

## **SOUTH DOWNS NATIONAL PARK AUTHORITY PLANNING COMMITTEE**

A meeting of the Planning Committee will be held online at **10.00 am on Thursday, 9th July, 2020.**

**Trevor Beattie**

Chief Executive (National Park Officer)

### **AGENDA PART I**

**1. Election of Chair**

**2. Election of Deputy Chair**

**3. Apologies for absence**

**4. Declaration of interests**

To enable Members to declare to the meeting any disclosable interest they may have in any matter on the agenda for the meeting.

**5. Minutes of previous meeting held on 11 June 2020 (Pages 5 - 14)**

To approve as a correct record the minutes of the Planning Committee meeting held on 11 June 2020.

**6. Matters arising from the previous meeting minutes**

To enable any matters arising from the 11 June 2020 Planning Committee minutes that are not covered elsewhere on this agenda to be raised.

**7. Updates on previous Committee decisions**

To receive any updates on previous Committee decisions.

**8. Urgent matters**

To consider any matters on the agenda which the Chair agrees should be considered as a matter of urgency due to special circumstances.

### **DEVELOPMENT MANAGEMENT**

**9. Application Number: SDNP/20/01693/FUL - Cowdray Tree Houses (Pages 15 - 56)**

**Local Authority:** Chichester District Council

**Proposal:** Construction of 12 treehouses to provide tourism accommodation across 2 woodland sites within the estate (5 x 1 bedroom units at Lodge Wood and 7 x 1 bedroom units at High Field Copse), access and parking, cycle storage, drainage and biodiversity enhancements and woodland management.

**Address:** Cowdray Park, A272 Easebourne St to Heath End Lane, Easebourne, West Sussex  
To consider a report by the Director of Planning (Report PC20/21-01).

**10. Application Number: SDNP/20/01263/FUL - Whitewool Farm (Pages 57 - 72)**

**Local Authority:** Winchester District Council

**Proposal:** Works to re-grade the land to create new habitat to facilitate the removal of nitrates from Whitewool Stream and deliver net biodiversity enhancements.

**Address:** Whitewool Farm Whitewool Lane East Meon Petersfield GU32 1HW  
To consider a report by the Director of Planning (Report PC20/21-02).

## **STRATEGY & POLICY**

- 11. Adoption of Affordable Housing Supplementary Planning Document (SPD)** (Pages 73 - 158)  
To consider a report by the Director of Planning (Report PC20/21-03).
- 12. Enforcement Update** (Pages 159 - 160)  
To consider a report by the Director of Planning (Report PC20/21-04).
- 13. Summary of appeal decisions received from 28 January 2020 - 23 June 2020**  
(Pages 161 - 184)  
To consider a report by the Director of Planning (Report PC20/21-05).

### **Members of the Planning Committee**

Alun Alesbury, Heather Baker, Pat Beresford, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Gary Marsh, William Meyer, Robert Mocatta and Vanessa Rowlands

Ex officio Members (may participate on Policy items but not vote): Ian Phillips

### **Members' Interests**

SDNPA Members have a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regard themselves first and foremost as Members of the Authority, and will act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

Members are required to declare any disclosable pecuniary interest that is not already entered in the Authority's register of interests, and any personal interest and/or public service interest (as defined in Paragraph 18 of the Authority's Code of Conduct) they may consider relevant to an item of business being considered at the meeting (such disclosure to be made at the commencement of the meeting, or when the interest becomes apparent).

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### **Public Participation**

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### **Feedback**

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## **Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting**

### **SOUTH DOWNS NATIONAL PARK AUTHORITY**

#### **PLANNING COMMITTEE 11 JUNE 2020**

Held: online via Zoom videoconferencing, at 10am.

Present: Alun Alesbury (Chair), Heather Baker, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Gary Marsh, William Meyer, Robert Mocatta and Vanessa Rowlands.

Officers: Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Richard Ferguson (Development Management Lead), Rafa Grosso-Macpherson (Senior Development Management Officer), Heather Lealan (Development Management Lead (Minerals and Waste)).

#### **OPENING REMARKS**

411. The Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

412. The Chair welcomed Members to the meeting and informed those present that:

- Due to the current Coronavirus pandemic the South Downs Centre and Memorial Hall remained closed until further notice, hence the meeting of the South Downs National Park Authority was held using the Zoom Cloud Meetings software.
- The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purpose
- SDNPA Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

413. The Senior Governance Officer reminded Members of the protocol that would be followed during the meeting.

#### **ITEM 1: APOLOGIES FOR ABSENCE**

414. Apologies were received from Pat Beresford, and Gary Marsh sent apologies that he would be late.

#### **ITEM 2: DECLARATION OF INTERESTS**

415. Robert Mocatta disclosed a public service interest on items 7 and 10 as an East Hampshire District Councillor. Item 7 was in his ward and he was acquainted with many of the public speakers for both items.

416. Barbara Holyome disclosed a non-prejudicial interest on items 9 and 10 as two of the public speakers were known to her.

417. William Meyer disclosed a non-prejudicial interest on item 9 as three of the public speakers speaking against the application were known to him. He had met the applicants once at an SDNPA meeting, but had not taken part in any discussions with them on this application. His decision would be based on Member discussions at this meeting, which he would consider with an open mind.

418. Vanessa Rowlands disclosed a non-prejudicial interest on item 9 as one of the public speakers was known to her.

419. Alun Alesbury disclosed a non-prejudicial interest on item 9 as one of the public speakers was known to him.

## **Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting**

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 12 MARCH 2020**

420. The minutes of the previous meeting held on 12 March 2020 were agreed as a correct record and signed by the Chair, subject to the following amendments:
- The third bullet point of minutes 379 should read 'there were design concerns' (amended from 'there was').
  - Minute 397 should read 'Bob Fewings spoke against the application representing Newton Valence Parish Council' (not 'himself' as stated).
  - The third bullet of Minute 400 should include 'Estate' after Newton Valence, to read 'It was further recognised that Newton Valence Estate had a WEP' to ensure clarity that it was the Estate, and not the village as a whole, that had a WEP.

### **ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES**

421. There were none.

### **ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS**

422. The decision had been issued for SDNP/18/05206/FUL - Aldi House.

### **ITEM 6: URGENT ITEMS**

423. There were none.

### **ITEM 7: SDNP/19/04720/FUL - WORKSHOP AND LAND REAR OF 34 LAVANT STREET, PETERSFIELD, HAMPSHIRE.**

424. The Case Officer presented the application, referred to the update sheet which included an amendment to the recommendation and an amendment to condition 3. The Officer also gave the following verbal update:
- Further comments had been received from Petersfield Town Council. Whilst their latest formal response stated that they have no objection to the scheme, they commented on the design and expressed concerns about whether the scheme addressed policy SD35 (loss of an employment site).
425. The following public speakers addressed the Committee:
- Ben Smith spoke against the application representing himself.
  - Matthew Warner spoke against the application representing himself.
  - Alistair Harris spoke in support of the application representing Metis Homes.
426. The Committee considered the report by the Director of Planning (Report PC19/20-57), the update sheet and the public speaker comments, and requested clarification as follows:
- Would a precedent be set if this employment site, which was designated in the SDNPA Local Plan and the Petersfield Neighbourhood Plan, was approved for housing?
  - What was the current space allocated to business use premises on the site.
  - Did the conclusions of the viability study concur that this site could only provide 3 affordable houses? Was there any clawback mechanism which could allow for more than 3 affordable dwellings to be provided for when development commenced?
  - Had East Hampshire District Council's shown any current interest in purchasing the site?
  - Why did the architectural design change from the previous application when the Historic Buildings Officer comments advised that the more traditional design of the previous application would produce a better result for this important site?
  - Could there be an opportunity for residents of Charles Street to have vehicular access to the back of their properties via the site?
  - Was there provision for cycle storage on site?
  - What percentage of electric charging vehicle points would be provided on this site?

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- Had the Design Officer comments on landscaping been taken into consideration, including the use of green roofs and more meaningful infrastructure?

427. In response to questions, Officers clarified:

- Whilst this site is identified as an important local employment site, each site is considered on its own merit. Local Plan policy SD35 seeks to safeguard employment sites, however all policies contain matters for exceptions which should be taken into consideration, allowing for judgement to be used on each site. Applications that would result in a loss of employment land on principal employment sites would only be permitted provided that evidence of a robust marketing campaign of at least 18 months clearly demonstrated that there was no market demand for the business premises. That had been demonstrated in this case and therefore other options could be considered.
- The current site provided just under 2000m<sup>2</sup> of business premises, and the proposals provided for 241m<sup>2</sup>.
- This application was an improvement on the previous application which did not provide for any affordable housing. Policy SD28 on provision of affordable housing did not need to be met if an application was robustly shown to be unviable. Whilst there had been different opinions on the value of land, the viability studies we had assessed showed that the scheme could not be policy compliant for affordable housing due to high costs. Officers had asked for detailed costs for the scheme, which were shown to be high. The S106 agreement would contain provision for clawback should provision for more affordable housing be possible.
- East Hampshire District Council made an offer on the site in June 2017, which was rejected, and no further approach to the landowner had been made. Policy D35 required a minimum of 18 months marketing to show that there was no interest in a site, and this had now passed.
- The design had changed after pre-application discussions between the applicants, the Design Officer and Case Officer. The Design Officer was happy with the application, which incorporated a modern design with some traditional architectural features of the conservation area.
- An access road to the rear gardens of Charles Street properties would limit the layout and scale of what could be achieved on the site. This would lead to loss of courtyard spaces, and possible loss of trees along the boundary. The increased vehicle dominance in the plans could result in a negative visual impact from the Charles Street properties.
- A communal cycle store would be provided within the flats and cycle hoops would be situated in the central courtyard for the office site.
- A high percentage of charging points would be included in the schemes, to meet policy SD22.
- The Landscape Officers comments had led to new and improved planting, including a rainwater garden. There had also been improvements to enhance biodiversity and improve quality of the bank of the stream at the rear of the site. The conditions would ensure opportunities for Green Infrastructure to be maximised, despite limitations of the site.

