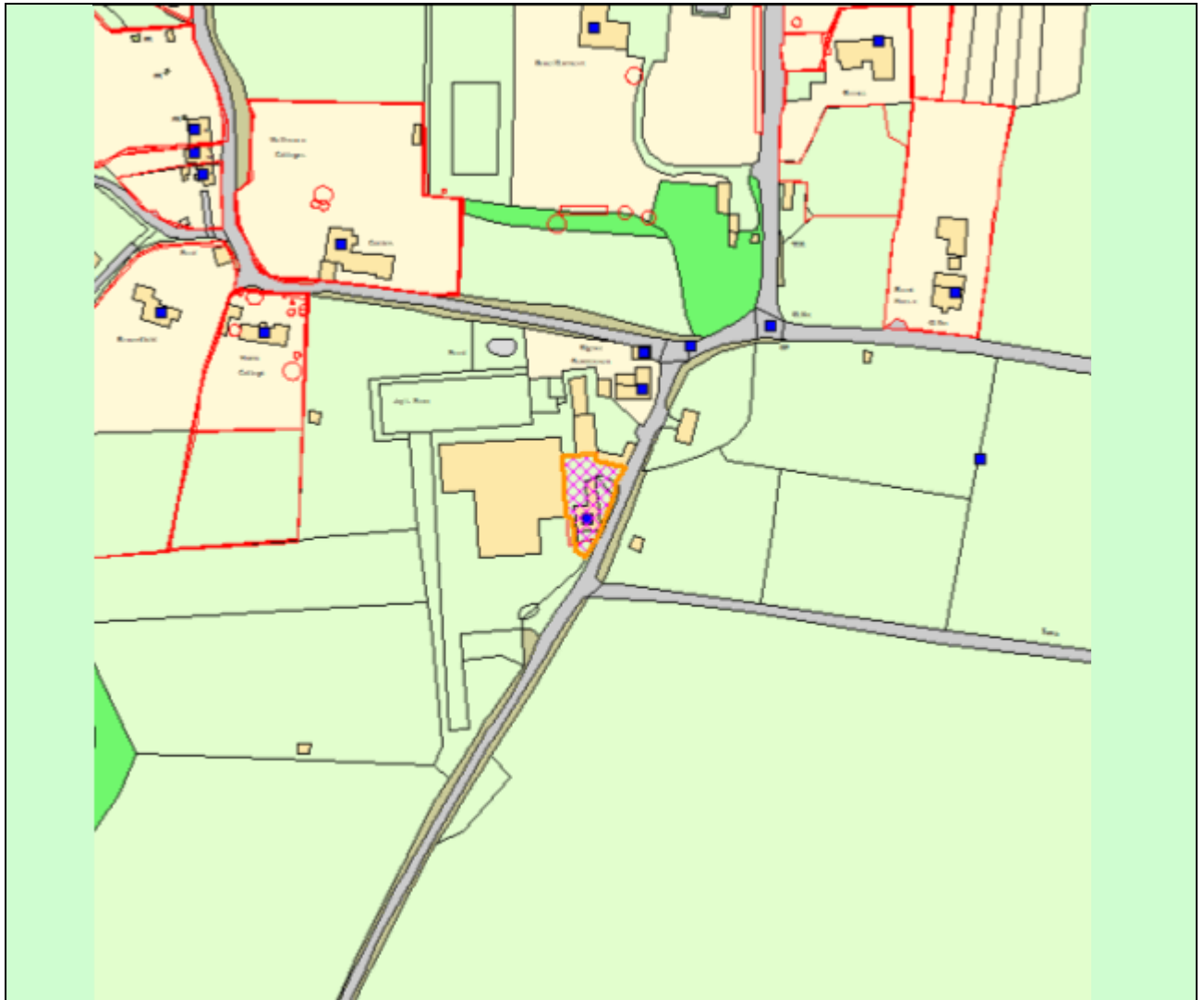

Report to	Planning Committee
Date	16 August 2023
By	Director of Planning and Environment
Application Number	SDNP/22/02474/FUL
Applicant	Mr & Mrs Tupper
Application	Conversion and alterations to an agricultural building to form a dwelling with associated landscaping.
Address	Jays Farm Bignor Down Bignor West Sussex RH20 1PQ

Recommendation: That the application be Refused for the reasons set out in paragraph 10.1 of this report.

