
Report to	Planning Committee
Date	14 June 2023
By	Director of Planning and Environment
Application Number	SDNP/21/03134/FUL
Applicant	Mr M Giles
Application	Proposed change of use of building to tourism unit of accommodatio
Address	Durleigh Marsh Car Sales Durleighmarsh Rogate GU31 5AY

Recommendation: That the application be Approved subject to the conditions set out in paragraph 10.1 of this rep



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Executive Summary

The main issues for consideration in respect of the application are:-

The proposal to change the use of the building to holiday accommodation would result in the retention of the building for an economically beneficial purpose and offering support for the rural economy through the encouragement of visitors to stay and explore the National Park, as well as potentially providing opportunities for local employment to service the accommodation. A relatively light touch is proposed in terms of the alterations required to facilitate the change of use of the building. These are restrained and recognise the functional character of the building. External changes to the immediate surroundings to the building through the removal of hardstandings and replacement with soft landscaping will result in an enhancement to its setting and a proportional benefit in terms of ecosystems services. These matters in conjunction with the context of its setting adjacent to existing residential development will ensure that the proposed development will not have an adverse impact on the character or appearance of the National Park.

The application is placed before the Planning Committee due to Parish Council objection - officer recommends PERMIT

I. Site Description

- 1.1 The site is located on the south side of the A272 on the west side of a small cluster of other dwellings and approximately 75m west of the junction with Durford Lane and 2.6km west of the centre of Rogate.
- 1.2 The building in question exhibits a utilitarian, industrial character and is positioned to the rear of two properties, Meadow Mist and Middle Meadow. The building is single storey, with elevations constructed of face brickwork for the lower courses with the upper section overclad with black painted horizontal timber boarding. The shallow-pitched roof is a lightweight corrugated sheeting supported on steel trusses.
- 1.3 To the west of the building is a yard area, formerly used for the sale of cars/vans although it is stated that this use has now ceased. The building provided a maintenance and repair facility in connection with that former use. Open farmland borders the south boundary.

2. Relevant Planning History

SDNP/21/01077/PA30 - Prior Approval application for the Change of Use from Light Industrial (Class B1(c)) to 1 no. residential dwellinghouse unit (Class C3). NOT PERMITTED DEVELOPMENT 21.04.2021

3. Proposal

- 2.1 The proposal is for the change of use of the former workshop and office building formerly associated with the car and van sales operation to a two-bedroomed unit of tourist accommodation, together with alterations to the external appearance of the building to facilitate that use.

4. Consultations

Parish Council Consultee

Rogate Parish Council object to this application in line with our Neighbourhood Plan policy H2: Residential Development in the open countryside.

To be considered as an exception to this policy the existing building would have to be proved as being redundant and the proposals to lead to an enhancement of the immediate setting. The proposed plans do not meet this requirement and we consider the design of the proposed residential building to be out of keeping with the other residential buildings in the area.

CDC - Environmental Strategy

Ecology:

Bats

Following submission of Bat Survey Report (November 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the extension / and or tree within the garden of the property.

Hedgehogs

Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Water Neutrality:

The applicant can take the existing use into account. However, they have shown a reduction in water use compared to Building regulations standards but not water neutrality as the NE guidance defines it.

Further comment following receipt of additional information regarding previous use (16.11.2022)

If there were three employees then we can be confident that the proposal will be water neutral, as I had assumed two in my estimates. The car wash data is more questionable but as water neutrality can be achieved without taking this into account then any use of the pressure washer would only add to the certainty that water neutrality can be demonstrated.

Natural England

Summary of Natural England's Advice

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

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
<https://designatedsites.naturalengland.org.uk>

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.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

5. Representations

Agent's supporting information:

Building no longer used for garage or workshop services for some time

Any work in relation to former car sales transferred offsite

Currently used temporarily for personal storage and can be relocated

Building considered redundant to original purpose and applicant is seeking an alternative economic use. Tourism would seem an appropriate use in view of its location

Economic impacts of pandemic have brought this into sharper focus

Supporting information demonstrate that there will be wider environmental and landscape improvements.

Previous use employed 3 persons. Jet washing would be used 3 - 4 times/week, using approximately 1000 litres/week.

6. Planning Policy

Relevant Sections of National Planning Policy Framework:

NPPF01 - Introduction

NPPF02 - Achieving sustainable development

NPPF04 - Decision-making

NPPF06 - Building a strong, competitive economy

NPPF12 - Achieving well-designed places

NPPF15 - Conserving and enhancing the natural environment

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

Core Policy SD1 - Sustainable Development

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Strategic Policy SD17 - Protection of the Water Environment

Strategic Policy SD23 - Sustainable Tourism

Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

Most Relevant Policies of the Adopted Rogate and Rake Neighbourhood Plan (A full list of other relevant policies can be found in Appendix 1)

Policy BE1: Locally Distinctive Design within the Parish

Policy H2: Residential Development in the Open Countryside

Policy EW1: Supporting the Rural Economy

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

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 25
- Partnership Management Plan Policy 43
- Partnership Management Plan Policy 50
- Partnership Management Plan Policy 55

Other Relevant Policy Documents (including SPDs and TANs)

Adopted Design Guide SPD

Adopted Sustainable Construction SPD

Biodiversity Net Gain TAN

Ecosystems Services TAN

HRA TAN

7. Planning Assessment

Background

- 7.1 The main issues are whether the proposal represents an appropriate re-use of an existing building, the effect of the development on the character and appearance of the surrounding area and the potential impact on nature conservation.