428. The Committee discussed and debated the application, making the following comments:

- It was accepted that this was a more complex site than other employment sites in Petersfield. It was a key location in a conservation area, and provided a first impression for visitors arriving in the Park by public transport.
- Members concurred with the concerns expressed by the Historic Building Officer that the proposed building on the Lavant Street frontage, a prominent site within the Conservation Area, would be more appropriate if it had a more traditional form..
- Members also accepted that inclusion of a small access road to the rear of properties on Charles St would negatively impact the design of site.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- The location of this site, next to the train station and in walking distance to the town centre, was deemed a prime location to meet affordable housing provision.
  - Members recognised that Metis homes were trying to build to a high quality design, and that the associated costs may reduce the ability to meet affordable housing policies. However Members agreed that policy SD28 was a landmark policy, had been through rigorous debate and was recently approved by an Examiner. To provide only 10% affordable housing was not sufficient to warrant approval.
  - It was agreed that the design on Lavant Street, along with a lack of affordable housing provision, were key causes for concern.
429. It was proposed and seconded that the application be refused for the following reasons:
- The lack of affordable housing given its proximity to local amenities;
  - The design of the particular frontage on Lavant street was not deemed appropriate.
430. **RESOLVED:** That planning permission be refused for the following reasons, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee:
- The lack of affordable housing given its proximity to local amenities;
  - The design of the particular frontage on Lavant street was not deemed appropriate
431. Gary Marsh joined the meeting at 12:15.
432. The meeting adjourned for a 5 minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

### **ITEM 8: SDNP/19/02919/FUL - SOLDIERS FIELD STABLES SOLDIERS FIELD LANE FINDON.**

433. The Case Officer presented the application and referred to the update sheet.
434. The following public speakers addressed the Committee:
- Michael Drakeford spoke against the application representing himself
  - Kris Mitra spoke against the application representing Mr & Mrs Fagan – Downsedge House, Stable Lane.
  - Cathrine Gear spoke against the application representing Findon Village Parish Council.
  - Dawn Appleton spoke in support of the application representing the applicant.
  - Tina Cook spoke in support of the application representing herself.
435. The Committee considered the report by the Director of Planning (Report PC19/20-58), the update sheet and the public speaker comments, and requested clarification as follows:
- As this was a hybrid application, Members sought clarification on whether they would be voting parts 1 and 2 of the application separately, or both together.
  - Confirmation that the site was outside the settlement boundary, and whether it was acceptable to build 2 new residences outside a settlement boundary?
  - In providing 4 bedroom dwellings, did the application conflict with the housing mix outlined in policy SD27?
  - What ecosystem services were provided in the application?
  - Had there been any discussions on the use of carports instead of garages?
  - Were there any policies that referred to supporting a business?
  - What lighting would be permitted on the site, to ensure the Dark Night Skies were protected?
436. In response to questions, Officers clarified:
- The officer clarified that the Committee should decide on the application as a whole.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- The site was outside the settlement boundary. Ordinarily 2 new dwellings was not acceptable outside the settlement boundary, however the site lies within previously developed land and the extant permission allowed a similar amount of development.
  - This application would remove any permitted development rights ensuring no further development could take place without applying for planning permission.
  - The housing mix for this application was in conflict with SD27. However the Officers recommendation for approval was based on an on-balance view, taking into consideration the scheme as a whole and the progress made from previous applications.
  - The use of sustainable drainage systems (SUDs) was outlined in detail in the Officer's report. There had been a lot of local concern about water run off onto Soldiers Field lane, and it was considered that the current proposals addressed this issue.
  - The Landscape Officer comments on garages had led to amendments to the plans. There were no garages at the stables or equestrian area; undercover parking spaces were provided for the holiday cottages; and plot no 2 had an open sided garage, similar to a carport. This would be approved at the discharge of conditions stage.
  - The Findon Neighbourhood Plan supported equestrian businesses within the village.
  - The only lighting controlled by conditions referred to external lighting to dwellings. No other lighting would be permitted on site.
437. The Committee discussed and debated the application, making the following comments:
- Members were pleased that there would be no lighting around the arena area, which would be a concern for light pollution.
  - It was recognised that this application proposed a reduction in dwellings when compared to the extant planning permission and the Officer was commended in getting this proposal to Committee.
  - The application was considered an improvement on the previous extant application and Members were of the opinion that the existing landscape would be improved by this application.
438. It was proposed and seconded to vote on the officer's recommendations.
439. **RESOLVED:** That planning permission be granted subject to the conditions set out in paragraph 10.1 of the Officer report.
440. Gary Marsh left the meeting.
441. The meeting adjourned for a 5 minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

### ITEM 9: SDNP/19/03768/FUL - IFORD FARM, THE STREET, IFORD.

442. The Case Officer presented the application and referred to the update sheet, which included a revision to the recommendation, an additional condition, an amendment to condition 6 and details of additional representations made against the application.
443. The Chair indicated that, due to the exceptional public interest in this application, and the background to this matter being brought before the Committee, he had used his discretion, as set out in the Authority's Standing Orders, to allow an increase in the numbers allowed to speak, and had permitted a fourth speaker against the scheme. It was made clear that this was an exceptional circumstance, and this decision would not be taken as a precedent for future applications. The applicant had been informed and, in the interests of fairness, given the opportunity to register a fourth speaker, but had elected not to do so.
444. The following public speakers addressed the Committee:
- Fiona Harrison spoke against the application representing Kingston Parish Council, part of the Parishes of the Lower Ouse (POLO).

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- Sue Carroll spoke against the application representing Rodmell Parish Council and POLO (The Parishes of the Lower Ouse Valley group)
  - Peter Earl spoke against the application representing Cycle Lewes.
  - Vic lent spoke against the application representing the South Downs Society.
  - John Robinson spoke in support of the application representing the Iford Estate.
  - Ben Taylor spoke in support of the application as the applicant.
  - Lee Scott spoke in support of the application representing the applicant.
445. The Committee considered the report by the Director of Planning (Report PC19/20-59), the update sheet and the public speaker's comments, and requested clarification as follows:
- Would this application be considered if the Estate did not have a Whole Estate Plan (WEP)?
  - Should this application be considered along with other sites listed in the WEP?
  - Were other sites considered for this proposal, specifically sites nearer a main road or sites which had less impact on the landscape?
  - How many farms within this Estate will be affected by, or benefit from, this consolidation, and how many buildings on those farms will be rendered redundant as a result of this application?
  - Was this application an expansion of the farm, and would that lead to an increase in farm traffic on the C7 road?
  - What impact would there be from the significant raise in levels needed for this site?
  - How would this application deliver the proposed new wetland/meadows?
  - Was the proposed route of the Egrets Way the link that would join both ends of the route from Lewes to Newhaven? What was the risk to the long term future of the Egrets Way after the 25 year lease period expired?
446. In response to questions, Officers clarified:
- An application for agricultural buildings, such as in this application, would be considered on its planning merits regardless of whether the site had a WEP. The existence of a WEP is a material consideration and allows all to see the wider picture, aspirations and opportunities arising from the Estate as a whole, (in this case such as the Egrets Way Link), in order to outweigh any harm which may be perceived from the development.
  - A Landscape and Visual Impact Assessment (LVIA) was submitted with the application, which considered various locations and provided details explaining why this site was considered the most appropriate. The LVIA had been accepted by the Case Officer and the Landscape Officer.
  - There were a further 3 planning consents, which were addressed in the highway report. However, the committee were advised that this current application did not proposed to increase the trips on the highway network
  - The agricultural statement provided an inventory of buildings on the connected 3 sites but it was difficult to say how many buildings would be rendered redundant. It could be in the regions of 15-20 buildings.
  - This application was not an expansion of Iford farm but was a consolidation. As there was no expansion to the farm operations, it was not considered that there would be an increase in traffic.
  - Advice was sought from the Landscape Officer on the raised levels and the potential visual impact. It was agreed that in this case the raised levels proposed would not result in an unacceptable impact to visual appearance. Natural England did not comment on the land being raised and the Environment Agency was satisfied with a flood risk assessment which



## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

was undertaken and found no greater risk of flooding. Water movement through the site was to be improved with the inclusion of ponds and reed beds.

- The proposed new wetland/meadows would be on land to the west of the raised cattle yard, and would require an ecological management plan to be put in place. This was covered in the conditions.
- The proposed route of the Egrets Way would link both ends of the route, however there was still a lot of work to be done and funds to be raised to finalise this. The proposed 25 year lease was a commitment agreed through discussions between the Egrets Way project and the Applicants. Agreement of the proposed lease would be secured through a S106 agreement.

447. The Committee discussed and debated the application, making the following comments:

- The Committee recognised the need for farms to consolidate and diversify and that larger buildings were needed to accommodate larger, modern farm vehicles.
- The Officers were commended on the extensive conversations that had taken place to get to this point. However there were concerns about making a decision on one part of a site included in a WEP which also contained other sites. There was a view that a decision for this site needed to be taken with regard to the wider picture of what plans existed for the other sites within the WEP.
- Concerns were raised that buildings on the other farm sites, not considered as part of this application, could be repurposed and lead to an increase of traffic on the C7.
- This application was considered to be a large development in a prominent location in the National Park, and it was agreed that the visual impact on the landscape was unacceptable.
- Members were not convinced that this was the only location this development could take place.
- There was strong agreement that this application did not support the first of the two statutory purposes for National Parks in England, which was to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.
- Members acknowledged the large amount of public interest in this application and suggested that wider consultation with local communities might have led to a scheme that was more acceptable to the community.

448. Members debated whether deferment of the application would be useful, but decided that there would be no benefit in doing so.

449. It was proposed and seconded that the application be refused for the reasons of its impact on the landscape and that it did not meet policy SD39 of the South Downs Local Plan on Agriculture and Forestry.