This application was deferred at the 12 July 2023 Planning Committee for publication as a departure from the Development Plan after the recommendation to refuse the application was not carried. This publicity has now been carried out and the publicity period expires on 10 August 2023. Representations received to date are included in bold in the report below, and an update on any further representations received will be provided on the Update Sheet for Planning Committee.



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Reason for Committee Referral - Red Card: Cllr Cross - Exceptional level of public interest

Executive Summary

The proposal involves the conversion of a former dairy building in the rural area beyond an identified Settlement Policy Boundary (SPB). The proposal is subject to policies SD41 (Conversion of Redundant Agricultural or Forestry Buildings) and SD32 (New Agricultural and Forestry Workers' Dwellings) of the South Downs National Park Local Plan (SDNPLP).

The existing agricultural building is of no architectural or historic or aesthetic merit and is considered to have a negative impact on the protected landscape and the setting of the listed buildings. The building is not therefore considered to be suitable for conversion under the requirements of policy SD41 the purpose of which is to enable the conservation of agricultural and forestry buildings which are heritage assets.

Policy SD32 requires development proposal for new agricultural and forestry workers dwellings to demonstrate the nature and demand of the work concerned make it essential for one or more people engaged in the agricultural enterprise to live at, or very close to the site of their work.

An independent agricultural consultant's report was commissioned to assess the need for an agricultural workers dwelling on the farm and confirms there are other residential properties nearby owned by the farming enterprise which are suitable to house the applicants. The essential need for rural workers accommodation/succession housing has not been established contrary to the requirements of policy SD32.

The proposal fails to comply with policies SD1, SD25, SD32 and SD41 of the SDNPLP and is therefore recommended for refusal.

1.0 Site Description

- 1.1 Jays Farm is located to the south of Bignor, north of the Bignor and Duncton Escarpment, outside of any defined settlement boundary. The application site consists of a former dairy building sited within the existing farmyard and to the south of the Grade II listed farmhouse and barn. The site is located adjacent to the Bignor Conservation Area. Modern agricultural buildings lie to the east of the application building.
- 1.2 The former dairy building, which is the subject of this application is a steel framed structure of modern construction with concrete blockwork walls with asbestos cement corrugated sheeting cladding the roof and upper floor. The building contains a number of openings at ground floor, is in a poor state of repair and is currently used for general storage.
- 1.3 The South Downs National Park is a designated Dark Skies Reserve and the site is within the intrinsic zone of darkness. It is located within 5km of the Arun Valley SPA and Ramsar Site and 12km of the Mens SAC, Ebernoe Common SAC and the Cocking and Singleton Tunnel SAC which have been designated for their bat populations. The site is also within an area of known Barn Owl and Chalk Hill Blue Butterfly habitat.

2.0 Relevant Planning History

09/03018/FUL - Change of use and alterations of barn to residential dwelling. Permit (Parsonage Barn Manor Farm Bignor Road Bignor. Permit 22.12.2009

09/03020/LBC - Change of use and alterations of barn to residential dwelling. Permit (Parsonage Barn Manor Farm Bignor Road Bignor. Permit 22.12.2009

SDNP/21/03512/PRE - Demolition of redundant agricultural outbuilding and replacement with new dwelling. Pre-application advice given 25.10.2021

3.0 Proposal

This application seeks permission for the change of use and conversion of the former dairy building at Jays Farm into a dwelling consisting of a kitchen/dining/family room, sitting room utility room and we at ground floor with two ensuite bedrooms at first floor. The proposal would utilise part of the farmyard to provide a private garden area.

