

Report to **Planning Committee**  
Date **1 March 2017**  
By **Director of Planning**  
Local Authority **Chichester District Council**  
Application No. **SDNP/16/06049/CND**  
Applicant **Mr D. Morley**  
Application **Variation of condition 1 from SDNP/16/00387/FUL. To amend plans to include revisions for single storey rear orangery extension.**  
Address **Rats Castle Cottage Burton Park Road Barlavington GU28 0JR**

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**Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

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## **Executive Summary**

### **Reason for Committee referral: Parish objection - Officer recommends Permit**

Planning permission has already been granted for a replacement dwelling on the site under reference SDNP/16/00387/FUL and construction is now well advanced. This proposal seeks to amend the design of the dwelling to include a modest, single storey addition to the rear south west corner of the building. This amended proposal for a replacement dwelling is acknowledged to be of a design that reflects local distinctiveness and its local context and, whilst there is a modest increase in the overall size of the new dwelling, this does not detract from the character or appearance of the area. Therefore it is concluded that the proposal complies with both National and local planning policies that seek to safeguard this designated landscape and require high quality development appropriate to its setting.

## **1 Site Description**

1.1 The application site lies to the north of Burton Park Road. Access is via a narrow unmade track past a small enclave of dwellings. The application site encompasses a complex of farm buildings of varying age and architectural quality. The group includes a traditional range of buildings dating between C18th to C19th. The primary use of the buildings and surrounding land is for equestrian purposes in connection with a polo training facility. Various other temporary buildings, including temporary stabling (for which pp has expired) are located on the north and west sides of the more modern farm buildings.

1.2 A parking area and a portable office building associated with the equestrian enterprise is located to the north east of the site. Beyond that is a tamped earth yard area associated with the more modern farm buildings.

1.3 The existing dwelling associated with the site has been demolished and works are now well advanced in connection with the erection of the replacement dwelling.

## **2 Proposal**

2.1 The proposal is to amend the scheme for the replacement dwelling permitted under SDNP/16/00387/FUL and amended by SDNP/16/04216/CND to include a modest, single storey extension to the west (rear) facing wing of the dwelling.

## **3 Relevant Planning History**

SDNP/16/00387/FUL - Proposed replacement dwelling and associated landscaping. PERMIT 24.06.2016

SDNP/16/04216/CND - Variation of condition 1 of planning permission SDNP/16/00387/FUL. Alterations to approved scheme. PERMIT 17.10.2016

SDNP/16/04002/DCOND - Discharge of conditions 4 (levels) from planning permission SDNP/16/00387/FUL. APPROVED 17.10.2016

SDNP/16/05760/DCOND - Discharge of Conditions 2 (Materials and finishes) and 3 (sample panel) of planning permission SDNP/16/00387/FUL. APPROVED 13.01.2017

SDNP/16/06194/DCOND - Discharge of condition 8 (submission of landscaping scheme) from planning permission SDNP/16/00387/FUL. APPROVED 13.01.2017

## **4 Consultations**

### **Parish Council Consultee**

The Parish Council considered the application made earlier in 2016 regarding the above property and after due consideration felt it inappropriate for the rural position it holds, being too large and imposing, considering it's close proximity to the 18c cottages and barns on it's boundaries.

The applicant took on board the concerns of CDC and the PC and proposed a new application of a smaller design which was more appropriate and the application was approved.

However this new application has been proposed and upon a site visit and after due consideration the PC feel that the property is slowly becoming too large once again and overwhelming the rural character of the area.

The Parish Council would also like to bring to the attention of CDC Planning that an access road has been made to the site without planning permission.

With the above in mind, the Parish Council have no option but to oppose this application.

## **5 Representations**

None received

## **6 Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester Local Plan First Review (1999) and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

### 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 public understanding and enjoyment of the special qualities of their areas.