450. **RESOLVED:** That planning permission be refused for the following reasons, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee:

- its impact on the landscape;
- it did not meet policy SD39 of the South Downs Local Plan on Agriculture and Forestry.

451. The meeting adjourned for a 5 minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

### **ITEM 10: SDNP/19/03160/OUT - LOWER YARD, SELBORNE ROAD, NEWTON VALENCE, ALTON.**

452. The Case Officer presented the application and referred to the update sheet.

453. The following public speakers addressed the Committee:

- Philip Lucas spoke against the application representing himself.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- Bob Fewings spoke against the application representing Newton Valence Parish Council.
  - Charles Louisson spoke against the application representing East Hampshire District Council.
  - Jon Fountain spoke in support of the application representing Newton Valence Farm.
  - Lionel Fanshawe spoke in support of the application representing the applicant.
  - Ian Ellis spoke in support of the application representing the applicant.
454. The Committee considered the report by the Director of Planning (Report PC19/20-60) and the public speaker comments, and requested clarification as follows:
- Was it possible for Parish Council to be a signatory to the S106 legal agreement?
  - Should the amount of CIL payable be more?
  - Was the payment to the Parish Council for repairs to the village hall sufficient?
  - Were the two key worker houses for Estate staff and were they considered affordable housing?
  - What was the benefit of reopening the disused Meon Valley railway line along the western edge of application site? Could the Officer explain why the northern route is proposed to be a 'path dedicated for public use' but southern part of the route proposed to be a 'permissive path'?
455. In response to questions, Officers clarified:
- Normal parties to a S106 legal agreement would be the Planning Authority and all landowners involved. All necessary landowners would need to sign up to the agreement, and if it was not delivered, planning permission could not be granted. In this instance the Parish Council is not understood to be a landowner and would not need to be a party to the S106. It would, however, be the beneficial recipients of funds.
  - The amount of CIL payable was subject to various conditions set by Government, and the amount of CIL payable could be reduced if exemptions applied. As this was an outline application, the final amount of CIL liable would be decided at the reserved matters stage.
  - The applicant proposed to provide costs of up to £35k for repairs to the village hall, which was considered a significant amount, but not the whole amount required.
  - The proposal recommend that the key worker dwellings would remain under the tenancy of farm, however a S106 legal agreement would include the allocation criteria for key workers to be specified.
  - The Officer would prefer to see a 'path dedicated for public use' along the full length of the trail but was satisfied that the proposal put forward would enable the public access which the SDNPA aspired to achieve. Any new public Rights of Way would be secured through a legal agreement and the land dedicated as public highway.
456. The Committee discussed and debated the application, making the following comments:
- Members commended work done on the WEP and could see improvements to the application.
  - It was accepted that if the 2 farm workers dwellings allocation criteria was controlled in the S106, it would be a good outcome in terms of affordable housing provision.
  - This was not considered a sustainable location the application did not contribute to sustainable development. Newton Valence was a rural location with no opportunities for work, so any new housing would rely on individual car use.
  - Concerns were raised that the Landscape Officer had raised an on balance objection. However it was recognised that the principle of development had been accepted on landscape and visual impact terms, and that all other concerns raised by the Landscape Officer could be controlled by conditions or thorough benefits secured through S106 agreement.

## Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

457. It was proposed and seconded to vote on the officer's recommendations, with assurance that the concerns raised by the Landscape Officer would be addressed in the S106 legal agreement or in the conditions.
458. **RESOLVED:**
- 1) That outline planning permission be granted subject to:
    - The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:
      - a. Two affordable dwellings and two key estate workers' dwellings;
      - b. A public bridleway and permissive path on the former Meon Valley Railway and appropriate connection to the right of way network;
      - c. A scheme of new permissive footpaths and signage across the estate;
      - d. Repair and maintenance of public bridleway no. 12;
      - e. A scheme of Green Infrastructure Initiatives;
      - f. A financial contribution towards repairs of Newton Valence Village Hall (up to £35,000);
      - g. An energy audit of the estate and a strategy for energy reduction and use of renewable energy;
    - The completion of bat and reptile surveys and provision of a suitable policy compliant mitigation and enhancement strategy, the consideration of which is delegated to the Director of Planning; and
    - The conditions, substantially in the form set out in paragraph 11.2 of this report along with any additional conditions, the form of which is delegated to the Director of Planning' to address those mitigation matters that arise from the completion of bat and reptile surveys and strategy.
  - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:
    - a) The S106 agreement is not completed or sufficient progress has not be made within 6 months of the 11 June 2020 Planning Committee meeting.
    - b) The bat and reptile survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 11 June 2020 Planning Committee meeting.
459. It was agreed that, due to the length of this first online Committee meeting, that the Strategy and Policy items 11, 12 and 13 should be deferred.
460. The Chair closed the meeting at 5.45pm.

## CHAIR

Signed: \_\_\_\_\_

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Report to	<b>Planning Committee</b>
Date	<b>9 July 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council</b>
Application Number	<b>SDNP/20/01693/FUL</b>
Applicant	<b>Mr Mike Ruddock</b>
Application	<b>Construction of 12 treehouses to provide tourism accommodation across 2 woodland sites within the estate (5 x 1 bedroom units at Lodge Wood and 7 x 1 bedroom units at High Field Copse), access and parking, cycle storage, drainage and biodiversity enhancements and woodland management.</b>
Address	<b>Cowdray Park, A272 Easebourne St to Heath End Lane, Easebourne, West Sussex</b>

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**Recommendation: That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report.**

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### **Executive Summary**

The applicant seeks permission for the erection of 12 treehouses across two woodland sites within the Cowdray Estate to provide sustainable tourist accommodation within close proximity of Midhurst and public rights of way.

The application follows the refusal of a previous scheme for 10 treehouses on one of the proposed sites (Lodge Wood) due to the size and scale of development and the harm deriving from the imposition of a suburban form of development on the historic woodland character; and associated impacts on biodiversity and priority habitat (see committee report and meeting minutes appended at **Appendices 2 and 3**).

The current scheme has been subject to collaborative working between the applicant's design team and specialist officers and as a result is considered to be a fully landscape-led proposal.

The scheme would conserve and enhance the unique heritage, woodland and ecological character of each site, whilst also accruing significant benefits that would align with the Second Purpose and Duty of the National Park, including the provision of tourist accommodation, opportunities for the understanding and enjoyment of the National Park's special qualities, and benefitting the local economy.

This application is being placed before Members due to the previous scheme being refused by the Committee.

#### **I. Site Description**

- I.1 The development would be split across two areas of woodland known as Lodge Wood and High Field Copse. Both are within close distance of Midhurst and fall wholly and partially within Cowdray Park, a Grade II listed C16<sup>th</sup> historic parkland that contributes to the significance of the Grade II listed C19<sup>th</sup> house and earlier mansion, and their historic setting.
- I.2 Both sites are located within 6.5km and 12km buffer zones of The Mens, Ebernoe Common

and Singleton & Cocking Tunnels Special Areas of Conservation (SACs).

#### Lodge Wood

- 1.3 Lodge Wood is a 4ha area of broadleaf woodland located to the east of Cowdray House, and just south of the A272. The edge of the site is visible from the main road, and from public footpath I 109 which runs east/west towards the site before crossing the A272 north of the site.
- 1.4 Lodge Wood is located wholly within Cowdray and formed part of the original pleasure grounds with a number of rides or openings in the woodland running west-east through the woodland. The remnants of a haha (hidden ditch) runs along the western boundary of the site.
- 1.5 Cowdray House is a grade II listed building sited some 250m to the south east of the site and is primarily used for private events. Cowdray Café and Farm shop lie some 700m to the west of the site adjacent to the site of a former Priory, which now comprises a number of Grade I listed buildings including St Mary's Church and several residential units.
- 1.6 The site abuts the A272 to the north and slopes downwards from north to south, and more steeply from east to west. The site is bounded to the east by the Wellingtonia Avenue, which is part of the wider grounds of Cowdray House. To the west is an agricultural field, and beyond to the south west lie the main Cowdray polo fields.

#### High Field Copse

- 1.7 High Field Copse is an approximately 4.5ha sized area of replanted mixed woodland located some 1.7km to the east of Easebourne village, immediately to the east of Benbow Pond which falls within the Cowdray Park. The woodland itself lies just outside the designated parkland, however is defined as Formal Parkland and is a heritage asset in its own right that contributes to the setting of the historic parkland. A remnant stone wall on the southern boundary and historic track indicates the woodland was accessible in the past. Benbow Pond is thought to have an industrial origin supplying power to a former dyeworks.
- 1.8 To the north west of the site are a group of holiday lets owned by the Cowdray Estate, and there are a group of three dwellings approximately 100m to the south. Benbow Pond has a formal access off the A272 and an informal car park used by walkers. Permissive Estate paths leading from the car park connect with the wider public right of way network.
- 1.9 The woodland is set some 40m back from the A272 and slopes gently east to west. To the west is the John Cowdray Arboretum and beyond the Cowdray golf course. The wider landscape consists of arable fields and hedgerows, with small areas of woodland.

## **2. Relevant Planning History**

- 2.1 The most recent planning history relating to the site is as follows:
  - SDNP/19/06164/PPA The redevelopment of land at Lodge Wood and High Field Copse. Planning Performance Agreement over the period December 2019 to May 2020.
  - SDNP/18/00643/FUL Construction of ten treehouses to provide tourism accommodation, car parking, access paths and boardwalk. Biodiversity enhancements, woodland management and landscaping across the site. Refused at Committee on 11.10.2018 for the following reasons:
    - 1) The character of the woodland site, which forms part of a registered historic parkland, would be negatively impacted by virtue of the size and scale of the proposed tree houses. The design's lack of reference to local landscape character and minimal use of local, estate-sourced materials would not conserve or enhance the character of the historic parkland setting or wider Cowdray Estate. The public benefits that would be derived from the development, and wider tourism and economic benefits, are not considered to be so significant as to outweigh the identified harm to the heritage asset. The proposal is therefore contrary to saved policies RE28, R2, T1 and T3 of the Chichester District Local Plan (1999), policies

SD4, SD5, SD12 and SD23 of the Submission South Downs (Draft) Local Plan (2018), the first Purpose of the National Park and the NPPF (2018).