4.0 Consultations

4.1 Parish Council

The above application has the full support of Bignor Parish. This is evidenced by the substantial written support on the planning portal. The applicant's requirement to be on site to support farming activities, including the lambing of hundreds of ewes, make this redevelopment of existing dis-used buildings both aesthetically pleasing and very practical in purpose. The Parish wholly supports this and welcomes it. If, however, for any reason, the case officer is not minded to support the application, we would consider it appropriate for the application to be referred to committee given the level of support it has.

4.2 Natural England

Water Neutrality

We consider that without appropriate mitigation the application would:

have an adverse effect on the integrity of Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured:

Delivery, management and maintenance of measures identified in the water Neutrality Statement to achieve water neutrality

In addition, Natural England would advise on the following issues.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely South Downs National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

The policy and statutory framework to guide your decision and the role of local advice

are explained below.

Your decision should be guided by paragraph 176 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

4.3 WSCC Highways

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

4.4 CDC Drainage Engineer

Surface Water Drainage:

The application form submitted in support of this application suggest that the proposed means of surface water drainage is through a discharge to the main foul sewer, this would not be an appropriate way of disposing of surface water, additionally, my mapping systems suggest there are no main sewers in the vicinity of this site anyway. Therefore, can the applicant please confirm what the existing surface water drainage arrangements are for the building that is to be converted, and confirm how the surface water is to be appropriately drained post development.

The surface water drainage scheme design should follow the hierarchy of preference as set out in the Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA, with the preference being for on-site infiltration. If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, any new driveways, parking spaces, paths and patios should be of permeable construction.

I note that rainwater harvesting is mentioned as a measure to achieve water neutrality, but is that harvesting to be undertaken at the building that is to be converted, or at other buildings owned by the applicant? Where rainwater harvesting is to be practised, there should also be arrangements in place to appropriately dispose of run-off in situations where the harvesting tanks are already full (i.e. through the use of soak-away structures).

Due to the scale, nature and location of the proposed development we have no conditions to request. However, any new surface water drainage infrastructure must be

designed and constructed in accordance with current building regulations.

Flood Risk:

The site is wholly within flood zone 1 (low risk) and we have no additional knowledge, or records of the site being at significant flood risk. Therefore subject to satisfactory drainage we have no objection to the proposed use, scale or location based on flood risk.

Drainage Engineer (30.08.2022)

The additional information states that the proposed means of surface water drainage for the development is via the existing drainage arrangements, which ultimately utilise a discharge to a local watercourse (rather than the foul sewer as was previously suggested). As the proposal will lead to a reduction in the site's impermeable area, there should not be a net increase in run-off from the site. This means the proposals should not increase flood risk off-site. Therefore we have no objection to these surface water drainage proposals.

4.5 CDC Conservation and Design

We previously commented on a similar scheme for the demolition of the existing dairy building and the rebuild of a two storey Dutch barn type domestic structure. That scheme was considered unacceptable due to the cumulative harm on the setting of the nearby listed buildings.

The current proposals seek to retain and partly rebuild the existing building. This will result in a much smaller and less assertive building than the pre application proposals. The design has some merit, utilising reclaimed bricks and with a traditional fenestration across part of the building, offset against a more contemporary design with vertical emphasis on the taller part of the property. Architecturally speaking, this is a more honest approach than demolition and rebuild of a pastiche outbuilding that would confuse interpretation with the historic outbuildings on site.

The presence of a domestic property of this size and shape is quite awkward within the setting of the listed building, there is no possibility of it being mistaken for an historic building but it also sits outside of any coherent settlement boundary. The status of the main listed building as the primary dwelling and historic farmhouse should be emphasised by toning down the domestic appearance and paraphernalia of the landscaping. Avoiding lawns, planting, gravel, fencing etc. should be a priority. The new dwelling would sit more comfortably within its setting with more utilitarian details to frame it, which would the domestic qualities of the main listed farmhouse. A condition should be imposed to govern these details.

