

## Agenda Item 12

Report to	<b>Planning Committee</b>
Date	<b>21.07.2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Horsham District Council</b>
Application Number	<b>SDNP/20/01620/FUL</b>
Applicant	<b>Fairfax Designs Ltd</b>
Application	<b>Re-cladding of the walls of existing corrugated steel building with timber cladding</b>
Address	<b>The Old Mechanics Church Lane Coldwaltham RH20 1LW</b>

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

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### I **Site Description**

This application relates to a small timber-framed structure sited 25m west of the dwelling of 'Woodlands' (formerly Laramie). The structure is open-sided to the north and features a large opening to the south. The building is otherwise clad with corrugated metal cladding with translucent sections and windows positioned within its northern and southern elevations.

The building is located at the westernmost extent of a shared private way with the dwelling of Woodlands and several dwellings to the west and north-west, that connects to the publicly maintained highway at Church Lane to the front of St James' School. Timber closeboard fencing has recently been provided to the adjacent south and east of the building,

The site is located to the north of the defined settlement boundary of Coldwaltham, as such, constitutes a countryside location in planning policy terms. The site, however, is an edge-of-settlement location possessing a semi-rural character distinct from the open and undeveloped character of land to the north and west.

The site falls within the South Downs National Park, the corresponding International Dark Skies Reserve and a designated archaeological notification area. Right of way 2446/1 runs beyond the southern extent of the site within a small gully. The site is not affected by any statutory or non-statutory environmental or biodiversity designation.

## 2 Proposal

Planning permission is sought for replacement cladding to the building, in the form of timber feather-edge cladding, together with timber 'barn style' doors to existing openings.

The proposal would not result in any material enlargement or extension to the building. Planning permission is not sought in respect of a material change of use of the building.

## 3 Relevant Planning History

SDNP/19/04741/HOUS	Re-cladding of the walls of existing corrugated steel building with timber cladding	Application Approved 12.12.2019
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Planning permission for physical alterations of an identical nature to those currently proposed was previously granted pursuant to ref: SDNP/19/04741/HOUS.

As explained in the submitted planning statement this previous application was erroneously submitted as a householder proposal, and determined subject to 'non-severance' conditions in accordance with the Authority's spatial strategy and strategy for the retention of small and medium sized homes. (Policies SD5, SD25 and SD31 of the South Downs Local Plan (2019)).

The submitted planning statement, further, contends that the building subject of this application remains in independent BI(c) (light industrial) use and that the previous determination is an unfortunate consequence of the mistakenly submitted application type and information available to the Local Planning Authority at the time of determination.

Planning permission, therefore, is sought for the previously approved external alterations, though, under a full planning application unrelated to the domestic occupation of Woodlands (formerly Laramie).

## 4 Consultations

**Coldwaltham Parish Council:** Objection:-

“Coldwaltham Parish Council share the concerns about this application that neighbours of the property have expressed. Whatever may have been the original use category of the property, neighbours have argued that the actual use has not for a long time been industrial. As Coldwaltham and in particular the nearby village school have developed over the years, industrial use has become ever less appropriate for a site at the end of a narrow no-through lane, serving both the Church and the school. We therefore believe that the planning approval already given should stand unmodified, permitting the timber cladding but as a residential outbuilding only.”

## 5 Representations

9 letters of representation from 8 different addresses were received in connection with the proposal. 8 letters were received in objection to the proposal and a single letter received that neither sought to object to or support the proposal.

