

Report to **Planning Committee (South)**
Date **18 April 2023**
By **Director of Planning**
Local Authority **Horsham District Council**
Application Number **SDNP/21/03962/FUL**
Applicant **Fairfax Designs Ltd**
Application **Change of use of former light industrial building to a Holiday Let**
Address **The Old Mechanics
Church Lane
Coldwaltham
RH20 1LW**

Recommendation: That the application be **Approved** subject to the completion of a **s106 agreement to secure off site water neutrality offsetting measures, and the conditions set out in paragraph 10 of this report.**

IMPORTANT NOTE: This application is liable for **Community Infrastructure Levy.**

I Site Description

This notification relates to a small timber-framed structure sited 25m west of the dwelling of 'Woodlands' (formerly Laramie). The structure which was formerly in dilapidated condition and previously comprised corrugated metal cladding to the external walls. The building has recently been clad in timber cladding following the permission granted relating to SDNP/20/01620/FUL.

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.

The site is located to the north of the defined settlement boundary of Coldwaltham, constituting 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.

In consideration of a recent prior approval application, SDNP/20/03381/PA30, for conversion of the application building to a dwelling house, the Local Planning Authority concluded that the former light industrial use of the building had been abandoned.

2 **Proposal**

The application seeks full planning permission for conversion of the existing building which has been recently re-clad with timber cladding to a two-bedroom unit of holiday accommodation. The proposal would include the provision of new windows on all elevations of the building. The building would be accessed from an existing five bar gate onto the private access drive to the south and two parking spaces would be provided to the west of the building.

3 **Relevant Planning History**

SDNP/20/03381/PA3O	Prior notification for change of use of a light industrial building to a residential dwelling.	Prior Approval Refused on 30.09.2020
SDNP/20/01620/FUL	Re-cladding of the walls of existing corrugated steel building with timber cladding	Application Approved on 19.10.2020

4 **Consultations**

WSSC - Highways

No Objection. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

HO - Public Health & Licensing (Env.Health)

Comment. The main concern is the risk for ground contamination to be present given the former light industrial use of the site. In order to ensure the application is properly determined the applicant should provide a Preliminary Environmental Risk Assessment/Phase one Desk study prepared by a competent person.

Natural England:

Standing Advice. It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

N.B. Any further comments from Natural England will be reported at Planning Committee.

Parish Council Consultee:

Objection. The following matters material to the consideration of this planning application have been raised:

- The building as such, is unsuitable for conversion to a residential property. It would need considerable materials to make it habitable.
- To convert to a building of 2 stories, as in the application, could mean raising the roof height.
- Additional windows serving lounge area would overlook adjacent properties.
- Holiday let use could mean occupancy is for the majority of the year.

- Cause traffic problem in a narrow road.
- The village school is a very short distance from this property. The holiday let would allow various unknown people of different backgrounds to rent the home for short periods which make the safety of children's welfare a very serious concern, a Safeguarding Issue.
- There is some evidence that wildlife is present in the building, no consideration has been made about this aspect.

5 Representations

12 representations have been received (from eight separate households) objecting to the proposal for the following reasons:-

- The former light industrial use of the building has been abandoned, and the building is no longer connected to Laramie;
- A holiday let and dwellinghouse fall within the same Use Class;
- Overlooking;
- There is no need for further residential development, which would set a precedent;
- Question whether legal access to the site exists from Church Lane;
- Impact of short term occupation on surrounding school routes;
- Additional congestion and safety hazard along Church Lane;
- Inaccuracies on submitted application form.

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 **South Downs Local Plan 2014-2033** 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 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), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and 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 also important considerations and should 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:

- NPPF02 - Achieving sustainable development
- NPPF06 - Building a strong, competitive economy
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

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 **South Downs Local Plan** are relevant to this application:

- SD1 - Sustainable Development
- SD2 - Ecosystems Services
- SD4 - Landscape Character
- SD5 - Design
- SD8 - Dark Night Skies
- SD22 - Parking Provision
- SD23 - Sustainable Tourism
- SD25 - Development Strategy
- SD48 - Climate Change and Sustainable Use of Resources

Partnership Management Plan

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.

8 Planning Assessment

Principle of Development:

The site is in a countryside location where development is generally restricted. Development plan policies and the NPPF also place 'great weight' on conserving the landscape and the scenic beauty of National Parks, which have the highest status of protection.