4.6 Agricultural Advisor (Bruton Knowles)

Bruton Knowles were employed by the LPA to assess the proposal in regard to criteria 2a) and 2b) of Policy SD32 of the SDNPLP (New Agricultural and Forestry Workers Dwellings)

The independent appraisal was conducted based on the information contained within the planning application and additional supporting information provided by the applicants in regard to:

- Farming business activity
- Property ownership
- Residential tenancy agreements
- Financial accounts for the farm and Roman Villa

2a) The agricultural or forestry enterprise is established, extensive and viable and contributes to the special qualities of the National Park.

- The financial accounts confirmed the farming business has been operating more than 3 years and is 'established'.
- The 'owned and total 'farmed' land amount to 1724 acres (698 hectares) and is defined as extensive under the criteria of paragraph 7.99 of the information supporting Policy SD32.
- The accounts indicate the business runs at a profit each year and is therefore considered to be viable.

The appraisal concluded the criteria of 2a) of Policy SD32 had been met.

2b) There is an essential functional need for the agricultural or forestry dwelling that cannot be fulfilled either by another residential dwelling on the enterprise or existing residential accommodation in the local area which is suitable and available for occupation by the workers concerned.'

Mr William Tupper and the shepherd the primary works in respect of the sheep operation. Mr William Tupper and his family would occupy the main farmhouse to provide an onsite presence.

There are a number of properties owned by the family which are relatively close to the farm buildings and could meet the essential need of the business.

The appraisal concluded the criteria of 2b) of Policy SD32 has not been met.

5.0 Representations

23 no. third party representations received supporting the proposal:

increase housing stock.
 provide succession housing for farming family.
 provide accommodation to allow the applicants and family to live on site especially during the busy lambing season.
 enhance the farm demonstrating ongoing investment for future generations
 support a family who have proven invaluable stewards of the land for many generations.
 conversion of unsightly farm building.
 enhances hideous existing building adding charm to the SDNP
 current building is a derelict eyesore
 dramatically improve a derelict building of no aesthetic value
 proposal sympathetic to its surroundings
 no negative landscape impact
 complies with policies SD25 and SD4 of the SDNPLP.

Representations received following publicity as a departure from the development plan:

5 no. third party presentations received supporting the proposal

- renovation of the building in a most sympathetic way, whilst maintaining its existing form and connection to Jays Farm.
- improvement to the hamlet of Bignor.
- enhance the farm
- demonstrate ongoing investment for future generations.
- agricultural need to care for livestock especially during lambing.
- improve a derelict building of no aesthetic value
- provide succession housing

6.0 Planning Policy

6.1 Relevant Sections of National Planning Policy Framework:

- NPPF02 - Achieving sustainable development
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- Policy SD1 Sustainable Development
- Policy SD4 Landscape Character
- Policy SD5 Design
- Policy SD12 Historic Environment
- Policy SD13 Listed Buildings
- Policy SD25 Development Strategy
- Policy SD32 New Agricultural or Forestry Workers Dwellings
- Policy SD41 Conversion of Redundant Agricultural or Forestry Buildings

6.3 Relevant Policies of South Downs Management Plan (2020-2025)

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3

- Partnership Management Plan Policy 9
- Partnership Management Plan Policy 15
- Partnership Management Plan Policy 25

6.4 Other Relevant Policy Documents (including SPDs and TANs)

- Planning Listed Buildings and Conservation Areas) Act 1990
- Conservation of Species and Habitats Regulations 2017 (as amended)
- Access to the Countryside Act 1949 (as amended)
- SDNP Adopted Design Guide Supplementary Planning Document (SPD)
- Habitats Regulations Assessment (HRAs) Technical Advice Note (TAN)

7.0 Planning Assessment

7.1 The main issues with this application are considered to be:

1. The principle of the change of use and conversion of the building to an agricultural workers dwelling and in particular whether the building is worthy of conversion with regard to its current character, scale and condition without the need for substantial reconstruction;
2. Whether there is a functional need for an agricultural workers dwelling on the farm.
3. The impact of the development on the character and appearance of the South Downs National Park

7.2 Prior to the submission of this application the Local Planning Authority (LPA) provided pre-application advice regarding the removal of the former dairy building and the erection of a two storey ' Dutch Barn' designed 3 bedroom dwellinghouse. The applicants were advised the submitted proposal would not satisfy the requirements of Policy SD25 (Development Strategy) and Policy SD32 (New Agricultural and Forestry Workers' Dwellings.)

