grant listed building consent for any works the local planning authority 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.
- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage,
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

## 7. Planning Policy

### Relevant Government Planning Policy and Guidance

- 7.1 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), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

- 7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:
- NPPF16 - Conserving and enhancing the historic environment
- 7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

### The Development Plan

- 7.4 The following policies of the **South Downs Local Plan** are particularly relevant to this application:
- Strategic Policy SD12 – Historic Environment

- Development Management Policy SD13 – Listed Buildings
- Development Management Policy SD14 – Climate Change Mitigation and Adaptation of Historic Buildings

7.5 A full list of policies is included at **Appendix 2**.

Partnership Management Plan

7.6 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Policy 9 is relevant.

**8. Planning Assessment**

8.1 Policies SD12 and SD13 support proposals that conserve and enhance the historic environment, secure the long-term conservation and enhancement of heritage assets, and preserve and enhance the significance of listed buildings and their setting by demonstrating that loss of historic fabric and detail of significance, including internal features, floor plans and the integrity of the rooms, is avoided. Proposals that result in harm to the significance of a listed building or its setting can only be permitted if the harm is outweighed by public benefits. Policy SD14 supports works to listed buildings to adapt to or mitigate the effects of climate change where it can be clearly demonstrated that the works are consistent with

- a) The preservation and enhancement of the heritage asset's significance, character and appearance;
- b) The preservation and enhancement of the heritage asset's special architectural or historic interest;
- c) The long-term preservation of the historic built fabric; and
- d) The setting of the heritage asset.

8.2 Paragraph 196 of the NPPF states that in determining applications, local planning authorities should 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 202 states that 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.

8.3 The Historic Buildings officer agrees with the applicant's assessment of the historic significance of both Ian Fraser House and the associated chapel, which is derived from their historic interest and associations with architects and artists involved in their design and the St Dunstan's charity. Their architectural interest stems from the Modernist style which influenced their design, and is expressed in the internal layout and décor. The various alterations and extensions to the main building have eroded its architectural interest, however a number of the key design features have been retained including the staircases and handrails. The Chapel has experienced little alteration and retains much of its original form and detailing.

8.4 Concerns were initially raised by the Historic Buildings officer, the Twentieth Century Society and other third parties regarding the design of the replacement windows in the primary elevation of the ground floor (Level E), and the conversion of the chapel to a four bedroom dwelling. The proposal was subsequently amended to retain the chapel and revise the window design, and these concerns have been satisfactorily addressed. Further information has also been provided in the form of elevational drawings indicating that the new cycle store will be set below the main listed building and will not obscure views of it.

- 8.5 The Historic Buildings officer has advised that the re-ordering of the interior will result in some further harm to the significance of the building, however this is less than substantial, and would be outweighed by the public benefit of ensuring that such a prominent building remains in productive use and well maintained. The elements which continue to most contribute to its architectural interest, including the staircases and handrails, the main communal spaces, and the external form of the building, will all be retained.
- 8.6 In summary, the proposal is considered to be acceptable from a heritage perspective as it will preserve the special historic and architectural interest of the Listed Buildings involved, and their setting. There would be less than substantial harm to the main building as a result of the works, which are outweighed by the public benefits of securing an ongoing, productive use of the building, and retention of the chapel. Although the chapel will not be fully open to the public, it will remain in a community use and made available to community groups for events and concerts. The proposal is in accordance with policies SD12, SD13 and SD14, the National Park's first purpose, and the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9. Conclusion**

- 9.1 Given the above it is considered that the proposal meets the requirements of section 16 of the Town and Country Planning (Listed Buildings and Conservation Area) Act (1990), and is in accordance with the development plan. It is therefore recommended that listed building consent be granted.

## **10. Reason for Recommendation and Conditions**

- 10.1 It is recommended that that listed building consent be granted 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 and Conservation Areas) Act 1990 (as amended).
  2. The development hereby permitted shall be carried out strictly in accordance with the approved plans  
Reason: For the avoidance of doubt and in the interests of proper planning.
  3. Prior to the commencement of the development hereby permitted, a schedule of works shall be submitted to and approved in writing by the Local Planning Authority detailing the following:
    - i) A method statement for any works of demolition (including internal demolition);
    - ii) A detailed record drawing (including sections) of the existing windows;
    - iii) Large scale details of new and replacement windows;
    - iv) Full details and samples of external materials, including bricks and render;
    - v) A sample panel of brickwork and re-pointing to be provided on site;
    - vi) Details of internal insulation works and confirmation of location of service runs;
    - vii) Details of external flues, grilles, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
    - viii) Details of any rainwater goods;
    - ix) Full details of any other external decoration.The works shall be carried out in accordance with the approved details and shall be retained permanently as such.  
Reason: In the interests of preserving the character and appearance of the listed building and its setting, in accordance with SD12 and SD13, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2021).



4. Prior to the first occupation of the development hereby permitted, details of the design of the replacement signage on the front elevation, including the font, shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details and shall be retained permanently as such.

Reason: In the interests of preserving the character and appearance of the listed building and its setting, in accordance with SD12, SD13 and SD14, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2021).

5. Upon completion of any element of the works for which Listed Building Consent is hereby granted, any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

Reason: To safeguard the historic fabric and the architectural character and appearance of the listed building, in accordance with SD12 and SD13, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2021).

## **11. Crime and Disorder Implications**

- 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. The assessment of this application has been carried out without prejudice or discrimination and it is not considered that the proposals would interfere with Human Rights. The proposed development would not infringe the rights of the applicant, the settled community or neighbouring residents to the development.

## **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.

**Tim Slaney**

**Director of Planning**

**South Downs National Park Authority**

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Appendices: I. Information for determination at committee

SDNPA Consultees: Director of Planning, Legal Services

Background Documents: [All planning application plans, supporting documents, consultation and third party responses](#)

[National Planning Policy Framework \(2021\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan \(2020-25\)](#)

### **Information concerning consideration of applications before committee**

Officers can confirm that the following have been taken into consideration when assessing the application:-

#### **National Park Purposes**

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

#### **National Planning Policy Framework and the Vision & Circular 2010**

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

#### **Major Development**

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

#### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

#### **The Conservation of Habitats and Species Regulations 2017**

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

#### **Relationship of the Development Plan to the NPPF and Circular 2010**

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered compliant with it.

## **The South Downs National Park Partnership Management Plan 2020-2025**

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

### **South Downs Local Plan**

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

### **All Relevant Policies of the South Downs Local Plan which are of relevance to this application**

- Strategic Policy SD12: Historic Environment
- Development Management Policy SD13: Listed Buildings
- Development Management Policy SD14: Climate Change Mitigation and Adaptation of Historic Buildings

### **Legislation for heritage assets**

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission and listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.”

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

### **Human Rights Implications**

These planning applications have 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.

### **Equality Act 2010**

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

### **Crime and Disorder Implication**

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

### **Proactive Working**

In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