- 2) Insufficient detail has been provided in regard to tree protection and the level of tree works that would be required to be certain that the character of the woodland, and woodland habitat and biodiversity would not be negatively impacted by the development or ongoing management of the woodland, given the overarching need for public safety. The proposal has not demonstrated that the development would conserve and enhance the site's woodland character, biodiversity or priority habitat. The proposal is therefore contrary to saved policy BE14 of the Chichester District Local Plan (1999), policies SD9 and SD11 of the Submission South Downs (Draft) Local Plan (2018), the first Purpose of the National Park and the NPPF (2018).
- SDNP/17/03303/PRE Construction of tree house tourism accommodation at two separate sites within the estate, use of existing access points and parking along with ecology enhancements and landscaping. Advice provided 20.06.2017

The advice stated that whilst there was no in-principle objection to the provision of tree houses on the Cowdray Estate, there were concerns in regard to the location and impact of the development; requirement for careful consideration in terms of the use of landscape character to inform the scheme, and of access and parking, materials, lighting; and more detail regarding protection of trees and construction methods. Any scheme should also maximise opportunities for conservation and enhancement such as improving footpaths and cycle ways; using local wood and telling the story of the Estate and its historic context; sustainable water management; and integrated biodiversity enhancements within the built and non-built parts of the scheme.

### **3. Proposal**

- 3.1 The proposal follows the refusal of a previous application for 10No tree houses (8No 1 bed and 2No 2 bed) in Lodge Wood, and subsequent collaborative working with specialist SDNPA officers via a Planning Performance Agreement (PPA) to address previous concerns raised by officers and Members in regard to design, landscape, heritage and woodland impacts.

#### Lodge Wood Site

- 3.2 A total of 5No 1 bedroom tree houses are proposed within approximately the middle section of the woodland. Four of the units would be located to the west of the existing track running through the centre of the woodland, and one to the east, within carefully selected locations to minimise impacts on existing trees.
- 3.3 The units would be approximately 7m high with a gross internal area (GIA) of 52m<sup>2</sup> and of minimal timber frame construction (approximately 14 posts) with no diagonal braces and secured by helical steel piles. The walls would be clad in a combination of either Cedar shingle or horizontal Larch boards, and Burnt Larch boards; or vertical weathered timber with a feature habitat element. The two roof pitches would be a combination of cedar shingles and corrugated tin.
- 3.4 There are no existing services; and water, power and sewerage would be provided mainly via mole and hand dug trenches (dug and filled in consecutive 10m lengths) along the existing track through the site, and above ground through areas where tree roots are a constraint. Water would be provided via connection to the water mains, and a reed bed treatment system and septic tank would be provided for foul water. Run-off from roofs would be collected in integrated water butts and used for boot-washing, with any overflow draining as run off to avoid below-ground drainage components.
- 3.5 The Lodge Wood car park would provide 16 car parking spaces, three of which would be provided with an electric charging unit, and secure cycle storage for 10 bikes (two per unit). The car park would also provide temporary parking for visitors to High Field Copse picking up keys from Cowdray Farm Shop. Visitors would be picked up or dropped off at the site on arrival by buggy. Access between the car park and Lodge Wood would be via an existing

estate track or public footpath 1109. The existing track through the site would be extended southwards to allow pedestrian access only, and the historic rides (clearings) would be re-established. All tracks would be reinforced with earth and mulch. The southernmost unit would be wheelchair accessible.

- 3.6 Given the site's sense of seclusion and peacefulness, the applicant's vision for this site is to promote the enjoyment and experience of the site by providing units with a quiet and hidden character that visitors would wish to spend time in.

#### High Field Copse Site

- 3.7 A total of 7 No 1 bedroom tree houses are proposed in a compact arrangement along a new circular path incorporating an existing historic track, restricting human activity within the wider woodland.
- 3.8 The units would be approximately 7.6m high with a gross internal area (GIA) of 15m<sup>2</sup> and external deck area of approximately 17m<sup>2</sup>. The units would be of minimal timber frame construction (approximately 8 posts) with no diagonal braces and secured by helical steel piles. The units would have hidden gutters, with walls and roof pitches clad in a combination of either Mixed Profile Vertical Cladding or Larch hit and miss; or weathered timber or corten steel cladding with a feature habitat element.
- 3.9 There are no existing services and water, power and sewerage would be provided mainly via mole and hand dug trenches (dug and filled in consecutive 10m lengths) along the existing/proposed track through the site, and above ground in locations where tree roots are a constraint. Water would be provided via connection to the water mains, and a sewage treatment plant with grass covering would be provided for sewage arrangements. Run-off from roofs would be collected in integrated water butts and used for boot-washing, with any overflow draining as run off to avoid below-ground drainage components.
- 3.10 A new gravelled parking area would be provided to the north of the site close to the existing holiday lets at Benbow Pond, in an area already secured by fencing and a 5-bar timber gate. 10 parking spaces would be provided, two of which would have an electric charging unit, and secure cycle storage and secure cycle storage for 14 bikes (two per unit). Pedestrian only access between the existing car park at Benbow Pond and the southern (main) entrance to High Field Copse would be provided via a new gravel surfaced path. Within the site itself a new compacted earth circular path linking with the existing historical track would be provided to access the units. The northernmost unit would be wheelchair accessible, and accessed via the existing north/south section of the proposed track which has a gentler gradient.
- 3.11 Given the site's connectivity with the wider public rights of way network and ability to link up with existing Estate tracks, the vision for this site is as a base for looking outwards and sustainably exploring the Estate and wider National Park.

## **4. Consultations**

- 4.1 **Archaeology:** No objection, subject to condition.

- 4.2 **Countryside and Policy Manager (in lieu of Woodland & Biodiversity Officer):** No objection. Comments:

- The secondary woodland offers an opportunity to integrate the accommodation as we have seen in other areas of the SDNP;
- Management of the woodland will be carried out using a continuous cover forestry (CCF) silvicultural system under the supervision of the estate's Head Forester, ensuring long term health of the tree;
- Bi-annual inspections of the woodland will be carried out for tree health and public/property safety reasons.

- 4.3 **Countryside and Policy Manager (in lieu of Sustainable Tourism Officer):** No objection. Comments:

- Well sited in terms of services and facilities whilst offering visitors an experience;



- Research informing the South Downs Partnership Management Plan (SDPMP) indicates only 6% of visitors surveyed use accommodation inside the National Park;
  - Provision of tourism accommodation within the SDNP is an income growth opportunity that would accord with Outcome 10 of the SDPMP.
- 4.4 **Dark Night Skies Officer:** No objection, subject to condition. Comments:
- The proposed lighting is very low powered, low level and sensor controlled;
  - The units are located well within the woodland so the internal spill will be shielded; however black out blinds/curtains are recommended;
  - Additional low-level lighting may be required for the entrance steps to the units for reasons of practicality.
- 4.5 **Drainage Engineer:** No objection, subject to condition.
- 4.6 **Easebourne Parish Council:** Support. Comments:
- The application is a significant improvement on the initial application, to which the Parish Council provided a comment of no objection;
  - The development will sit well within the environment, and be of benefit to the local economy.
- 4.7 **Ecology:** No objection, subject to condition.
- 4.8 **Environment Agency:** No objection.
- 4.9 **Environmental Health:** No objection, subject to conditions.
- 4.10 **Flood Authority:** No objection.
- 4.11 **Gardens Trust:** No comment made.
- 4.12 **Highways Authority:** No objection subject to conditions. Comments:
- No objection to the previous proposal;
  - No highway safety concerns, and the amount of car and cycle parking is appropriate;
  - Promotes the use of sustainable transport and a formal Travel Plan Statement would further encourage and advertise sustainable transport modes
- 4.13 **Historic England:** No objection. Comments:
- Lodge Wood is an important element in the Victorian phase of the site as part of the associated formal and woodland gardens of early C19<sup>th</sup> origin;
  - Re-instatement of historic rides, control of understorey planting and maintenance of the ha-ha wall are benefits of the proposal that should be weighed against any impacts to the historic parkland.
- 4.14 **Natural England:** No objection.
- 4.15 **SDNPA Access:** No objection. Comments:
- Recommend access paths within the site and connecting to Cowdray Farm shop and café and Midhurst to be upgraded to permit use by cyclists and wheelchair users.
- 4.16 **SDNPA Design Officer:** No objection, subject to conditions. Comments:
- Demonstrates a collaborative, landscape-led approach to the design, and the rationale is well-considered and strongly linked to assessment work
  - The treehouses sit harmoniously within the woodland due to rationalisation of support structures and removal of superfluous elements to enhance the above ground feeling and minimise adverse impacts on tree roots and ground stability.
  - The twin gables in High Copse and mono-pitched roofs at Lodge Wood will create pleasing contrasts to the vertical elements and the understorey of the woodland.
  - Refinements of the detailed design relating to the junctions between the external walls and roof and final material palette may be secured via condition.

