

Parish: Boxgrove	Ward: Boxgrove
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**BX/16/01196/FUL**

**Proposal** Redevelopment of coal yard to provide 1 no. dwelling and 5 no. tourist accommodation units.

**Site** J W Blunden And Sons Halnaker Boxgrove Chichester West Sussex PO18 0NQ

**Map Ref** (E) 490890 (N) 108070

**Applicant** Mr Ian Smedley

**RECOMMENDATION TO REFUSE**



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**1.0 Reason for Committee Referral**

Red Card: Cllr Potter Exceptional level of public interest

## **2.0 The Site and Surroundings**

2.1 The application site is located to the north of the Boxgrove, in the small village of Halnaker, which clusters along the A285. A B8 use currently occupies the site in the form of an operating coal yard. There are single storey buildings to the north of the site, which appear in a poor condition and to the south segregated areas for the coal storage. A high level fence forms the boundary to the PROW to the south and east. To the north is the land associated with the public house and residential properties and the pub are located to the north-west. Directly to the south and east of the site is open agriculture land.

2.2 The Halnaker Conservation Area abuts the north-west boundary to the site and includes the access track, which leads from The Street, just south of the cross road junction. A PROW runs directly to the southern boundary and east, with wider views from the PROW on the other side of the adjacent agricultural land to the south.

## **3.0 The Proposal**

3.1 The application seeks the demolition of the existing buildings on site and the re-development of the site to include the provision of 5 single-storey studio tourist lets. Two of these would be south-west orientated, to the existing entrance of the site. The three would be set along the north-west wall, orientated south-east facing. The five lets would have a very similar layout, with a bedroom area, kitchenette and bathroom. The southern part of units 3-5 would provide space for bike storage and utilities. The materials would comprise a palette of flint, brick and clay tile.

3.2 A 2-storey detached residential dwelling is also proposed, with 1.5 storey and single storey additions. Internally there would be provision for four bedrooms, which includes a master suite and bathroom at first floor. At ground floor, a living room, study, porch area and large kitchen dining area, with utility space leading off, is proposed. The building would be traditional in form; double fronted, with pitched roof. There would be provision for a double 1.5 storey garage, with external access to the first floor. The main amenity space associated with the dwelling would be to the south-east and south-west.

## **4.0 History**

15/03003/FUL

WDN

Redevelopment of coal yard to provide one dwelling and five small tourist accommodation units.

## **5.0 Constraints**

Listed Building	NO
Conservation Area	HALF (ADJ)
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
PROW	YES
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### Parish Council

6.1 The Parish Council actively supports this application which will support tourist industry, and bring tourists to Boxgrove. It will also contribute to employment. The units will be on the edge of the SDNP and have easy access to the footpath network. The design of the units reflects local architecture.

### SDNP Link Officer

6.2 Please note, assessment of this proposal is based on potential impacts upon the setting of the national park and not on other policy considerations such as the principle of the proposed uses.

I have no objection to the proposals but have the following comments to make:

- o The site is access via and existing junction with the A285 and The Street. This access point is the closest part of the site to the National Park Boundary and is in a prominent position within the Conservation Area. The Design and Access Statement refers to opportunities to emphasise the agricultural character of the site entrance but as with the previous application for this site, if it transpires that material alterations to the appearance of the site entrance are necessary, then I would welcome re-consultation on this matter.
- o A footpath runs along the southern edge of the site and, whilst outside of the National Park, forms part of a wider network connecting with the National Park. The existing coal yard boundary is a negative feature alongside this footpath and both the Landscape and Site Character Assessment and Design and Access Statement identify the opportunity to enhance the rural character this footpath through the planting of indigenous hedgerows with tree standards. As with any works to the road access, the opportunity to enhance the rural character of this sensitive site on the edge of the Conservation Area, in close proximity to the SDNP will need to be carried out in an appropriate manner in order not to give too much of a domestic feel to the edges of the site and it is therefore suggested that the details of proposed landscaping (including species) be controlled by condition should permission be granted.
- o The Planning Statement and Design and Access Statement both refer to external lighting being minimised in order to limit light pollution on local amenity, and acknowledges the SDNPA's bid for Dark Skies Reserve status. This intention is to be welcomed, but if this application is permitted, it is suggested that a condition be included that controls the use of external lighting.