Material comments raised in objection to the proposal can be summarised as:-

- The proposal seeks to overturn an earlier approval and turn the shack from residential to commercial use, with greater implications for the local area;
- Application requires more information before it can be seriously considered;

- Site access, passing St James' School and St Giles' Church is narrow and often impassable at school drop off/pick up times and during weddings;
- Concerns regarding increase in traffic movements and impacts upon the safety of highway users;
- Concerns regarding the adequacy of Church Lane for heavy traffic;
- Existing site access inaccurately marked on submitted plans;
- A change of use would prove totally inappropriate;
- Version of events presented within the submitted planning statement and application form are inaccurate;
- Slow worms viewed adjacent at neighbouring Roseview circa April 2020;
- Increased noise and dust disturbance to neighbouring occupiers arising from commercial use;
- Surrounding land hosts variety of wildlife that could be disturbed by a BI(c) use;
- No evidence of industrial use in recent decades, and any such use would have now lapsed;

Material comments raised in support of the proposal can be summarised as:-

- The proposals to re-clad the walls of the dilapidated shack are good;
- Building undoubtedly requires renovation;
- To re-clad and use as storage would be acceptable;
- Structure is in dire need of renovation and is an eyesore, replacement wood-cladding would appear to be a good move;

## **6 Planning Policy Context**

S.38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the South Downs Local Plan 2014-2033 (2019), and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant 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 wellbeing 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), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 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 also important considerations and should be given great weight in National Parks.

## South Downs Local Plan (2019);

The following development plan policies are relevant to this application:

- SD1: Sustainable Development
- SD2: Ecosystem Services
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD16: Archaeology
- SD25: Development Strategy

## **8 Planning Assessment**

### **Physical Alterations:**

Policy SD4 of the South Downs Local Plan (SDLP) (2019) provides that development will only be permitted that conserves and enhances landscape character through the retention and enhancement of existing landscape features, positive design, layout and scale that reinforces distinctive landscape characteristics and the evolution of the landscape and by safeguarding the amenity and experiential qualities of the landscape

Policy SD5 of the SDLP (2019) requires a landscape led approach to design, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of an area. Development *inter alia*, will be required to complement landscape character, contribute to local distinctiveness and incorporate architectural design appropriate to its setting in terms of height, massing, density, roof form, vernacular and relevant detailing.

Policy SD5, further, requires development to have regard to avoiding harmful impacts upon surrounding uses and the amenities of surrounding occupiers.

The existing building is in a dilapidated condition, with the building as a whole overall deemed to possess a utilitarian character of no architectural or aesthetic merit as primarily derived from the buildings form and use of industrial materials. It is considered, therefore, that the appearance of the existing building is detrimental to the visual amenities of its surroundings and to the semi-rural character of its immediate setting.

The proposed material palette of timber cladding and doors would be considered more appropriate to the semi-rural character of this setting than the metal sheeting proposed to be replaced. The provision of new doors and replacement cladding, furthermore, would address the dilapidated condition of the existing building, with the works overall considered of benefit to the appearance of the building and its surroundings.

The provision of doors to openings within the eastern and western elevations of the building would not be considered harmful to a sense of openness, or to detrimentally influence an appreciation of the more rural qualities of land beyond the site to the north and west from right of way 2446/1.

The proposed physical alterations would not effect a change in relationship with neighbouring occupiers, or be considered to materially detract from the receipt of natural light to neighbouring occupiers at Woodlands and Roseview.

Overall, therefore, it is considered that the visual impact of the proposed works is acceptable and that the proposal would not harmfully impact upon the amenities of nearby occupiers in compliance with policies SD4 and SD5 of the South Downs Local Plan (2019).

The proposed adaptations would not necessitate extensive groundworks beyond the built-footprint of the existing building, as such, would not be considered detrimental to the integrity of local archaeological remains or to unacceptably impact on protected species and habitats in compliance with policies SD9 and SD16 of the South Downs Local Plan (2019). In any instance it is noted that the extent of physical alterations sought are identical to those that were permitted pursuant to ref: SDNP/19/04741/HOUS and the impact of development in relation to policies SD9 and SD16 is no greater than that previously consented and remains extant, accordingly, the extant permission attracts significant material weight in these regards.

### **Use of the Building:**

It is recognised that that the submitted planning statement advances that the building remains an independent planning unit in BI(c) use at, and prior to, the date of submission.