- 4.17 **SDNPA Historic Buildings:** No objection. Comments:
- Concerns regarding localised or wider listed building settings are now addressed;
  - Impacts to the Registered Garden are now modest and balanced by clear management benefits, particularly to the restoration of former rides, control of understorey planting and maintenance of the ha-ha wall.
- 4.18 **SDNPA Landscape Officer:** No objection, subject to conditions. Comments:
- The scheme has made significant improvements and many negative effects have been designed-out through adherence to the landscape-led approach and thorough understanding of both sites;
  - The scheme delivers well on Purpose 2 and successfully mitigates for any negative effects of the development;
  - In line with Purpose 1, the scheme conserves and in parts enhances; its final success lies with the sensitive management of the sites over the long term.
- 4.19 **Southern Water:** No objection.
- 4.20 **Sussex Gardens Trust:** No objection.
- 4.21 **Tree Officer:** No objection, subject to conditions. Comments:
- Both sites are plantation and amenity woodlands;
  - The submitted tree protection information is in accordance to BS 5837 (2012) and will enable all the appropriate management/mitigation prior and during construction;
  - The amended location of the car parking spaces at High Field Copse away from tree canopies is welcomed. An arboricultural method statement should be secured for this location prior to construction.
- 4.22 **WSCC Fire & Rescue:** No objection, subject to conditions.
- 4.23 **WSCC Public Rights of Way:** No objection. Comments:
- Permitted or dedicated higher access rights on footpaths 1104, 1103, 1108, and 1101\_1 would be welcomed and would allow connection to existing bridleway 1099 (The Wharf).

## 5. Representations

- 5.1 A letter of support has been received from Midhurst Town Council, who see the proposed development as an important addition to the local tourist trade.
- 5.2 A letter of support has also been received from the Midhurst Society, stating that if sensitively executed and managed the development will not damage the environment and may benefit the local economy.

## 6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the South Downs Local Plan (2014-33). The relevant policies are set out in section 7 below.

### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - 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 upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

### National Planning Policy Framework (2019) and Circular 2010

- 6.3 The National Planning Policy Framework (NPPF) is considered holistically although the following sections are of particular relevance to the applications:
- Section 2: Achieving sustainable development
  - Section 6: Building a strong, competitive economy
  - Section 12: Achieving well-designed places
  - Section 15: Conserving and enhancing the natural environment
  - Section 16: Conserving and enhancing the historic environment
- 6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued in 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.
- 6.5 The development plan policies listed in Section 7 have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### Major Development

- 6.6 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF (2018), and accompanying footnote 55, advising that 'major development' in designated landscapes 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.

### The South Downs National Park Partnership Management Plan 2020-25

- 6.7 The South Downs National Park Partnership Management Plan (SDPMP) (2020-25) is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight. It outlines a vision and long term outcomes for the National Park. The following policies are relevant:
- 1: conserve and enhance natural beauty and special qualities of the landscape
  - 3: Protect and enhance tranquillity and dark night skies.
  - 8: Prevent, control and eradicate invasive non-native species
  - 9: The significance of the historic environment is protected from harm
  - 10: Improve the management of heritage assets;
  - 28: Improve and maintain rights of way and access land;
  - 29: Enhance the health and wellbeing of visitors;
  - 30: Raise awareness and understanding about the National Park;
  - 41: Influence visitor behaviour in order to reduce impacts on the special qualities and increase visitor spend;
  - 43: Support the development of appropriate recreation and tourism facilities;
  - 44: Encourage and support tourism providers to develop sustainable business practices;
  - 55: Promote opportunities for diversified economic activity, in particular, where it enhances the special qualities.
- 6.8 Outcome 10 of the SDPMP seeks to secure a “diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park; increase awareness and desirability of the South Downs as a special place to visit; [and] establish the South Downs as an exemplar in sustainable tourism.”

### Statutory Requirements

- 6.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect listed buildings or their setting. Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 6.10 The Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations) places a duty on planning authorities when determining applications that may affect international sites to determine the potential for likely significant effects. Where proposals are likely (without mitigation) to have significant effects on international sites, the planning authority is required to undertake an appropriate assessment in order to ascertain that there would not be adverse impacts on the integrity of the international site, and whether the proposal demonstrates that impacts would be avoided or adequately mitigated against.

## **7. Planning Policy**

### The South Downs National Park Local Plan Submission (2014-33)

- 7.1 The following policies of the South Downs Local Plan are relevant:

- SD1 – Sustainable Development
- SD2 – Ecosystems Services
- SD4 – Landscape Character
- SD5 – Design
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD10 – International Sites
- SD11 – Trees, Woodland and Hedgerows
- SD12 – Historic Environment
- SD13 – Listed Buildings
- SD16 – Archaeology
- SD17 – Protection of the Water Environment
- SD19 – Transport and Accessibility
- SD20 – Walking, Cycling and Equestrian Routes
- SD22 – Parking Provision
- SD23 – Sustainable Tourism
- SD25 – Development Strategy
- SD34 – Sustaining the Local Economy
- SD48 – Climate Change and Sustainable Use of Resources
- SD49 – Flood Risk Management
- SD50 – Sustainable Drainage Systems

## **8. Planning Assessment**

- 8.1 The main considerations to be determined as part of this application are:

- The principle of providing new tourist accommodation;
- Design, Landscape, and Heritage impacts;
- Impact on trees, ecology and woodland habitat;
- Dark night skies;
- Highways, access and Public Rights of Way (PROW);
- Drainage and the water environment.

### Principle of development

- 8.2 Both sites are in a countryside location and part of the designated rural area, where development is generally restricted. Development plan policies and the NPPF reflect the National Park's first and primary Purpose in placing 'great weight' on conserving the landscape and scenic beauty of National Parks, which have the highest status of protection in landscape terms. Policy SD25 exceptionally permits development outside of settlement boundaries where this complies with other relevant Local Plan policies, responds to the context of the relevant broad area, and there is an essential need for a countryside location, which can include the provision of appropriate tourism facilities.
- 8.3 The second purpose of the National Park is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public, and in many cases proposals for tourist accommodation will accord with this purpose. Tourism is a key economic sector in the National Park, and the findings of the South Downs National Park Visitor Accommodation Review (2014) indicate an overall lack of tourist accommodation across the National Park. The Review also states the wider benefits of supporting tourist accommodation schemes where these improve estate incomes and support wider landscape management. Accordingly, policies SD23 and SD34 seek to encourage rural development that would provide appropriate tourism facilities; and support the rural economy. Proposals should also provide opportunities for visitors to increase their awareness, understanding and enjoyment of the SDNP's special qualities; minimise the need for travel by private car and encourage access by sustainable means; and not detract from the experience of visitors. Although the Review did not identify a lack of tourist accommodation within Midhurst town, it indicated a shortage of accommodation in Petersfield, and scope for boutique hotels in Petersfield and Midhurst.
- 8.4 The application sets out in detail how the proposal would contribute to the National Park's special qualities, and provide clear tourism benefits that align with Purpose 2 in terms of providing high quality, year round accommodation (including accessible units in each site) that would improve the rate of overnight stay and could allow visitors to experience the special qualities of the National Park. The scheme would provide benefits to the rural economy, including links with local businesses such as the Cowdray Farm Shop, and local employment. The development could also attract visitors to the area as a destination and experience of both the Cowdray Estate and wider National Park in its own right.
- 8.5 The principle of providing tourist accommodation is broadly supported by policy, and when determining the previous application, Members were supportive in principle for a development of this type in the location. However for any tourism scheme to be acceptable it must accord with the National Park's First Purpose. For this scheme in particular it was also necessary to overcome Members' previous concerns in regard to impacts on the historical parkland character and ongoing woodland management.
- 8.6 Whilst it is inherently difficult for development of this nature to enhance the character of uninhabited woodland, officers consider that the scheme has followed a landscape-led process to carefully address the previous concerns raised by Members, and has responded to landscape evidence with bespoke design and woodland management approaches that succeed overall in conserving and enhancing the natural beauty, wildlife and cultural heritage of the selected woodland sites. The proposal is therefore considered to accord with both National Park purposes, and is acceptable in principle. Further consideration of Purpose 1 policies relating to landscape, design and heritage is made below.

### Design, Landscape, and Heritage Impact

- 8.7 Development proposals must comply with policies SD4, SD5, SD6 and SD7, which require the design of development to adopt a landscape-led approach in order to conserve and enhance existing landscape features which contribute to the distinctive character, pattern and evolution of the landscape; integrate with, respect and sympathetically complement the landscape character and appearance of the area; and safeguard tranquillity. Policies SD12 and SD23 support proposals that conserve and enhance the historic environment, do not detract from the experience of visitors, or adversely affect the character, historical significance, appearance or amenity of the area.

- 8.8 This application seeks to address the concerns raised previously by officers, and the reasons for refusal attached to the previous decision for SDNP/18/00643/FUL (see committee report and meeting minutes appended at **Appendices 2 and 3**).
- 8.9 Prior to making the application, the applicant undertook a Planning Performance Agreement (PPA) process which was notably ‘front loaded’ by a high level study of 21 possible woodland sites within the Cowdray Estate which refined five potential development sites. Site visits with Officers were carried out to all five sites, and the two sites selected were agreed as being the least impactful in landscape terms, as well as meeting amenity and operational requirements. Over four workshops, the applicant’s landscape and design team gathered and analysed a broad range of landscape evidence including constraints and opportunities; time depth; landform, road and settlement patterns; woodland character; and perceptual qualities.
- 8.10 This information was explored with officers to iteratively inform a vision and key design principles for each individual site, and address the concerns previously raised. This baseline evidence was used to identify a number of key opportunities for heritage, biodiversity and ecosystem services; access and parking solutions; experience of dark skies; and sustainable woodland management strategies. At Lodge Wood this includes the restoration of historic rides (clearings) and haha (hidden ditch). At Highfield Copse this includes the restoration of the historic track and sandstone wall and a building design with industrial details to reflect the origins of Benbow Pond. Effort was also made to understand the intrinsic landscape qualities of each site, including tranquillity and the ‘feel’ of the woodland, which is subtly different in both cases. Enhancement of each site would be achieved through bringing both woodlands back into active management through site-specific Landscape & Ecological Management Plans (LEMPs), which have been submitted with the application.
- 8.11 The Landscape, Design and Historic Buildings officers have no objections to the scheme, and agree that the applicants have worked hard to integrate positive interpretation and experiences based upon the National Park’s Special Qualities and each site’s unique landscape character. The development would not adversely impact on the Grade II listed historic parkland or the setting of the Grade II listed Cowdray House. It is considered appropriate to secure final design details and monitoring over a period of 10 years built into the LEMPs via suitably worded conditions.
- 8.12 In summary, the scheme is considered to be fully landscape-led and would conserve and enhance both woodland sites in accordance with relevant statutory heritage considerations, development plan policies and the National Park’s First Purpose.

