

Report to **Planning Committee**
Date **11 October 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/17/03260/FUL**
Applicant **Mr Abu Chinwala**
Application **Retrospective change of use of outbuilding to holiday let and/or annex.**
Address **Wayside Cottage
Bepton Road
Bepton
GU29 0HZ**

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

Executive Summary

The application is a retrospective application for the change of use of the outbuilding to holiday let accommodation/annex. The building to be converted has already been erected and was permitted under reference SDNP/15/05618/HOUS. The physical impact of the building on the host dwelling has therefore been assessed and considered acceptable. The proposed change of use of the building to holiday let/annex accommodation would not require any physical alterations and therefore what is being considered is the impact of the change of use and the intensification of the use of the building on the host dwelling.

The change of use to a holiday let is not considered to be detrimental to the character of the local road network or be of a level of activity that would cause nuisance to the neighbouring properties or harm to the character of the area.

As such the proposal is considered to represent an acceptable form of development and the application is therefore recommended for approval.

1 Site Description

- 1.1 The site Wayside Cottage comprises a 2 storey detached dwelling sited in from the highway and accessed via a driveway which currently provides vehicular access to two properties. The dwelling is sited within the Conservation Area of Bepton and within the South Downs National Park.

- 1.2 A detached outbuilding was approved on site under reference SDNP/15/05618/HOUS. The detached outbuilding was permitted to replace an existing garage which would include an open fronted car port, garden store, home office and toilet at ground floor level and attic store at first floor level.

2 Proposal

- 2.1 The application is a retrospective application for the change of use of the outbuilding to holiday let accommodation/annex.

3 Relevant Planning History

00/00416/DOM - Porch extension and garage. Permit.

15/05618/HOUS - Traditional Oak framed garage/workshop/home office/attic store to replace existing. Permit.

4 Consultations

4.1 Bepton Parish Council

Bep-ton Parish Council objects to this application, which is submitted as a result of an enforcement notice.

In November 2015, this council had no objection to SDNP/15/05618/HOUS on the grounds that this new building was being erected to essentially create space for the applicants, who are both doctors, "to keep extensive records secure" and for "quiet study space".

This Council's ground for objection is that, if this change of use is approved, it will represent an additional residential unit by their own admission. (Refer paragraph 17 of the application form.)

In addition, this Council would make the following points:-

1. In the Decision Notice of December 2015, condition 4 stated that the "roof windows shall be fitted with blackout blinds to avoid any upward light spill. The blinds shall be used during hours of darkness whenever reasonable and practical" in order to comply with the emerging Dark Night Skies policy SD9 of the draft South Downs Preferred Options Local Plan 2015. It is our understanding that, if these have been fitted, they are not being used. We are particularly disappointed about this as in May 2016 the SDNP became the world's newest International Dark Sky Reserve (IDSR) - the second in England and only the eleventh in the world - and that moreover Bepton Road has been proved to be one of the darkest parts of the Park.
2. In paragraph 11 of the application form, it states that the sewage from this unit is to be disposed of by mains sewage. As I am sure that you are aware, there is no main sewage in this part of Bepton Village and, in fact, in the majority of Bepton.
3. Bepton Village has an on-going car parking problem along this part of Bepton Road and thus any further traffic created by this holiday let/annex will affect the amenity of this area.

Should you be minded to approve this application, Bepton Parish Council would request that the following conditions be attached:-

- that any holiday let/annex should only be allowed for a certain number of years, say 3 years, before renewal,
- that the holiday let/annex should only be allowed for a certain number of days per year,
- that there should be a maximum number of guests allowed at any one time, say 2, and lastly
- that only one car should be allowed to use this holiday let/annex.