The principle of the change of use and conversion of the building to an agricultural workers dwelling

7.3 Policy SD41 of the South Downs National Park Local Plan (SDNPLP) supports the conversion of redundant agricultural buildings to alternative uses. In terms of whether the proposal for the conversion of an agricultural building to an alternative use is acceptable is dependent on a number of criteria set out in the policy. The purpose of policy SD41 is to enable the conservation of appropriate agricultural and forestry buildings, some of which are heritage assets. This will in turn support the rural economy, tourism and local communities whilst protecting and enhancing the character of the countryside. Many but not all agricultural buildings will be suitable for conversion. Buildings which are generally not suitable for conversion

include those in isolated locations, or with poor access arrangements; buildings which would require substantial reconstruction or structural works to accommodate the new use; buildings which are subject to a planning condition or condition of prior approval which requires their removal on cessation of agricultural use; or buildings which have a negative landscape impact only justified in a National Park setting by their agricultural use.

- 7.4 For the conversion of an agricultural building to be acceptable under policy SD41 the original building should, amongst other things, be worthy of conversion with regard to its current character, scale and condition, without the need for substantial reconstruction, significant extension or ancillary buildings.
- 7.5 The existing former dairy building at Jay's Farm is of modern construction comprised of a steel-frame with concrete blockwork walls and asbestos cement corrugated sheeting to the roof. It is a functional agricultural building of no historic, aesthetic or architectural merit. The building is in a poor state of repair and has been described by third parties as 'unsightly' and a 'derelict eyesore.' As part of the pre-application response The Senior Conservation and Design Officer visited the site and commented that the demolition of the existing building would bring key benefits to the setting of the adjacent listed building.
- 7.6 In addition to causing harm to the setting of the adjacent listed building, the building is considered to have an adverse impact on the setting of the Bignor Conservation Area and the wider landscape of the SDNP. The only reason the building is there is because of the agricultural use of the site and the way in which that has developed over time.
- 7.7 The building is not of a traditional design or of any historic, aesthetic or architectural merit and would require substantial reconstruction if it were to be used as a dwelling. This would include the lowering of the existing floor level to accommodate two levels of accommodation, the cladding of some of the building in zinc metal sheeting, the replacement of blockwork with brick and the removal of the existing roof structure and its replacement with a slate roof. Whilst it is acknowledged that some of these changes will bring about improvements to the aesthetic of the existing building they are considered substantial changes which take it beyond the requirement for the conversion to take place without the building being substantially reconstructed. There is also limited information in relation to the structural integrity of the building and whether or not it could accommodate the proposed slate roof without substantial intervention in the form of additional structural changes. Furthermore, whilst the existing building is of no merit architecturally it does have an agricultural character. The proposal would result in a building that has a character reflecting its residential use with significant glazing, a residential curtilage and parking area all of which would detract from the current agricultural landscape of the site.
- 7.8 In summary, the building is not deemed worthy of conversion to a residential use because it does not have any historic, aesthetic or architectural merit and will require substantial reconstruction to enable it to be used as a dwelling. It is contrary to policy SD41 of the SDNPLP, particularly parts (c) and (f).

Whether there is a functional need for an agricultural workers dwelling on the farm.