Impact on Trees, Ecology and Woodland Habitat

- 8.13 Policies SD9 and SD11 support proposals that conserve and enhance biodiversity and supporting habitat, and trees, hedgerows and woodlands. SD2 supports proposals that protect and provide more, better and joined up natural habitats. Policy SD10 states that proposals on greenfield sites within the The Mens, Ebernoe Common and Singleton & Cocking Tunnels Special Areas of Conservation (SACs) buffers must safeguard bats and their commuting and foraging habitat.
- 8.14 The application is supported by Ecological Surveys, a Tree Survey, Arboricultural Impact Assessment & Method Statement, and a Landscape & Ecology Management Plan (LEMP) for each site. Together these set out the proposed Woodland Management of each site, following a Woodland Condition survey at Lodge Wood and historic forestry practices at High Copse Wood, and how both sites will be managed to increase their ecological value. The development would bring both woodlands under active management, and secure their long-term future as priority habitat. The management proposed, which includes removal of invasive rhododendron, tree planting and under storey planting of native species, would also enhance biodiversity and habitat functionality to provide habitat net gain and support a wide range of protected and woodland species including roosting and hibernating bats and badgers, birds, invertebrates and fungi. Further information has also been provided in regard to the location of badger setts and bat roosts in both sites.
- 8.15 The trees works identified as currently required are due to the current condition of the woodland and not as a consequence of the scheme proposals. Where possible standing

dead wood would be managed as monolith habitat features. Whilst there would be an increase in human activity within the woodlands in close proximity to trees, and an ongoing requirement for deadwood removal for health and safety purposes this would be relatively minimal due to the modest scale of the development proposed. The methodology for pile installation within root protection areas, and hand digging of service routes would be carried out under arboricultural supervision.

- 8.16 The County Ecologist has no objection to the proposals subject to conditions securing the measures set out in the submitted LEMPs. Given the location of both sites within the buffer zones of The Mens, Ebernoe Common, and Singleton & Cocking Tunnels Special Areas of Conservation (SACs), the application has been assessed under the Habitats Regulations in regard to adverse impacts on the integrity of the international sites, and whether the proposal demonstrates that impacts may be avoided or adequately mitigated against. The Habitats Regulations Assessment (HRA) concludes that the proposal would not have an adverse effect on the integrity of the international sites on the basis of the avoidance and mitigation measures outlined. In order to ensure that there would be no harm to bats and other protected species, it is considered appropriate to secure the measures set out in the submitted Landscape and Ecological Management Plan, and an external lighting plan designed to minimise impacts on wildlife.
- 8.17 The Tree Officer has no objection to the proposals subject to a condition securing the Tree Survey, Arboricultural Impact Assessment & Method Statement. The southern row of car parking spaces at High Field Copse have been moved eastwards to avoid tree canopies, and an arboricultural method statement for this part of the site may be secured via an appropriately worded condition.
- 8.18 In summary, it is considered that the scheme would conserve and enhance biodiversity and primary woodland habitat in accordance with development plan policies and the National Park's First Purpose.

#### Sustainable construction

- 8.19 Policies SD2 and SD48 require development proposals to sustainably manage natural resources and incorporate sustainable design features.
- 8.20 The submitted application states that all timber used for construction will be Programme for the Endorsement of Forest Certification (PEFC) or Forest Stewardship Council (FSC) certified, 80% of which would be sourced locally, with all cladding materials sourced within a 20km radius of the site. The units would be super insulated and equipped with triple glazing and technologies to minimise carbon and energy use. The units would be heated via air source heat pumps, and capture at source solutions including rainwater collection for washing boots etc. Electrical charging points would be provided in both car parks.
- 8.21 It is considered appropriate to secure final details of sustainable construction via a suitably worded condition.

#### Dark night skies

- 8.22 Policy SD8 requires development to conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. The site falls within zone EI(a), or 'intrinsic rural darkness,' which is classified as 'dark sky' and includes isolated areas that may not be connected to the main core.
- 8.23 The submitted information states that there would be two minimal low-level, sensory timed timber bollard lights in both car parks, and either side of the of the entrances to both sites for wayfinding purposes. Visitors would be provided with a torch/ lantern for the duration of their visit to provide safe access from the car park to the accommodation. Each unit would be fitted internally with heavy black out curtains to the windows and doors and provided with educational material to avoid light spill.
- 8.24 The Dark Night Skies officer has advised that light spill would likely be shielded by the woodland, however supports the use of black out curtains to enhance the dark skies experience for visitors. Whilst the lack of any other external lighting is commended, and

some risk would be accepted by visitors if the site is expected to be dark, there may be a health and safety requirement to provide sensory timed lighting on the units' steps.

- 8.25 It is considered appropriate to secure final details of external lighting via a suitably worded condition.

#### Highways, Access and PROW

- 8.26 The application is supported by a Transport Statement setting out that each stay is anticipated to be four nights maximum with designated 'change over' days on Fridays and Mondays with arrival and departure times set outside peak hours. Visitors to High Field Copse would first arrive at the farm shop site to obtain keys and information. Once on site, most trips by visitors are anticipated to be via sustainable means (walking and cycling.)
- 8.27 The application is also supported by a Travel Plan setting out the sustainable modes of transport which can be utilised from both sites including bus route and the public right of way network. The all-weather access routes from the car park would be pedestrian/cycle and access friendly, with buggies provided for visitors with luggage.
- 8.28 WSCC Highway Authority is satisfied with the parking provision and access arrangements, and has no objection to the proposal subject to conditions to secure car and cycle parking, and a more detailed, formal transport statement to embed the use of sustainable transport modes once the development is brought into use.
- 8.29 Both the SDNPA Access and WSCC PROW officers have recommended that footpaths 1104 and 1109 to Cowdray Farm shop and café and the centre of Midhurst be upgraded to shared-use for cyclists and wheelchair users. The submission also suggests that a Cowdray heritage feature trail could be created to enhance visitors' sense of being within the Cowdray estate and historic parkland, and SDNP. Officers do not consider that the acceptability of the proposal is dependent on the ability to secure these PROW upgrades, or that it would be proportionate to do so given the relatively small scale of development proposed; however both these matters are being progressed with the Estate separately.

#### Drainage and the Water Environment

- 8.30 Policies SD17 and SD50 seek to protect the water environment and prevent increase of surface water run-off, taking account of climate change.
- 8.31 The submitted information sets out that water butts and permeable surfacing for new paths would control the surface water run-off.
- 8.32 The WSCC Lead Local Flood Authority (LLFA) and Drainage Engineer have no objection to the proposals. Both sites are at low risk of ground and surface water flooding, and the proposed surface water drainage strategy is acceptable in principle. Foul drainage arrangements would be subject to Building Control approval and may require a permit from the Environment Agency.
- 8.33 It is considered appropriate to secure details of the surface water drainage arrangements via a suitably worded condition.

### **9. Conclusion**

- 9.1 Given the above it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to indicate that permission should not be granted. It is therefore recommended that planning permission be approved.

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

- 10.1 The application is recommended for approval subject to the following conditions:
- I. 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) and Section 51 of the Planning and Compulsory Purchase Act 2004.



2. The development hereby permitted shall be carried out strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.  
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The residential accommodation hereby approved shall be occupied as holiday accommodation managed in accordance with the following:
- i) The accommodation shall be managed, supervised and 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.

4. There shall be no amplified or percussive music of any form played anywhere within the site.

Reason: To protect the amenity of occupants of the site and residents in the locality from noise disturbance.

5. Prior to the first use of the development hereby permitted, a Site Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to, details of:

- i) All patrons to sign up to site rules through terms and conditions;
- ii) No amplified music permitted at any time;
- iii) The need to keep to public footpaths;
- iv) Dogs policy i.e. if allowed on site to be kept on leads and all dog fouling cleared promptly;
- v) Fire and barbecue rules;
- vi) A complaints procedure in place, including management contact details to be displayed prominently at the site and on the website. All complaints and actions must be logged and made available to the Local Planning Authority on request.
- vii) Waste disposal.

Thereafter the development shall be undertaken in full accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity and to enable the Local Planning Authority to regulate and control the development and use of land.

6. 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 I of Schedule 2, classes A-G or any order revoking or re-enacting that Order shall be erected or undertaken on the site.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the development and area.

#### Construction

7. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- i) An indicative programme for carrying out the works;
- ii) The anticipated number, frequency and types of vehicles used during construction;
- iii) The method of access and routing of vehicles during construction;
- iv) The parking of vehicles by site operatives and visitors;
- v) The loading and unloading of plant, materials and waste;
- vi) The storage of plant and materials used in construction of the development;
- vii) The erection and maintenance of security hoarding;
- viii) No burning of construction materials on site;
- ix) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
- x) Measures to minimise the noise (including vibration) generated by the demolition/construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;
- xi) No work to be undertaken on the site except between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays;
- xii) Details of any flood lighting, including location, height, type and direction;
- xiii) Measures to control the emission of dust and dirt during demolition/construction;
- xiv) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xv) A method to record the quantity of recovered material (re-used on site or off site);
- xvi) Details of public engagement both prior to and during the construction works.

Reason: In the interests of highway safety and the amenities of the area.

8. Prior to the commencement of the development hereby permitted, a Written Scheme of Investigation to secure an Archaeological Watching Brief during the relevant stages of groundworks including the excavation of new pathways, car parking areas and service trenches shall be submitted to and approved in writing by the Local Planning authority. Thereafter the provisions of the scheme shall be carried out in full accordance with the approved programme.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

9. Prior to the commencement of the development hereby permitted, the full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The design shall follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

No building shall be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details.

Reason: To ensure satisfactory provision of surface water drainage.