5 Representations

5.1 5 third party objections, raising the following concerns;

- a) The proposed development will create noise from late night arrivals/early departure of guests;
- b) The site is unsustainable as the nearest facilities are over a mile away;
- c) There will be additional lighting with the late night security lighting which will be triggered when guests arrive/depart;
- d) There will be an increase in traffic;
- e) The building was originally constructed as a home office/quiet study area and for the secure storage of medical files. There is no justification as to why this use is no longer required;
- f) The proposed development will create an additional dwelling;
- g) Concerns raised over drainage and the shared Klargestor system being unable to cope with an additional dwelling;
- h) Applications 10/05309/FUL and 10/01226/FUL were refused and lost on appeal for similar development.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan for this area is the Chichester District Local Plan First Review (1999). The following documents are also considered to be material considerations in the determination of this application:

- SDNPA Partnership Management Plan 2014
- South Downs Local Plan – Pre-Submission September 2017

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

6.2 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

- 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) 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.
- 7.2 It is also necessary to have regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework (NPPF)

- 7.3 The following sections and paragraphs of the National Planning Policy Framework have been considered in the assessment of this application:
Sections 3 and 7
- 7.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

Chichester District Local Plan First Review 1999

- 7.5 The following policies of the Chichester District Local Plan First Review (1999) are relevant to this application:
- BE6 - Conservation Areas
 - BE11 - New Development
 - RE14 - Conversions in the Rural Area
 - T4 - Provision in Areas of Outstanding Natural Beauty
 - T6 - Occupancy Periods for Holiday Accommodation
 - TR6 - Highway Safety

The South Downs Local Plan – Pre-Submission 2017

- 7.6 The National Park Authority has published the South Downs Local Plan Pre-Submission 2017. This was approved by the South Downs National Park Authority on 11 July 2017. The document and the policies contained therein are a material consideration when determining planning applications and appeals within the National Park; however at this stage it is acknowledged that the policies will carry limited weight. The following policies are considered relevant to this application:
- SD5 (Design)
 - SD8 (Dark Night Skies)
 - SD12 (Historic Environment)
 - SD15 (Conservation Areas)
 - SD22 (Parking Provision)
 - SD23 (Sustainable Tourism)
 - SD31 (Extensions to existing dwellings, and provision of annexes and outbuildings)

Partnership Management Plan

- 7.7 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.
- 7.8 The following Policies and Outcomes are of particular relevance to this case:
- General Policy 1
 - General Policy 9
 - General Policy 50

8 Planning Assessment

Principle of proposed development

- 8.1 Planning permission was granted in 2015 (15/05618/HOUS) for a traditional oak framed garage/workshop/home office/attic store to replace an existing garage. Condition 3 of the planning permission restricted the use of the garage to purposes incidental to the enjoyment of the dwellinghouse known as 'Wayside Cottage' to protect the interests of the amenity of the area. The supporting statement accompanying the application outlined that the building was to be used as garaging for a family car, to keep extensive records secure (the owners are both GPs) and to allow for quiet research and study space. The principle of the use of the building for the listed activities was considered acceptable.
- 8.2 Since the construction of the building, the applicant has advised that the building is no longer required for its intended use and the building has been used for holiday accommodation and has been advertised for holiday use on Airbnb, contravening Condition 3 of planning permission SDNP/15/05618/HOUS. No details have been provided within the applicants supporting statement as to why the original use for the building is no longer required and therefore why the applicants no longer need secure storage for their files or quiet study space, although it is understood that space has been freed within the main dwelling for such purposes as one of the applicants children has gone to boarding school.
- 8.3 Policy RE14 of the Local Plan supports the conversion and change of use of buildings in the rural area provided that the buildings are structurally sound and of permanent construction and their form, bulk and general design are in keeping with their surroundings, the type and level of activity proposed would not be detrimental to the character of the rural road network or surrounding area, the type and level of activity would not have an unacceptable impact on the amenities of local residents and the means of access and parking are in accordance with Local Plan policies TR1 and TR6.
- 8.4 The proposed change of use of the outbuilding would comply with Policy RE14 as the building is structurally sound and no external alterations are proposed. The form, bulk and mass of the building was considered acceptable and in keeping with the character of the area when the application was determined for the garage/outbuilding (SDNP/15/05618/HOUS).
- 8.5 The change of use to a holiday let is not considered to be detrimental to the character of the local road network or be of a level of activity that would cause nuisance to the neighbouring properties or harm to the character of the area. The proposed development would allow for the creation of a 1 bedroom 2 person holiday let.

There are no restrictions on the number of visitors to the existing dwelling and the scale of the proposed development is likely to be of a single additional car on site in association with the holiday let at any one time. This level of activity is unlikely to cause significant harm to the road network. There is sufficient parking on site to accommodate the proposed development and the demands of the existing dwelling.