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

## **7 Planning Policy**

### Relevant Government Planning Policy and Guidance

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) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF – Core Principles
- NPPF - Delivering a wide choice of high quality homes
- NPPF - Requiring good design
- NPPF - Conserving and enhancing the natural environment

Paragraphs 7, 14, 55, 56, 60, 61, 115 and 118 of the NPPF are considered relevant to the determination of this application.

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 following policies of the Chichester District Local Plan First Review (1999) are relevant to this application:

- RE1 - Development in the Rural Area Generally
- H12 - Replacement Dwellings and Extensions in the Rural Area
- BE11 - New Development

The following policies of the SDNPA Partnership Management Plan 2014 are relevant to this application:

- General Policy 1
- General Policy 3
- General Policy 50

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

The following policies are considered relevant to this application:

- SD5 - Landscape Character
- SD6 - Design
- SD7 - Safeguarding Views
- SD9 - Dark Night Skies
- SD45a - Replacement dwellings

## 8 Planning Assessment

8.1 The main issues with this proposal are considered to be the effect of the proposed revisions (i.e. its further enlargement) to the replacement dwelling on the landscape character and appearance of the surrounding area.

8.2 Both saved Local Plan policy H12 and the emerging South Downs Local Plan policy SD45a support the principle of replacement dwellings in Rural Areas. The original dwelling on the site, although modest is contained within a curtilage in excess of 450 square metres and therefore does not fall within the definition of a 'small dwelling' set out in either policy. The overall design, scale and massing of the proposed replacement dwelling is consistent with that approved under the original planning reference SDNP/16/00387/FUL, which was found to be appropriate and sympathetic to its setting.

### The effect on the character and appearance of the surrounding area - the form and appearance of the new dwelling as now proposed

8.3 The amended scheme for the replacement dwelling in the main repeats the form, layout and appearance of the previously approved dwelling. The main change is the addition of a single storey orangery of about 37.0 square metres to the rear of the main dwelling, increasing the ground floor gross internal area (GIA) from 184 square metres to 221 square metres, or 20%. A previous amendment to the original approval permitted a modest 3.0 metre ground floor extension of the westward projecting wing next to the position of the proposed orangery and the repositioning of a chimney stack to the north elevation.

8.4 The Parish Council is concerned that the incremental increase in the size of the approved dwelling would result in a dwelling that is too large and overwhelming to the rural character of the area.

8.5 It is considered that the siting of the proposed orangery to the rear of the dwelling and its design and form reflecting the 'polite' rural vernacular of the main dwelling together with the slightly informal sense of evolution to the rear elements of the proposed dwelling would ensure that the visual impact on the wider landscape of this addition would be limited, with the massing and bulk of the building addressed through its sensitive articulation. It should be noted that at the time the original application was considered, the landscape assessment undertaken on behalf of the Council acknowledged that the siting of the building means wider public views of the proposal are limited and this is therefore a material consideration. It is considered that the dwelling represents an informed response to its rural setting and one that is not compromised by this relatively modest addition.

8.6 The proposed addition is predominantly glazed on its south and west elevations and has a central roof lantern. It is acknowledged that there would be a marginal increase in both horizontal and vertical light transmission, but this must be seen in the context of that resulting from the development already permitted and existing development. Light transmission from the elevations of the orangery is filtered to some extent by the surrounding vegetation and by proposed planting. Light from the roof lantern is 'contained' by the vertical elements of the dwelling's main elevations adjacent to the proposed orangery. Therefore it is considered that, on balance, the impact of additional light transmission from this element of the new dwelling would not have an adverse impact on the dark night skies objectives of the South Downs National Park.

8.6 The overall footprint of the new dwelling remains relatively compact and sited centrally within the plot and there is a reasonable degree of amenity land associated with it. The separation distance from the traditional range of farm buildings to the north is maintained as was previously permitted and it should be noted that this additional floorspace is located on the opposite side of the dwelling and does not compromise the spatial relationship between the existing farm buildings and the dwelling.