10. Prior to the commencement of the development hereby permitted, details showing the proposed location at Lodge Wood and High Field Copse of 1 No fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes)

shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

Prior to the first use of the development, the hydrant shall be installed in the approved location[s] to BS 750 standards or stored water supply and connected to an appropriate water supply in terms of both pressure and volume for the purposes of firefighting. The fire hydrant shall thereafter be maintained as part of the development by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with The Fire & Rescue Safety Act 2004.

#### Design and Materials

11. Prior to the commencement of the development hereby permitted, a schedule of architectural details, materials and finishes (including rainwater goods) and, where so required by the Local Planning Authority, samples of such materials and finishes, shall be 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 enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.

12. Prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works (both associated with the development and the Landscape and Ecological Management Plans required under Condition 15) shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of:
- i) Retained areas of grassland cover, scrub, hedgerow, and trees;
  - ii) Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and tree establishment; schedules of plants and trees noting species, sizes; and proposed numbers/densities where appropriate;
  - iii) Tree guards, staking and tree-pit construction;
  - iv) Location, height and materials/construction technique for all boundary treatments and other built means of enclosure;
  - v) Treatment of surfaces, paths, access ways and parking areas, including their appearance, depth and permeability;
  - vi) Above ground rainwater harvesting solutions;
  - vii) Ancillary structures (including cycle and refuse storage) and landscaping treatment associated with sewerage treatment/locations;
  - viii) Electric vehicle charging points;
  - ix) A timetable for implementation of the soft and hard landscaping works.
  - x) A schedule of landscape maintenance for a minimum period of 5 years to include details of the arrangements for its implementation.

Thereafter the development shall be undertaken in full accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme in the interests of amenity and landscape character.

13. No development above slab level shall commence until a design stage construction report (in the form of design stage SAP data; a BRE water calculator; product specifications; and building design details, layout or landscape plans), has been submitted to, and approved in writing, by the Local Planning Authority. The report shall demonstrate that:

- i) Each unit has reduced predicted CO2 emissions by at least 19% due to energy efficiency and a further 20% due to on site renewable energy compared with the maximum allowed by building regulations;
- ii) Predicted water consumption no more than 110 litres/person/day;
- iii) Evidence demonstrating sustainable drainage and adaptation to climate change;
- iv) Timber will be Grown in Britain or FSC certified and locally sourced where feasible.

Thereafter the development shall be undertaken in full accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development contributes to the management of the effects of climate change.

14. Prior to the first use of the dwellings, hereby permitted, a refuse storage and management strategy, incorporating collection for recyclables and measures to prevent wildlife from coming into contact with waste items, shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the development shall be undertaken in full accordance with the agreed strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against an unacceptable impact upon amenity and wildlife.

#### Ecology and Trees

15. Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) for Lodge Wood and High Field Copse shall be submitted to and approved in writing by the Local Planning Authority. The LEMPs shall incorporate the measures detailed within the submitted Landscape and Ecology Management Plan (Huskisson Brown & Surface Property Ltd, April 2020) and include:

- i) A description, plan and evaluation of landscape and ecological features to be managed;
- ii) Ecological trends and constraints on site that might influence management;
- iii) Long-term aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions, together with a plan of management compartments;
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 10-year period);
- vii) Details of the persons, body or organisation responsible for implementation of the plan;
- viii) A scheme of ongoing monitoring over a 10 year period, to ensure management is generating the desired outcomes and remedial measures (within the 10 year monitoring period) incorporated where appropriate, including a mechanism to discharge the monitoring by the Local Planning Authority;
- ix) Details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer in partnership with any management body(ies) responsible for its delivery.

The approved LEMPs shall be implemented in accordance with the approved details and where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMPs are not being met.

Reason: To ensure appropriate on-going management of the land beyond the completion of the development, to ensure fully functioning landscape and biodiversity objectives of the originally approved scheme, and in order to preserve and enhance biodiversity and landscape features within the subject sites in accordance with the National Planning Policy Framework and to meet the purposes of the South Downs National Park.

16. Works shall be carried out in full accordance with the tree protection measures as set out in the approved Arboricultural Impact Assessment & Method Statements (Alpress, April 2020).

Reason: In the interests of the amenity of the local area and to accord with British Standard BS5837 Trees in Relation to Construction (2012).

17. Prior to development above slab level, an Arboricultural Impact Assessment & Method Statement relating to the car parking area at High Field Copse shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the local area and to accord with British Standard BS5837 Trees in Relation to Construction (2012).

#### Lighting and Dark Night Skies

18. Prior to development above slab level, a scheme of external lighting for Lodge Wood and High Field Copse shall be submitted to, and approved in writing by the Local Planning Authority. The lighting shall:

- i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;
- ii) Be designed to minimise impacts on wildlife.

The lighting shall be installed, maintained and operated in full accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve.

19. Prior to first occupation of the development hereby permitted, details of blackout curtain or automated black-out blinds to be affixed to glazing in the units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained in full accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve.

#### Access and Parking

20. Prior to the first use of the development hereby permitted, details of the car parking and electric vehicle charging points shall be provided for both sites. Thereafter the development shall be carried out in full accordance with the approved details and the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

21. Prior to the first use of the development hereby permitted, details of covered and secure cycle parking spaces shall be provided for both sites. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

22. Prior to the first use of the development hereby permitted, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The Travel Plan shall include but not be limited to:
- i) Detail of measures proposed to encourage use of public transport, walking, cycling and electric vehicle use;
  - ii) Detail of staff car sharing and other measures;
  - iii) Targets for visitors behaviour and travel;
  - iv) Discount from cycle shops local businesses;
  - v) Information to be provided at time of booking and during orientation;
  - vi) Details of visitor surveys to monitor transport models.

Thereafter the approved Travel Plan shall be carried out and retained in full accordance with the approved details for the duration of the development unless otherwise approved in writing by the Local Planning Authority.

Reason: To encourage and promote sustainable transport.

#### Informatives

- 1) Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from the Environment Agency. Further information can be found on the gov.uk website – <https://www.gov.uk/topic/environmental-management/environmental-permits> <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwaterenvironmental-permits> The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)
- 2) The applicant is encouraged to continue working with SDNPA rangers after the 10 year formal monitoring period for the LEMPs has come to an end.
- 3) The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended). In accordance with CIL Regulation 65, the South Downs National Park Authority will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which planning permission first permits development. Further details on the Authority's CIL process can be found on the South Downs National Park Authority website: <https://www.southdowns.gov.uk/planning/community-infrastructure-levy/>

#### **11. Crime and Disorder Implication**

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 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**TIM SLANEY**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Stella New

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email: [stella.new@southdowns.gov.uk](mailto:stella.new@southdowns.gov.uk)

Appendices

1. Site Location Map
2. Committee Report for SDNP/1800643/FUL
3. Minutes of 11 October 2018 Planning Committee Meeting

SDNPA Consultees Legal Services, Development Manager.

Background Documents [All planning application plans, supporting documents, consultation and third party responses](#)

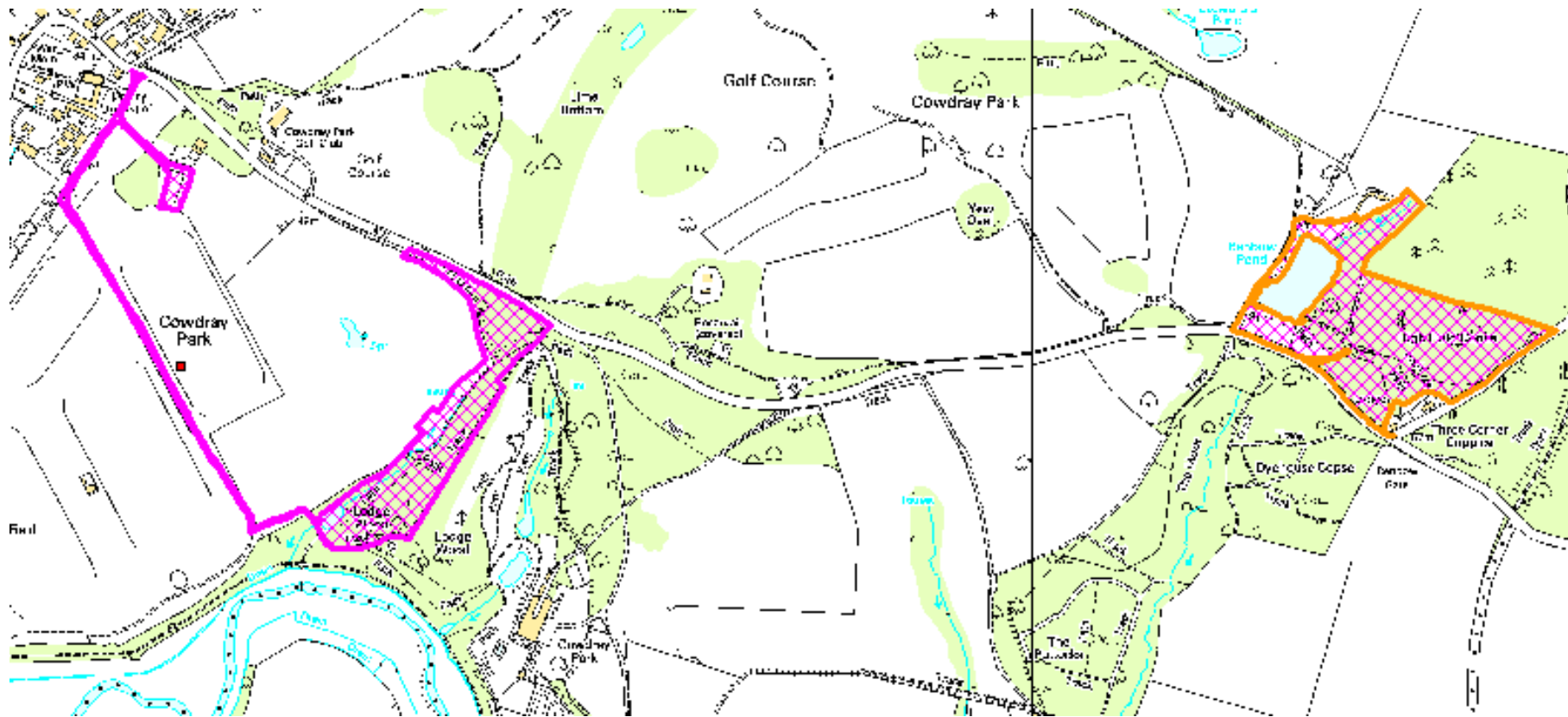
[National Planning Policy Framework \(2019\)](#)