### WSCC Public Rights of Way

6.3 FP285 and FP369 are adjacent to the development site. These appear outside the ownership of the applicant.

- o Any downpipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without prior consent of WSCCs PROW team.
- o Any alteration to, or replacement of, the existing boundary with the PROW or the erection of new fence lines, planting of trees and hedges must be done in consultation with WSCCs PROW team to ensure the legal width of the path is maintained and there is no unlawful encroachment. It is the ongoing responsibility of the landowner to maintain such boundaries and ensure they do not encroach onto the public paths.

### WSSC Highways

6.4 WSSC was consulted previously on Highways Matters for this location under planning application no. BX/15/03003/FUL, to which further information was requested by the Local Highway Authority.....

...Previously the LHA requested a tracking diagram for a refuse vehicle. This has been included within the latest submission, and appears to work to satisfaction.

Due to the present use type there is not anticipated to be a significant increase in movements to and from the site. There should not be a material impact on to the junction with the A285.

Conditions recommended.

### CDC Environmental Health Officer

6.5 Given the previous land use at the site there is considered to be potential for land contamination therefore condition N21G should be applied. All waste arisings must be disposed of in accordance with the relevant Waste Regulations and if any of the buildings to be demolished have asbestos containing materials, these must be handled and disposed of in accordance with the Asbestos Regulations.

If heating oil is required to be stored at the site condition L09F should be applied. During the demolition and construction works, measures to minimise dust and other emissions should be taken to reduce impacts on neighbours. Measures to consider should include the following:

Providing wheel washing for lorries in dry conditions to prevent mud being tracked onto the highway  
Sheeting of lorry loads  
Covering of on-site stockpiles or dampening them down if required  
Construction plant and vehicles should be kept adequately silenced and well maintained

There should be no on-site bonfires and all Waste Regulations should be complied with. In order to encourage the use of sustainable transport, secure and covered cycle parking should be provided at the development.

Please note; these comments are only in respect of contaminated land and air quality issues.

### CDC Archaeology Officer

6.6 It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirements of other mitigation measures would be justified.

## **7.0 Planning Policy**

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Boxgrove at this time. A joint Neighbourhood Plan is being prepared with SDNPA. The plan however is only in pre-submission consultation stage and therefore carries nil weight.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 3: The Economy and Employment Provision  
Policy 4: Housing Provision  
Policy 5: Parish Housing Sites 2012- 2029  
Policy 6: Neighbourhood Development Plans  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 26: Existing Employment Sites  
Policy 30: Built Tourist and Leisure Development  
Policy 33: New Residential Development  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk  
Policy 45: Development in the Countryside  
Policy 47: Heritage  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

*For decision-taking this means unless material considerations indicate otherwise:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), Sections 7 generally.

7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The

amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

### Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Halnaker Conservation Area Character Appraisal and Management Proposal

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Promoting and developing a dementia friendly district
- Coordinate and promote services that help those living with low level mental health conditions
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Loss of business use
- iii) New dwelling
- iv) Impact on Character of Rural Area
- v) Impact on neighbour amenity
- vi) Highway considerations

### Assessment

- i) Principle

8.2 The application site lies in the rural area outside of any designated settlement boundary. The site is a brownfield site on the edge of Halnaker, a small village that does not have a defined settlement boundary and instead for the purposes of the CLP is classed as the 'rest of the plan area' where in accordance with policy 2 new development should not be permitted unless it requires a countryside location in accordance with policies 45 (development in rural area) or 46 (conversion of rural buildings).

- ii) Loss business use

8.3 In addition, the existing site is a B8 use and the protection of existing employment sites such as this is afforded by policy 26 of the LP. This states that alternative uses will be

permitted on business sites where it has been demonstrated that the site is no longer required and is unlikely to be re-used or developed for business or similar uses. An employment use includes those within classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 2015, as amended. Therefore policy 26 applies to any developments which would result in a change of use from B1, B2 or B8 to any uses outside of these use classes. The text supporting policy 26 advises "To demonstrate that an employment site is no longer required, planning applicants will be required to provide supporting evidence on the viability of the site for continued employment use (guidance set out in Appendix 5)". Where proposals would result in a loss of the most important employment site (B1, B2 and B8) the considerations of policy 26 are therefore twofold; the marketing of the site and the viability of development on these site. These two issues are considered below.