- 8.6 Policy T3 supports the provision of tourist accommodation within the rural area provided they involve the reuse of existing facilities and are small in scale. The proposed development involves the reuse of an existing building and is small scale and therefore complies with policy T3 of the Local Plan.
- 8.7 Policy T4 of the Local Plan resists development in the South Downs National Park which would adversely affect the undeveloped rural character of the surrounding landscape; require obtrusive infrastructure; result in development which would be inappropriate to its setting; have a damaging impact on long distance views or would be detrimental to features of archaeological or ecological importance. No external changes are proposed in association with the development and therefore the impact of the development on the South Downs National Park would remain as existing.
- 8.8 Policy BE6 of the Local Plan aims to preserve and enhance the character of Conservation Areas. The development does not involve any external alterations to the existing outbuilding and the character of the Conservation Area is preserved.
- 8.9 Reference has been made in letters of objection to another application (BP/10/01226/FUL) within the village of Bepton for a new single dwelling. This application was refused and dismissed at appeal largely on grounds of being in an unsustainable location. The main difference between the current application for consideration and that dismissed at appeal is that the application currently being considered is for the conversion of an existing outbuilding and not for the erection of a new building. The proposed accommodation is also tourist/annexe accommodation and is ancillary to the main dwelling and is not intended to be used as a permanent residential dwelling as in the case of 10/01226/FUL.

Impact on the host building

- 8.10 The building to be converted into holiday let/annex accommodation has already been erected and was permitted under reference SDNP/15/05618/FUL. The physical impact of the building on the host dwelling has therefore been assessed and considered acceptable. The proposed change of use of the building to holiday let/annex accommodation would not require any physical alterations and therefore what is being considered is the impact of the change of use and the intensification of the use of the building on the host dwelling. The host dwelling is considered to be a sufficient distance from the outbuilding and the proposed use of a small enough scale to ensure there is no significant impact on the host property.

Impact on the neighbouring dwellings

- 8.11 Several objections to the proposed development have been received from local residents and the Parish Council regarding the impact of the use of the building on the neighbouring dwellings citing disturbance from the increased activity on the site from the use of the building as holiday accommodation.
- 8.12 The nearest neighbour is to the north east of the site and is screened by mature hedging. The property to the north east is also set approximately 13m distance from the outbuilding at its closest point, ensuring sufficient separation distance to remain largely unaffected by the proposed development.

The property to the north east also has its parking area to the front of the dwelling and private amenity space to the rear of the dwelling, away from the proposed development.

- 8.13 There are no other near neighbours that would be likely to be affected by the proposed development.

Impact on the South Downs National Park

- 8.14 The application site is located within the South Downs National Park. The outbuilding is an existing outbuilding permitted under reference 15/05618/HOUS where the external appearance, scale, bulk and mass of the outbuilding were considered acceptable. No external alterations are proposed and therefore the physical and visual impact on the South Downs National Park are considered acceptable.

- 8.15 The intensification in the use of the site for tourist accommodation is considered to be of a small enough scale to have no significant impact on the rural road network or tranquil qualities of the South Downs National Park.

Drainage

- 8.16 The outbuilding currently drains into a private Klargestor system. The applicant has confirmed that the system is designed to cater for 8 households and it presently serves 5 so there is additional capacity in the system to support the accommodation. In any event, this is a private matter and does not form part of the planning merits of this case and is covered by the 'Permits and General Binding Rules Legislation'.

9 Conclusion

- 9.1 The retrospective change of use of the outbuilding to holiday let and/or annexe is considered to comply with Policies RE14, BE6, BE11, T3, T4 and T6 of the Local Plan and to have no significant impact on the South Downs National Park. Approval is recommended.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed accommodation shall be used for holiday accommodation or as ancillary accommodation for members of the family of the main dwelling and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, or as ancillary accommodation by family members of the main dwelling since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the car port hereby approved shall only be used for the purpose of parking private motor vehicles.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

3. Roof windows shall be fitted with blackout blinds to avoid any upward light spill. The blinds shall be used during hours of darkness when ever reasonable and practical.

Reason: In order to safeguard this intrinsically dark location in accordance with Policy BE11 of the Local Plan and the emerging Dark Night Skies policy SD9 of the draft South Downs Preferred Options Local Plan 2015.