Principle of development

- 7.2 The application site is situated in the countryside outside any recognised settlement, the nearest being Rogate, 2.6km to the east. Policy SD25 provides a strategic overview for the location of future development, directing it for the most part to existing settlements such as Rogate. Limited exceptions to this may be made in appropriate circumstances. Policy SD23 of the Local Plan supports proposals for sustainable tourism, particularly where it can make use of existing buildings. It is acknowledged that there is a latent demand for high-quality tourist accommodation throughout the National Park, the benefit of which is to attract visitors who in turn support the rural and visitor economy within the Park. Paragraph 85 of the NPPF advises that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Paragraph 80 of the NPPF advises that development of isolated homes in the countryside unless inter alia, the development would re-use redundant or disused buildings and enhance its immediate setting. Criterion (e) of policy H2 of the Rogate and Rake NDP echoes this approach.

- 7.3 The applicant has provided evidence as to why the building is now redundant for its original purpose - essentially the car and van sales business has ceased trading and there is little prospect of it recommencing. The proposal would result in the building remaining in an economically beneficial use, with good accessibility to the surrounding area by different modes of transport. The nature of the residential accommodation, with occupation limited to tourism is compliant with the objectives of the policies referred to above and is therefore supported in principle.

Landscape & Design

- 7.4 The building itself is a modest, single storey structure that exhibits a functional character. It is sited to the rear of a small enclave of dwellings on the south side of the A272 just to the west of its junction with Durford Lane, with arable farmland bordering the south boundary. A small amenity area on the south and east sides of the building has also been included within the proposal, along with parking for 2 vehicles immediately to the west within the former yard area. Internally, the existing layout comprises a workshop area within the larger section, with the former office/reception area and staff facilities. The location of the building is well-contained visually and is seen in context of adjacent residential development and its attendant paraphernalia.
- 7.5 Physical alterations to the appearance of the building include the infilling of the large workshop door and the provision of additional windows and openings to the remaining elevations. The existing timber cladding will be replaced with new, vertical boarding and the current profiled sheeting on the roof replaced with an insulated metal alternative. The alteration and resultant design solution is understated and remains reflective of the functional character of the building. A structural engineer's report accompanying a previous notification to re-use the building for residential purposes under permitted development (Class PA of the GPDO 2015) confirmed that the building is structurally sound and capable of conversion without major reconstruction.
- 7.6 Inevitably, there would be a change to the character of the building, moving from a commercial use to residential use. However, in the context of the residential nature of the immediate development adjacent, the change in character and appearance is visually contained within that setting and would have a neutral impact on the character and appearance of the surrounding area. In terms of impact on relative tranquillity, the site is adjacent to a busy main cross county A-road and the perception of the immediate area to the application site is a strong man-made influence through the presence of existing houses, suburban boundary treatments and large (former) commercial yard area. The additional residential character attributed to this change of use would be regarded as an adjunct to this character and therefore would not have an adverse impact on relative tranquillity. It is concluded that the proposed development would not be contrary to the objectives of policies SD4 (Landscape Character) and SD5 (Design).

Sustainable Construction

- 7.7 The works make use of an existing building ensuring no addition its embedded carbon footprint. Insulated walls and roof will ensure future energy use and subsequent CO₂ emissions are kept to a minimum. Locally sourced materials are to be used where possible. Water consumption resulting from the proposed development would be no greater than 110ltrs/person/day. In addition, to ensure the objectives of policy SD48 are met in full, a condition requiring details of how the change of use will be achieved to be submitted and approved by the LPA has been recommended (Condition 8 in the schedule of conditions below).

Eco-System Services/Biodiversity Net Gain

- 7.8 The accompanying ecosystems services statement sets out measures that will be incorporated into the proposal to meet the objectives of policy SD2. These measures include the removal of hardstanding and its replacement with lawn to aid with surface water management and reduce the likelihood of flooding and aid carbon capture together with the provision of permeable paving surfaces. This would also increase foraging opportunities for species such as hedgehogs and birds. Roosting opportunities to compensate for the loss of bat habitat in the form of bat tubes will be installed as part of the project. Any lighting will be sensitively designed and located to minimise its impact on dark night skies and protected species.
- 7.9 The site lies within the 12km buffer of the Singleton and Cocking Tunnels SAC. A bat emergence surveys carried out in August and September 2021 identified the building to be a day/transitional roost for soprano and common pipistrelle bats. The Council's ecologist is satisfied that the mitigation measures set out that include the timing of works, supervision and mitigation (as referred to above) is sufficient to compensate for the loss of this roost and that there would be no adverse impact on the SAC. An EPS licence will be required from Natural England.