- 7.9 The second part of the assessment is in regard to the essential need for a countryside location and whether there is any functional need for an additional agricultural workers dwelling on the farm. It is relevant to consider this issue if it is concluded on the first issue that the building is suitable for re-use.
- 7.10 Development plan policies and in particular the National Planning Policy Framework (NPPF) places 'great weight' on conserving the landscape and the scenic beauty of national parks, which have the highest status of protection. This is further supported by the first purpose of National Parks which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- 7.11 The application site is located outside of a defined settlement boundary within the South Downs National Park. In these areas there is a general principle of development constraint. In accordance with policy SD25(2) of the SDNPLP development outside of a settlement boundary is only acceptable in exceptional circumstances. One of the exceptional circumstances relevant to this case is where there is an essential need for a countryside location for the development.
- 7.12 In this case, in order to comply with Policy SD25, the applicant will need to demonstrate that there is an essential need for a countryside location for the dwelling. Such an essential need could be demonstrated if it was shown that there was a functional need for an additional agricultural worker on the farm.
- 7.13 The purpose Policy 32 of the SDNPLP is to address whether there is an essential need for agricultural and forestry workers to live either permanently or temporarily at their place of work. The policy requires all development proposals to demonstrate that the nature and demand of the work make it essential for one or more people engaged in the agricultural enterprise to live at, or very close to the site of their work. The supporting text to the policy states that a functional test should be carried out to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Occupiers will need to be engaged in actual operational work, actively contributing to the management of the land. This is because non-operational work, although it may be associated with the business, can be achieved away from the enterprise and as such these cases will not meet the exception test needed to justify new dwellings in the open countryside.
- 7.14 Criteria 2b) of policy SD32 states that proposals need to demonstrate there is an essential functional need for the agricultural dwelling that cannot be fulfilled by another residential dwelling on the enterprise or existing residential accommodation in the local area which is suitable and available for occupation.
- 7.15 The applicant has stated that this application has been submitted to allow the senior partner in the business, Mr Tom Tupper (who currently lives in the farmhouse) to 'partially' retire and downsize and Mr William Tupper and his family (who currently live in Bignor village) to move into the farmhouse. Jay's Farm has been in the Tupper family for over 200 years. The applicants have managed the farm for over 40 of those and now wish to semi-retire from the day to day running of the farm. Mr William Tupper who is a partner in the business will be taking over its management. He currently lives in Parsonage Barn in Bignor which is too small for his family and Mr & Mrs Tom Tupper wish to remain living on the farm to continue to offer advice and mentoring to their son on a part-time basis.

- 7.16 From the submitted information it is understood there are nine existing dwellings situated in or on the outskirts of Bignor within the ownership of the family. Mr and Mrs Tom Tupper live in the main farmhouse at Jays Farm while Mr William Tupper his family reside at Parsonage Barn, Bignor. Of the remaining seven properties three are let under Assured Short Tenancies to non-farm workers.
- 7.17 As part of the assessment of this application an independent Rural Workers Dwelling Appraisal has been commissioned. The appraisal focuses on the requirements of policy SD32 requiring the applicant to demonstrate additional residential accommodation is required at Jays Farm to meet an essential agricultural need. The agricultural appraisal concludes that there is no functional need for an agricultural workers dwelling on the farm and the reasoning behind this conclusion is set out below.
- 7.18 The farm business operates two main enterprises being an arable operation which also includes a contract farming arrangement and a sheep enterprise lambing 700 ewes outdoors at Jays Farm. In addition, it is understood that a 'handful' Sussex cross cattle are kept. It is noted that the family operate 'environmentally sensitive' farming methods and conservation practices. In addition to the farming enterprises, the family have developed diversification enterprises being the opening of the Bignor Roman Villa to the public, a maize maze, a campsite, a pumpkin patch and lambing tours. It is understood that Mr Tom Tupper and his son primarily run and operate the farm business, with the support of two farm workers, one employed on arable operations and the other as a shepherd who also undertakes arable work and Mrs Tupper at lambing time. It is understood that William's wife leads on the diversification enterprises, with seasonal workers also employed together with family assistance. It is understood that it is the intention for Mr Tupper to step back more from day-to-day operations going forward.
- 7.19 The farming business covers a relatively large area given the acreage farmed, with two sets of farm buildings. There is a residential property adjacent to each set of buildings, in the private ownership of partners in the farming business, although reference is also made to Parsonage Barn within the balance sheet of the farm accounts with reference to fixed assets of 'machinery property and improvements. The remainder of the owned, but let, cottages (with income run through the farm business) are relatively close to both sets of farm buildings.
- 7.20 In terms of the arable enterprise, it is noted that the hours worked can be long and out of 'normal' working hours when trying to time specific operations around weather conditions and say at harvest time. At harvest there may also be the requirement to monitor grain drying in case of incidents arising as well as a degree of monitoring post harvest to ensure stored grain is kept at an appropriate temperature to avoid losses arising from deterioration in condition. There are also security considerations in terms of stored grain and farm machinery, although security is not the only consideration when assessing essential need. On balance in respect of the arable enterprise, whilst there are considered to be operational benefits in having an onsite residential presence, it is not considered essential.
- 7.21 In terms of the sheep enterprise, stock numbers are relatively high, which impacts on the potential for incidents arising which may require intervention. There will be incidents of injury and illness which require prompt attention throughout the year, but particularly during the lambing period with potential for losses with problematic births and for a period pre and post lambing with the ewes more susceptible to