8.4 The marketing requirements set out in Appendix 5 of the CDLP include a requirement for premises to be 'vigorously and exhaustively marketed for between a year and 18 months', and as a minimum:

- i) Confirmation by an appropriate marketing agent on headed paper that the premises were appropriately and extensively marketed for the required length of time
- ii) How interest in the site has been objectively dealt with
- iii) Details of the conditions/state of the land/premises and their upkeep being and during marketing and viability
- iv) Details that the marketing price is realistic
- v) Detailed photographs of the marketing boards on the premises of an appropriate quality, size, scale, location and number during this time
- vi) An enquiry log, how it was followed up and why it was unsuccessful
- vii) A copy of all advertisements in the local press and trade journals
- viii) Evidence of marketing via the internet

8.5 In addition, to the list above in the instances of loss of employment land the information submitted should demonstrate that:

- i) the site/premises should have been vacant for some time and not been made deliberately unviable
- ii) the site has been actively marketed for business of similar uses at a realistic rent/price for a minimum of 2 years or reasonable period based on the economic climate
- iii) alternative employment uses for the site/premises have been fully explored
- iv) for uses involving a net loss of 2,000 square metre or more the loss of the site will not result in an under-supply of available employment floor-space in the local area

8.6 The application premises are currently occupied by a business, and although the information submitted indicates that the business is due to close, at the time of considering the application, the buildings have not been left vacant. In addition, no evidence of marketing, for either the sale or letting of the premises as an ongoing B1, B2 or B8 use, has been submitted with the application. Therefore to date no information has been submitted to demonstrate that the business premises are no longer required for such an employment use, contrary to the requirements of policy 26 of the Local Plan.

8.7 The application also includes no information to demonstrate the use of the buildings for traditional employment uses would not be viable. Whilst visually it appears the buildings are not in good condition, no information has been provided to demonstrate that the existing buildings are not capable for re-use or their repair would be unviable. It is therefore considered that the application fails to demonstrate that the re-use of the buildings for an employment use would be unviable, contrary to the requirements of policy 26 of the Local Plan.

8.8 The agent has provided limited supporting information about the proposed tourism use and the benefit it would bring to the local area, through tourism visitors. This is acknowledged and in accordance with Policy 26 and Policy 30 (Built Tourism and Leisure Development) and it is considered that this could be an alternate economic use that could be considered. However, this would be on the proviso that the key policy requirements of policy 26 have been met, in particular with regard to the marketing requirements and the viability of the units. Subsequently, as this information has not been provided to date, at this stage, it is not considered the provision of the tourism units, would outweigh the lacking policy requirements of Policy 26 and the loss of key B use employment floor-space. Furthermore, it would also require that additional supporting information would need to be provided to accord with the requirements of Policy 30 Built Tourism and Leisure, to demonstrate it would require such a location and its use fully supports rural regeneration/diversification.

8.9 It is essential that existing employment floor space is retained in order to support the local economy unless it has been demonstrated that floor space is no longer required, and it would not be viable to re-use the premises for a B1, B2 or B8 use. The application fails to meet the tests of policy 26, and therefore the proposal would result in the unjustified loss of employment floor-space which would be harmful to the local economy.

iii) New dwelling

8.10 In accordance with Local Plan Policy 2, development outside settlement boundaries are restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policies 45-46. A single residential home is proposed as part of the development, the agent has advised that it is on the proviso that it would form the home for the owners of the holiday lets, who would be in employment there.

8.11 Notwithstanding the Policy 26 assessment, it is acknowledged it would be convenient for the owners to live on site. However, Local Plan Policies and particularly paragraph 55 of the NPPF, seeks to promote sustainable development in rural areas and avoid new homes in isolated rural areas unless there are special circumstances, which include there being an essential need for a rural worker to live permanently at or near their place of work in the countryside. Whilst there is a desirable need for the owners to live on site, it is not considered, by the very nature of the type of tourism let (self-contained/catering), that this need requires and on site presence and the residential use cannot be met elsewhere in the locality in designated settlement boundary. As such, an on-site presence would not outweigh the policy conflict of the development of a new residential dwelling within the rural area, outside any settlement boundary.

8.12 Whilst the site is designated as part of the Boxgrove Parish Neighbourhood Plan as a development site to include residential, due to the early stage of the Plan (pre LPA consultation stage) it carries no weight at this stage. Once the plan progresses through the stages it would begin to carry further weight and, once made, this site, if remains as part of the Neighbourhood Plan, could be seen to be supported for residential development. However at this stage, there remains a clear conflict with Local Plan Policies due to the proposed residential dwelling being located outside any settlement boundary.

iv) Impact on Character of Rural Area

8.13 The site is located on the peripheral of a cluster of dwellings that front onto the main road (A285). The existing development is low level in nature and views from public vantage

points, particularly from the PROWs to the south, east and north east, are extremely limited. A 2m high fence forms the boundary to the PROWs, completely screening much of the views into the site. On the approach from the Public Footpaths, the site appears unassuming in nature. The proposal would introduce a significant level of built form into the site, on the transition into the open countryside and adjacent to the Halnaker Conservation Area. This introduction of a significant portion of built form would fail to comply with Policy 33, which seeks to ensure development enhances the character of the surrounding area and site, its setting in terms of proportion, form, massing, layout, density, height, size and scale. It would also fail to comply with Policy 48, which seeks to sensitively contribute to a landscape setting.