Other Matters - water neutrality

- 7.10 The application site falls within the Sussex North Water Resource (supply) Zone, which is serviced by ground water abstraction near Pulborough. This has the potential to impact upon the Arun Valley, a Special Area Conservation (SAC), Special Protection Area (SPA) and Ramsar site. In September 2021, the Authority received advice from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that developments within this zone must not add to this impact. Therefore, development proposals that would lead to a material increase in water demand will need to demonstrate 'water neutrality'. This means that there would be no increase in water consumption, demonstrated by a combination of water efficiency, water recycling and offsetting measures. This should be demonstrated in a water budget, showing the baseline and proposed water consumption and mitigation measures proposed.
- 7.11 The application is accompanied by a basic water budget, which has been reviewed by the Councils Environmental Strategy Unit. The conclusion reached is that the previous commercial use and proposed use are comparable in terms of water use and in fact the proposed use would be more water efficient (without the use of mitigation) than the previous usage, simply through the requirement to comply with Building Regulations AD Part G. Natural England have subsequently confirmed that provided the water efficiency measures are put in place as part of the change of use, there would be no impact on the Arun Valley SAC. Therefore, the proposal is concluded to be water neutral and may be 'screened out' as having no material effect on the Arun Valley SPA.

8. Conclusion

- 8.1 The proposal would result in the retention of the building for an economically beneficial purpose and offers support for the rural economy through the encouragement of visitors to stay and explore the National Park, as well as potentially providing opportunities for local employment to service the accommodation. A relatively light touch in terms of the alterations required to facilitate the change of use of the building has been taken and are restrained and recognise the functional character of the building. External changes to the immediate surroundings to the building through the removal of hardstanding and replacement with soft landscaping will result in an enhancement to its setting and a proportional benefit in terms of ecosystems services. These matters in conjunction with the context of its setting adjacent to existing residential development will ensure that the proposed development will not have an adverse impact on the character or appearance of the National Park

9. Added Value

Nature Recovery - Water neutrality

National Park for all - Provision of quality tourist accommodation

10. Reason for Recommendation and Conditions/Reasons for refusal

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

Planning Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. 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. No development shall be carried out in connection with the change of use until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development. It is considered necessary of this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4. Holiday Occupancy:

The premises shall be used for/occupied as holiday accommodation only 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, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the holiday accommodation is occupied in accordance with the justification for the development provided.

5. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names of all occupants on the site, their arrival and departure dates and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority

Reason: The site is outside defined settlement limits in the open countryside, where permanent dwellings with unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with the National Planning Policy Framework.

6. The development hereby permitted shall be carried out in strict accordance with the mitigation and enhancement measures set out in Section 5 of the bat survey report prepared by Ecology by Design Ltd dated 4 November 2021.

Reason: To ensure that the development does not result in an adverse impact on protected species and accords with the objectives of policy SD9 of the Local Plan.

7. The development hereby permitted shall be carried out in strict accordance with the recommendations and proposals set out in the Ecosystems Services Statement prepared by Ecology by Design Ltd dated 24 November 2021, unless a variation is approved in writing by the LPA.

Reason: To accord with the terms of the application and to ensure that the development meets the objectives of policy SD2 of the Local Plan.

8. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) design stage SAP data
- b) design stage BRE water calculator
- c) product specifications
- d) building design details
- e) layout or landscape plans demonstrating that the dwelling has:
 - reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
 - reduced predicted CO2 emissions by a further 10% due to on site renewable energy compared with the maximum allowed by building regulations
 - EV charge point
 - predicted water consumption no more than 110 litres/person/day

- separate internal bin collection for recyclables
- private garden compost bin and providing evidence demonstrating:
- sustainable drainage and adaptation to climate change
- selection of sustainable materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A to E and G inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land.

10. The development hereby permitted shall not be occupied unless and until details of the technical means to secure the water efficiency targets have been submitted to and approved by the Local Planning Authority. All appliances and fittings shall be installed in accordance with the approved details prior to occupation and maintained thereafter.

Reason: To ensure the development does not have an adverse impact on internationally designated sites (Arun Valley SAC) through further water extraction within the catchment.

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Appendices Appendix 1 - Information concerning consideration of applications before committee
 SDNPA Consultees Parish Council, Natural England, CDC Ecology

Background Documents

Appendix I – 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 SD7 - Relative Tranquillity

Strategic Policy SD17 - Protection of the Water Environment

Strategic Policy SD23 - Sustainable Tourism

Strategic Policy SD34 - Sustaining the Local Economy

Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

All Relevant Policies of the Neighbourhood Plan

Policy BE1: Locally Distinctive Design within the Parish
Policy H2: Residential Development in the Open Countryside
Policy EW1: Supporting the Rural Economy

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.