Policy SD25 sets a clear distinction between land within and land outside a settlement boundary, seeking to direct new residential development to within established settlements. Policy SD25 exceptionally permits development outside of settlement boundaries where it complies with relevant policies in the Local Plan and there is an essential need for a countryside location. The types of exceptional circumstances which may be acceptable include uses of land relating to countryside recreation and sustainable tourism. Policy SD23 provides broad support for sustainable tourism facilities outside settlement policy boundaries where these positively contribute to the natural beauty, wildlife and cultural heritage of the National Park; and are closely associated with other attractions/established tourism uses, including the public rights of way network. Proposals must also provide opportunities for visitors to increase their awareness, understanding and enjoyment of the National Park's special qualities; be designed and located to encourage access and/or subsequent travel by sustainable means. Criterion d) of SD23 also supports development proposals that make use of existing buildings.

The findings of the South Downs National Park Visitor Accommodation Review 2014 indicates that there is a lack of tourist accommodation across the National Park, especially close to the South Downs Way. Policy 43 of the South Downs Partnership Management Plan (SDPMP) (2020-25) also supports the development and maintenance of appropriate recreation and tourism facilities and visitor hubs in and around the National Park.

The application site lies to the north of Coldwaltham, a small village which benefits from a public house and an extensive public rights of way network in the immediate vicinity of the site, with the Wey South Path approximately 900 metres to the south-east providing footpath links to the Arun Valley, Amberley (and the South Downs Way) to the south and Dorking to the north. It is considered that the proposal would be closely associated with the public rights of way network, with these links providing an opportunity for visitors to increase their awareness, understanding and enjoyment of the National Park's special qualities.

The location is considered, on balance, to be sustainably located for tourism accommodation, and while there would be an expectation that future guests would have to make use of private vehicles to explore the wider National Park, sufficient opportunities exist in the immediate locality that this would not be inevitable. The proposal can therefore be justified within the National Park and accords with the thrust of SD23.

Character and appearance:

Policies SD4 and SD5 of the SDLP (2019) require a landscape led approach to design, through sensitive and high quality design. 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 and relevant detailing.

The application site lies approximately 116 metres north-west of the settlement boundary of Coldwaltham (which runs along the northern boundary of St James CofE School). Although in a countryside location for the purposes of planning policy, the site is not isolated or remote, instead forming part of a cluster of residential development which extends north-west from Coldwaltham along Church Lane. The proposal entails the conversion of an existing building with only limited alterations to fenestration necessary. The scale and extent of these alterations (together with the related internal alterations) would have no discernible impact on the landscape character of the locality, with the existing visual relationship between the site and surrounding area preserved. The visual impact of the proposal is therefore considered acceptable.

Impact on neighbouring amenity

Policy SD31 of the SDLP *inter alia* seeks to ensure that development is designed and sited so as to avoid unacceptable harm to the amenities of nearby occupiers and users of land.

The location of the outbuilding, the scale of the intended use and its relationship with surrounding properties and land is such that no unacceptable impact on amenity would be expected.

The introduction of a holiday let in this location would not, as a matter of course, be expected to result in unacceptable levels of noise or disturbance for occupants of surrounding properties. A condition is though recommended to secure a management plan for the premises, and this approach is considered sufficient to minimise the potential for individual behaviour to generate harm.

Highways:

Policies SD19 and SD20 of the SDLP seek to ensure that development maintains pedestrian rights of way while maintaining the safe and efficient operation of the highway network.

There is no evidence that the access is operating unsafely or that the proposal would exacerbate any safety concerns on adjoining highways. The layout would allow for two on-site parking spaces which is considered adequate for a development of this scale. A condition is recommended to secure cycle parking facilities. It is considered that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and that there are no transport grounds to resist the proposal.

Dark Night Skies:

Policy SD8 of the SDLP (2019) provides that development will be permitted that conserves and enhances the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. Development must demonstrate that all opportunities to reduce light pollution have been taken, including the avoidance of unnecessary lighting and appropriate mitigation where unavoidable.

The application site falls within Dark Sky Zone E1a which is identified as being of intrinsic rural darkness. The nature and location of the proposed alterations together with the surrounding boundary screening is such that the proposal would not be expected to result in harmful light spill, such that the intrinsic quality and integrity of the dark night sky would be preserved without the need for any mitigation. A condition is though recommended to prevent future alterations to the building or the installation of external lighting.