It is, further, acknowledged that several representations, and the response of the Parish Council, have sought to refute the accuracy of the asserted version of events presented with the applicants planning statement, and in relation to the acceptability of a BI(c) use in this location. Comments regarding the impacts of development on highway safety and operation, the amenities of nearby occupiers, and wildlife are specifically noted.

Planning permission, however, is sought solely in respect of works of operational development (building operations), with the proposal not seeking to effect a material change of use as defined under S.55 of the Town and Country Planning Act 1990. Furthermore, this application is not made pursuant to S.191 of the Town and Country Planning Act 1990, and does not seek a determination from the Local Planning Authority as to the lawfulness of the buildings asserted use.

These matters, therefore, are considered to fall beyond the scope of the permission sought and are not material to this determination. Given the ambiguity in the building's current and preceding use, as highlighted by the representations received, the applicant is strongly advised to submit an application for a certificate of lawfulness under S.191 of the Town and Country Planning Act 1990 in order to establish the lawful use of the building. If a BI(c) use cannot be established to persist, through the course of an application for a certificate of lawfulness, planning permission for a material change of use would prove necessary. Any such a planning application would be consulted on and determined on its own merits with reference to the relevant policies of the development plan.

### **Other Matters:**

It is noted that this application is not accompanied by an ecosystem services report setting out how the proposal would positively contribute to the delivery of ecosystem services in accordance with policy SD2 of the SDLP (2019).

It is, however, considered that the detrimental impact of the proposed development on the ability of the environment to contribute goods and services would be negligible in this instance given the modest scale of development and intended use of natural resources (timber). As policy SD2 does require some form of positive delivery, however, it is considered that a condition requiring details of intended measures designed to secure an overall positive ecosystem services gain is necessary and as featured on the preceding permission. Subject to such a condition the proposal would be deemed compliant with policy SD2 of the SDLP (2019).

A condition restricting the provision of external lighting/floodlighting is further necessary in order to control the impact of such development on the intrinsic quality of the International Dark Skies Reserve in accordance with policy SD8 of the SDLP (2019).

## 9 Conclusion

The proposed physical alterations are considered an improvement to the dilapidated and unsympathetic condition of the existing building and in accordance with policies SD4 and SD5 of the South Downs Local Plan (2019).

While concerns regarding the use of the building, and the legitimacy of an ongoing BI(c) use are noted, these matters are considered to fall beyond the scope of the permission sought and would not warrant a reasonable refusal of planning permission.

It is considered that, subject to the recommended conditions, the proposal is compliant with all relevant policies of the development plan and is recommended for approval accordingly.

## 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. 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.

### 2. **Standard Time Condition:** 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 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

### 3. **Commencement (Slab Level) Condition:** No works above ground floor slab level shall take place until a schedule and details of measures designed to secure a positive ecosystem services gain have been submitted to and approved by the Local Planning Authority in writing. Such measures shall then be implemented in accordance with the approved details and be maintained as such thereafter.

Reason: To secure an overall positive impact on the ability of the natural environment to contribute goods and services in accordance with Policy SD2 of the Draft South Downs Local Plan (2019)

### 4. **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those prescribed within section 7 of the submitted application form.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy SD5 of the South Downs Local Plan (2019).

5. **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: To preserve the intrinsic quality of the International Dark Sky Reserve in accordance with policy SD8 of the South Downs Local Plan (2019).

## 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**

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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, in order to be able to, where possible, grant permission.

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

## Appendix I

### 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 and Block	001	A	24.04.2020	Approved
Plans - Site	002	A	24.04.2020	Approved
Plans - Existing Building	003	A	24.04.2020	Approved
Plans -	004	A	24.04.2020	Approved
Plans -	005	A	24.04.2020	Approved
Plans -	006		24.04.2020	Approved
Reports - Design and Access Statement	NONE		24.04.2020	Approved
Reports - Noise Impact Assessment	NONE		24.04.2020	Approved

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