certain conditions and also vulnerable young lambs more susceptible to illness and injury. It is understood that in the main sheep are grazed some distance away from Jays Farm, however they are lambed outdoors at Jays Farm with some ewes and lambs being housed there if incidents arise where they require closer monitoring and care. It is considered that the essential needs of the sheep enterprise are more 'seasonal' in nature, albeit incidents requiring intervention may arise throughout the year. Whilst an onsite residential presence at Jays Farm may be preferable, particularly given lambing activity undertaken there, it is considered that a dwelling in close proximity could potentially also meet the needs of the enterprise.

- 7.22 In this case, consideration also needs to be given to the succession of the farm business to the next generation. William Tupper and his wife are partners in the farm business, but it is noted that Mr Tom Tupper wishes to step back more from the day-to-day activity. There is case law to support the consideration of an additional dwelling if there is found to be an essential need for an onsite residential presence to allow the retiring worker to remain in an existing dwelling. It is noted that it is the intention for William Tupper and his wife to occupy Jays farmhouse, with their young family, and for Mr and Mrs Tom Tupper to convert the dairy building into a smaller dwelling for themselves. Whilst both practical and reasonable, as an essential need for an onsite presence has not been found as it is considered that a dwelling in close proximity could potentially meet the essential needs of the farming business, it brings into question whether a succession case can be relied upon for a second dwelling at the farmstead at Jays Farm.
- 7.23 Criteria 2b) of policy SD32 also refers to the consideration of suitable alternative accommodation which could meet the essential needs of the enterprise (if established). It has already been noted that there are a number of dwellings owned by the family which could potentially meet the essential needs of the business. It is understood for example that William Tupper and the shepherd, are already the primary workers in respect of the sheep enterprise, albeit Mrs Tupper has a particular involvement at lambing time. In terms of the let properties some may be considered 'unavailable', either because the nature of the tenancy affords security of tenure or because they house existing farm workers. There is however the prospect that possession could be obtained of one of the let properties subject to an AST at Bignor, which could potentially meet the essential needs of the business. The presence of Mr William Tupper at Jays Farm and the continued presence of the shepherd would maintain the existing level of on-site presence. Both the farm cottages and Parsonage Farm are in close proximity to Jays Farm to allow easy access for Mrs Tupper should additional monitoring and care be required during lambing. By Mr William Tupper moving to the main farmhouse Parsonage Barn would become vacant. Alternatively one of the farm cottages, which is currently being let under an assured short tenancy, would meet the essential needs of the business by providing alternative accommodation for Mr and Mrs Tupper to allow them to remain in Bignor close to Jays Farm.
- 7.24 Based on the assessment of the agricultural consultant it is not considered that criteria 2b) of policy SD32 has been met and an essential functional need for an additional dwelling on the farm has not been demonstrated. On that basis the proposal does not meet the requirement of policy SD25 that there is an essential countryside need for the proposal and as such the proposal is contrary to that policy.