8.7 The appropriateness of the design of the building as enlarged is reinforced through the proposal to use of good quality materials in the form of local stone, facing brickwork, and clay tiles. Existing boundary features - in particular the present front boundary wall - are to be retained, refurbished and extended to provide a complimentary adjunct to the setting of the new dwelling.

## **Conditions**

8.8 This application seeks to amend the design of the dwelling first permitted under reference SDNP/16/00387/FUL. The majority of conditions attached to that permission requiring further approval by the Council had been satisfactorily discharged prior to the development having begun. Therefore it is not necessary to repeat all those conditions in the recommendation but simply to ensure that the details that have been agreed are carried out in respect of this proposal. Where necessary, the text of the conditions has been amended to require this.

## **9 Conclusion**

9.1 The amended proposal is still considered to be of a design that reflects local distinctiveness and its local context and, whilst there is a modest increase in the overall size of the new dwelling, this does not detract from the character or appearance of the area. Therefore it is concluded that the proposal complies with Policy H12, BE11 of the CDLP 1999, policies SD6 and SD45 of the Draft SDNPLP 2015 and the design section of the NPPF.

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

It is recommended that the application be approved for the reasons and subject to the conditions set out below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission reference SDNP/16/00387/FUL (24.04.2016)

Reason: In order to reflect the time limit imposed on SDNP/16/00387/FUL and to comply with Section 73(5)(a) of the Town and Country Planning Act 1990 (as amended) and Section 51(3) of the Planning and Compulsory Purchase Act 2004.

### **2. Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

### **3. Agreement of materials as SDNP/16/05760/DCOND**

The development shall be carried out full accordance with the details discharged under reference SDNP/16/05760/DCOND unless otherwise agreed in writing by the SDNPA.

**Reason:** For the avoidance of doubt and to ensure a high quality development.

#### **4. Sample panel**

The facing brickwork/ stonework/ tiling or other cladding, bonds, mortar and finish to joints to the external walls of the dwelling shall be carried out in accordance with the sample panel and details approved under reference SDNP/16/05760/DCOND. The approved sample panel shall be retained on site and available for inspection until the work has been completed. Thereafter, the development shall be carried out to match the standard of workmanship in the approved panel to the satisfaction of the SDNPA.

**Reason:** To ensure that the development is undertaken to an appropriate standard.

#### **5. No enlargement or alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the SDNPA.

**Reason:** To enable the SDNPA to retain control over the enlargements/ alterations of the building(s) in the interests of the proper planning and amenities of the area.

#### **6. No outbuildings**

Notwithstanding the provisions of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse, or pool or other structure, shall be erected anywhere on the application site without a grant of planning permission by the SDNPA.

**Reason:** To enable the SDNPA to retain control over such structures in the interests of the amenities of the area.

#### **7. Walls/Fences**

Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates, or other means of enclosure shall be erected, or placed within the curtilage of any dwelling anywhere on the application site other than those approved as an integral part of this development and specified on Drawing No 1553-03 Rev D without a grant of planning permission by the SDNPA.

**Reason:** In the interests of visual amenity and rural setting of the development.

## **9. Landscaping implementation**

All planting, seeding or turfing comprised in the approved details of landscaping approved under reference SDNP/16/06194/DCOND shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the SDNPA gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development.

## **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.

## **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**

**Tim Slaney**  
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Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents



## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed site block plan	1553-02	D	05.12.2016	Approved
Plans - Proposed site plan	1553-03	D	05.12.2016	Approved
Plans - Proposed ground floor plan	1553-06	C	05.12.2016	Approved
Plans - Proposed first floor plan	1553-07	C	05.12.2016	Approved
Plans - Proposed north and west elevations	1553-10	D	05.12.2016	Approved
Plans - Proposed south and east elevations	1553-09	D	05.12.2016	Approved
Plans - Proposed roof plan	1553-08	D	05.12.2016	Approved

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