8.14 The design of the proposals follows a traditional form of development and has been designed to reflect the characteristics farmstead layouts of the area. The tourism lets would be single storey, with units 1 and 2 containing studio style accommodation and orientated south-west facing. Units 3-5 would be south-east facing to the north corner of the site. These would contain one accessible unit and to the southern part of the building, a bike store and utility/service room is proposed. The general design of the proposals and the use of traditional materials, to include flint walls and brick copings, are considered acceptable. There is a point of concern about the massing of the roof forms and the overall height, which at 6.3m to ridge, appears proportionally large for a single storey building and in order for the development to sit more subserviently in the site, the proportions would be required to be altered.

8.15 The single residential dwelling would be west to east facing, with amenity space located to the south-east and west. The design would follow a traditional form, double fronted with 1.5 storey addition to the north. The positioning of the site to the south east at 2 storeys, would introduce a level of built form onto the most prominent part of the site, which acts as a transition into the open countryside. This combined with the associated 1.5 storey detached garage, with dormer window, to the north-west, would result in an incongruous and intrusive design when viewed from the adjacent public footpaths. The proposal would therefore fail to comply with policy 48; which seeks to protect the tranquil and rural character of the area, with development recognising distinctive local landscape character and sensitively contributing to its setting and quality. Additionally, section 7 of the NPPF requires good design that improves the overall quality of the area.

8.16 Furthermore there is concern that the proposed increase in built form and the scale and design of the development, would result in a negative impact on the Halnaker Conservation Area, failing to conserve and enhance it.

8.17 Whilst there may not be an increase in traffic movements, due to the current use, the times of movements would be altered throughout the day and into the evening. The site is located in the rural area and the change in traffic movement and the associated tourism use could result in impacts on the tranquillity of the rural area. However, this is unlikely to be a significantly negative impact over than that generated by the existing use.

8.18 The plans show the provision of parking to the south-west of the site, adjacent to the road. Whilst these are presently informally being used as parking, there is concern the formalisation of them would impact on the visual character of the rural area when viewed from the adjacent footpath, with the open boundary. This would be exacerbated by the change in levels, with the footpath set lower than the application site, there is concern this could result in a negative impact on the Halnaker Conservation Area, failing to conserve and enhance its character and appearance.

v) Impact on neighbour amenity

8.19 The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the Local Plan seeks to provide high quality living environment in keeping with the character of the area and protect neighbouring and public amenity. It is considered that due to the nature of the use proposed there would be an increase in activity into the area due to the five tourism units and residential dwelling. However, it is considered that this would not result in such a significant impact upon the amenities of neighbouring properties due to the distances involved and orientation of the buildings.

vi) Highways

8.20 The site would utilise the existing access which is currently being used for the coal yard and for the neighbouring residential properties to access their existing parking area. WSCC Highways advise they have no objection to the proposal, noting that due to the present use type there is not anticipated to be a significant increase in movements to and from the site, meaning there should not be a material impact on the junction.

8.21 There would be provision for covered cycle parking to the southern part of the units 3-5. A single off-road space is proposed for unit 1 and the courtyard would provide parking for the remaining lets and main house. The main house would have a double garage allowing for two spaces, which could be conditioned. Overall it is considered there would be sufficient space for the provision of the required associated parking with the development. A tracking plan has been provided which shows the accessibility of a refuse vehicle would be achievable. The plan would take into account the location of existing parking spaces.

Conclusion

8.22 Based on the above assessment it is considered the proposal is contrary to development plan policies which seek to protect existing employment sites, the rural character and appearance of the area and to conserve and enhance the Conservation Area. Therefore the application is recommended for refusal.

Human Rights

8.23 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse is justified and proportionate.

**RECOMMENDATION  
REFUSE**

- 1 U05873 – Loss of employment
- 2 U06197 - Unjustified new dwelling
- 3 U05874 - No tourism need/no dwelling need
- 4 U05878 – Harmful to Rural Character and Conservation Area

**INFORMATIVES**

- 1 W47F - App Ref With Discussion - WWF

For further information on this application please contact Caitlin Boddy