The impact of the development on the character and appearance of the South Downs National Park

- 7.25 The first purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. When determining planning applications, the cumulative impact of the proposed development is taken into consideration. Policy SD1 (Sustainable Development) states that planning permission will be refused for development proposals that fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the park unless the benefits of the proposal are demonstrably outweigh the great weight attached to those interest and the proposal substantially complies with other relevant policies.
- 7.26 The proposal will result in a form of residential development in the countryside which is neither justified as a re-use of an existing rural building nor as an exception to the normal policies of restraint in the countryside through the requirement for there to be an essential need for a countryside location. As such the proposal would fail to preserve or enhance the protected landscape of the SDNP, any benefits do not outweigh the harm identified. The proposal is therefore contrary to policy SD1 of the SDNPLP and the first purpose of designation of the South Downs National Park.

8.0 Conclusions

- 8.1 The building is not deemed worthy of conversion to residential use and does not satisfy the requirements of policy SD41 of the SDNPLP. Furthermore, based on the assessment of the agricultural consultant it is not considered that criteria 2b) of policy SD32 has been met and an essential functional need for an additional dwelling on the farm has not been demonstrated. On that basis the proposal does not meet the requirement of policy SD25 that there is an essential countryside need for the proposal and as such the proposal is contrary to that policy. The proposal therefore constitutes unjustified residential development in the countryside outside of any defined settlement boundary resulting in harm to the landscape character of the SDNP. It is contrary to well established planning policy and the purposes of designation of the SDNP.

Reasons for refusal

It is recommended that the application be **Refused** for the reasons set out below.

1. The application has been assessed and determined on the basis of the plans noted below.

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

2. The building is of no architectural, aesthetic or historical merit and is therefore not considered to be worthy of conversion. Therefore, the proposal would constitute an inappropriate unsustainable development within the countryside contrary to policies SD1, SD25 and SD41 of the South Downs National Park Local Plan 2014 (2019-33).

3. The Local Planning Authority considers that insufficient justification has been

provided to adequately demonstrate that the proposed on-site dwelling is reasonably necessary for the purposes of agriculture and as such would be contrary to Policies SD1, SD25 and SD32 of the South Downs National Park Local Plan 2019 (2014-33).

Tim Slaney
Director of Planning
South Downs National Park Authority

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Appendices: Appendix 1 - Information concerning consideration of applications before committee

SDNPA Consultees

Background Documents Independent Rural Workers Dwelling Appraisal prepared by Bruton Knowles Independent Agricultural Consultants dated April 2023.

Appendix 1 – 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 to be compliant with it.

The South Downs National Park Partnership Management Plan 2019-2025

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 policies of the South Downs Local Plan which are of relevance to this application

Core Policy SD1 - Sustainable Development

Core Policy SD2 - Ecosystems Services

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Strategic Policy SD6 - Safeguarding Views

Strategic Policy SD7 - Relative Tranquillity

Strategic Policy SD8 - Dark Night Skies

Strategic Policy SD9 - Biodiversity and Geodiversity

Strategic Policy SD10 - International Sites

Strategic Policy SD12 - Historic Environment

Development Management Policy SD13 - Listed Buildings

Development Management Policy SD15 - Conservation Areas

Strategic Policy SD20 - Walking, Cycling and Equestrian Routes

Development Management Policy SD22 - Parking Provision

Strategic Policy SD25 - Development Strategy

Development Management Policy SD32 - New Agricultural and Forestry Workers' Dwellings

Development Management Policy SD41 - Conversion of Redundant Agricultural or Forestry Buildings

Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

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

Community Infrastructure Levy

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.