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

14.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

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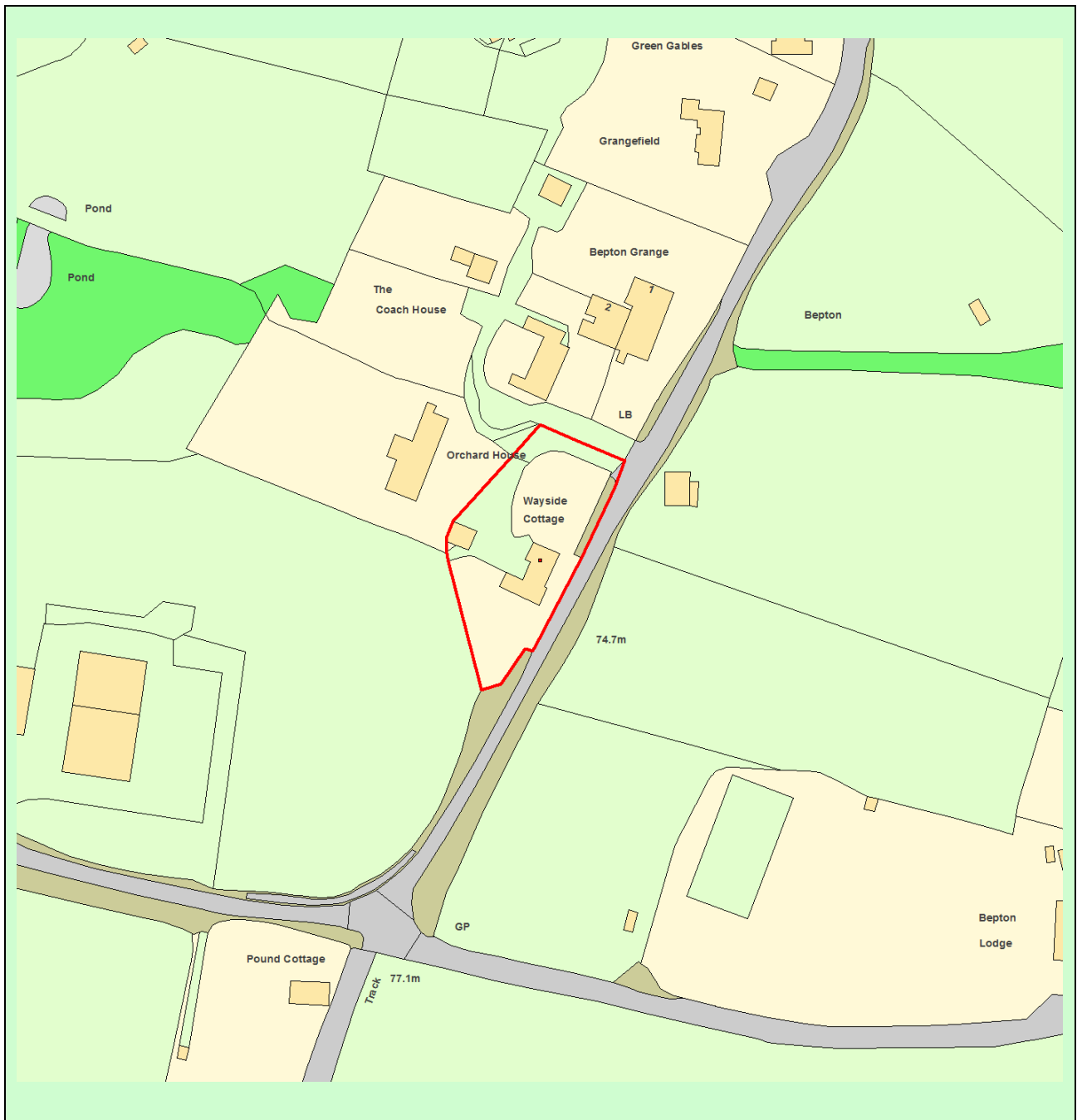
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

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 - Location Plan (amended) (A4)	1		07.07.2017	Approved
Plans - Block Plan (amended) (A4)	2		07.07.2017	Approved
Plans - Site Plan (amended) (A4)	3		07.07.2017	Approved
Plans - Existing Plans and Elevations (A3)	4		07.07.2017	Approved
Plans - Proposed Plans and Elevations (A3)	5		07.07.2017	Approved

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