Water Neutrality

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application is accompanied by a Water Statement which is consistent with the approach to baselining water consumption in the Council's guidance on the matter. In this case the former use(s) of the building is such that there is no existing consumption, with the proposal therefore resulting in increased water usage. The water statement establishes likely water consumption based on average occupancy and consumption figures and identifies efficiencies and technologies (rainwater harvesting) which can reduce expected water usage per person per day. The methodology and approach is considered acceptable, and demonstrates the development would be expected to result in an additional demand for water in the order of 107.46 litres / day. This figure is based on 100% occupation throughout the year, which although extremely unlikely is sufficiently precautionary for the purposes of water neutrality.

The water statement identifies a property within the same ownership as the applicant against which further efficiencies can take place, offsetting the additional demand created by the proposed holiday-let. The statement has established the existing water usage of this property (based on water bills and therefore actual consumption) with a survey of existing fixtures and fittings undertaken. From this, efficiencies (to fixtures and fittings) have been identified which would result in a reduction in water usage of 154.68 litres / day.

The measures put forward at the offsetting site would deliver water efficiencies which would achieve a betterment over the additional consumption resulting from the proposed development. These measures would be secured through a s106 agreement. On this basis the development would not result in an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 10 of the SDLP, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity and Ecosystem Services:

Policy SD9 of the SDLP provides that development will be permitted which conserves and enhances biodiversity and geodiversity with particular regard to ecological networks and areas

with high potential for habitat restoration and/or creation. Policy SD10 relates to International Sites, stating that development on greenfield sites (within specified conservation area distances) will require an appraisal as to its impact on protected species. It is considered that the nature and siting of the proposal is such that there would be no adverse impact on protected species or habitat.

Policy SD2 of the SDLP provides that development will be permitted that secures an overall positive impact on the ability of natural environment to contribute goods and services. The proposal entails an alternative use of an existing building and immediately surrounding land with significant potential for ecological enhancements.

9 Conclusion

The application is considered to accord with relevant local and national planning policies and is recommended for approval.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved 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 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 commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with.

4. No development above ground floor slab level shall take place until details of proposed ecosystem services measures shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the ecosystem services measures have been implemented as approved. The measures shall thereafter be maintained in accordance with the approved details.

Reason: To provide measures that secure an overall positive impact on the ability of natural environment to contribute goods and services.

5. No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (dated 21 September 2022) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 10 of the South Downs Local Plan, Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

6. The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (dated 21 September 2022). The development hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 10 of the South Downs Local Plan, Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

7. No part of the development hereby permitted shall occupied until a Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to management responsibilities for the holiday accommodation, measures to control noise from all activities including amplified music and hours of use for external areas, operations at the site (including limited arrival times to reasonable hours) and minimising noise from vehicles, deliveries, collections and servicing. The plan shall also include a code of conduct for guests, including but not limited to the use of amplified music. The Noise Management Plan shall be implemented and complied with thereafter for the duration of the use / development.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents.

8. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

9. No part of the development hereby permitted shall be occupied until cycle parking facilities serving have been provided within the curtilage. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes AA, A, B, C, E, F of Part 1, and Class A of Part 2 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: To protect the amenities of adjoining residential properties and visual amenity.

11. 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 enable the Local Planning Authority to control the development in detail in the interests of night time amenity, tranquillity and protect and conserve the International Dark night Skies.

12. The residential accommodation hereby permitted, as indicated on the approved plans, shall be managed in accordance with the following:

- i) The accommodation shall be occupied for holiday and short-term let purposes only;
- ii) The accommodation shall not be occupied as a person's sole, or main place of residence;
- iii) The accommodation shall not be occupied by any one person for a period exceeding 28 days in any calendar year;
- iv) The owners / operators shall maintain an up-to-date register of the names of all owners / occupiers of the accommodation on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.

Reason: To maintain the availability of the site as short-term holiday tourist accommodation.

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.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Guy Everest
Tel: 01403 215633
Email: Guy.Everest@horsham.gov.uk
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 Received	Status
Plans - Location and Block Plan	001	REV PI	11.10.2021	Approved
Plans - Existing and Proposed Floor Plans and Elevation Plans	100		30.07.2021	Approved
Reports - Planning, Design and Access Statement	None		30.07.2021	Approved

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