[South Downs Local Plan \(2017-33\)](#)

[South Downs National Park Partnership Management Plan 2020-25](#)

[South Downs Integrated Landscape Character Assessment 2005 and 2011](#)

Site Location Map



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**South Downs**  
National Park Authority

**Agenda Item 7**  
**Report PC63/18**

Report to	<b>Planning Committee</b>
Date	<b>11 October 2018</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council</b>
Application Number	<b>SDNP/18/00643/FUL</b>
Applicant	<b>Mr Mike Ruddock</b>
Application	<b>Construction of ten treehouses to provide tourism accommodation and car parking, access paths and boardwalk. Biodiversity enhancements, woodland management and landscaping across the site.</b>
Address	<b>Land South of A272, Cowdray Park, Cowdray Estate, Easebourne, GU29 0AY</b>

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**Recommendation: That the application be refused, for the reasons set out at paragraph 10.1 of this report**

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### **Executive Summary**

The applicant seeks permission for the erection of 10 treehouses on a woodland site within the historic parkland associated with Cowdray Park to provide tourist accommodation within walking distance of Midhurst.

A total of 8 No 1 bed and 2 No 2 bed treehouses are proposed, with parking for up to 15 cars provided within an area of existing hardstanding sited approximately 500m to the north-west of the main application site, near the Cowdray Farm Shop.

It is clear that the scheme would accrue a number of benefits that would align with the Second Purpose of the National Park, including the provision of tourist accommodation, opportunities for the understanding and enjoyment of the National Park's special qualities, and benefit the local economy. However, officers have concerns in regard to the impact of development on the woodland, which forms part of a historic parkland, its landscape character, and woodland habitat which has resulted in a recommendation of refusal. The decision by Members will therefore require consideration of this impact and whether this would be outweighed by the merits of the scheme.

This application is being placed before Members because it raises unique policy considerations.

#### **I. Site Description**

I.1 The site is located within the Cowdray Estate, to the east of Cowdray House, and just south of the A272. The edge of the site is visible from the main road, and from public footpath 1109 which runs east/west towards the site before crossing the A272 north of the site. The area falls within the North Rother Valley Sandy Arable Farmland Landscape Character Area, and forms part of the historic parkland associated with Cowdray Park.

- 1.2 Cowdray House is a grade II listed building sited some 250m to the south east of the site and is primarily used for private events. Cowdray Café and Farm shop lie some 700m to the west of the site adjacent to the site of a former Priory, which now comprises a number of Grade I listed buildings including St Mary's Church and several residential units.
- 1.3 The site abuts the A272 to the north and slopes downwards from north to south, and more steeply from east to west. The site is bounded to the east by the Wellingtonia Avenue, which is part of the wider grounds of Cowdray House. To the west is an agricultural field, and beyond to the south west lie the main Cowdray polo fields.
- 1.4 The main site comprises just over 4ha area of broadleaf woodland known as Lodge Wood, which forms part of the Victorian historic parkland associated with Grade II listed Cowdray Park. Cowdray Park itself contains many designated heritage assets, and is identified in the Midhurst Conservation Area Appraisal as making a major contribution to the distinctive identity of this part of the South Downs National Park. The site formed part of the original pleasure grounds, and retained a number of rides or openings in the woodland running west-east through the woodland. The remnants of a hoha (boundary ditch) runs along the western boundary of the site.

## **2. Relevant Planning History**

- 2.1 The most recent planning history relating to the site is as follows:

SDNP/17/03303/PRE Construction of tree house tourism accommodation at two separate sites within the estate, use of existing access points and parking along with ecology enhancements and landscaping. Advice provided 20.06.2017.

The advice stated that whilst there was no in-principle objection to the provision of tree houses on the Cowdray Estate, there were concerns in regard to the location and impact of the development; requirement for careful consideration in terms of the use of landscape character to inform the scheme, and of access and parking, materials, lighting; and more detail regarding protection of trees and construction methods. Any scheme should also maximise opportunities for conservation and enhancement such as improving footpaths and cycle ways; using local wood and telling the story of the Estate and its historic context; sustainable water management; and integrated biodiversity enhancements within the built and non-built parts of the scheme.

## **3. Proposal**

- 3.1 The application is made by Blue Forest, who specialise in providing luxury tree houses in the UK and abroad. The scheme has been subject to a number of site visits and detailed discussions between the applicant and officers, and a number of amendments have been made to the scheme throughout the course of the application, including removal of a new access from the A272; a reduction in the number of 2 bed treehouses from 10No to 2No; reinstatement of the historic rides; and further information in regard to ecology, tree protection and construction methods, and woodland management.
- 3.2 The treehouses are proposed to be located either side of an existing track that runs north/south through the site. 2No 2 bedroom units would be provided, with a total Gross Internal Area (GIA) of 61.5m<sup>2</sup>, and 8No 1 bedroom units with a GIA of 44m<sup>2</sup>. The existing track through the site would be reinforced with geocell and mulched over, and board walk paths would branch off to serve each unit. Water would be provided via connection to the water mains to the north of the site, and servicing facilities including water and electricity would be routed through the geocell surfacing, and above ground within the board-walk structure. A reed bed sustainable drainage system (SuDS) would be provided for sewage arrangements.
- 3.3 The revised Design and Access Statement states that the units would be constructed using pre-fabricated steel and timber frames, and pre-formed panels that would be constructed off-site. The secondary structural components and deck would be constructed using various types of timber cladding which would be sustainably sourced from the local area including some products from the Cowdray timber yard. Local products such as chestnut shingles would also be used. Helical piles installed in and around tree roots would be used to

accommodate the structural loads, avoiding the need for excavation. The site would have a fence along the boundary line to allow the site to be an off-leash area for dog walkers.

- 3.4 A car park would be provided within an existing area of hard standing to the north of the Cowdray Café, with the main access to the site being provided along an existing estate track. Luggage drop-off and other services such as laundry would be brought in using golf buggies. Visitors would be picked up or dropped off on arrival and departure at the car park site by buggy. Pedestrian access is also provided by public footpath 1109.

#### 4. Consultations

##### 4.1 Access and Public Rights of Way: No objection.

- Recommend the access paths within the site and connecting to Cowdray Farm shop and café and Midhurst to be upgraded to shared-use to permit use by cyclists and wheelchair users. This will require agreement of the landowner and, if the upgrade is to include formal dedication, consultation with WSCC as Highways Authority.
- Recommend the provision of secure cycle parking adjacent to each treehouse.

##### 4.2 Archaeology: No objection.

##### 4.3 Dark Night Skies Officer: No objection, subject to conditions.

- The proposed lighting will meet requirements within a dark sky reserve, however further clarity needed in regard to the lumen output of the bollard and board walk lights as anything above 500 lumens should have zero upward light.
- A curfew of 9pm is recommended.
- The blinds design and location in and around the tree canopy will absorb internal light spill however may impact on wildlife.
- Any further external lighting must be restricted.

##### 4.4 Drainage Engineer: No objection, subject to condition.

##### 4.5 Easebourne Parish Council: No objection.

##### 4.6 Ecology: No objection, subject to conditions.

##### 4.7 Environment Agency: No objection.

##### 4.8 Environmental Health: No objection.

##### 4.9 Highways Authority: No objection subject to condition.

##### 4.10 Historic Buildings: Objection.

- The structures would not have significant impacts on the settings of surrounding heritage assets however could significantly impact the woodland which constitutes a historic feature in its own right within a Registered Park.
- The structures seem whimsical and whilst there is some precedent for playful structures of this nature within the setting of a Victorian pleasure garden, it becomes progressively less convincing when up to ten are proposed.
- The structures are substantial and the direct impact on trees and potential development conflict in terms of safety and services provision is unclear.
- The scheme seems intensive and five or six units would have been preferable.
- Any heritage benefit would depend heavily on robustly secured specific management proposals to identify and protect historic planting, clear invasive undergrowth and re-open the C19 rides.
- The design requires a bespoke approach that celebrates the Estate and its own distinctive site and character, built by local joinery firms using timber predominantly harvested from the Estate.

4.11 **Historic England:** No objection, subject to conditions.

- Increasing access to the asset which generates income for its long-term future is in principle acceptable.
- The harm to the historic asset is considered to be less than significant in the terms of the NPPF.
- Reinstatement of the former rides (in whole or part) as part of an agreed landscape management plan for the woodland would represent a heritage benefit.
- Details of lighting should be secured through condition.
- The extent of occupation of the treehouses needs to be clarified so that impact and potential harm at different times of year can also be assessed.

4.12 **Landscape Officer:** Objection.

- The site choice and proposal has not been landscape-led and as a result does not achieve the best outcome for the site.
- The history of emparkment in this location is considerable, and the parkland, designated character of the site and its surroundings remains strong
- The proposal is an over-intensification of the site and has resulted in a layout, design and associated paraphernalia which imposes a suburban character upon a rural, historic designed landscape.
- The use of perimeter fencing, boardwalks and lighting bollards are additions to the Parkland that will likely take away from the designed landscape character, rather than producing a neutral or positive effect.
- The proposal does not conserve and enhance the natural beauty, wildlife or cultural heritage of the site and its immediate surroundings as per the first purpose of the National Park.
- Opportunities to integrate experiential qualities such as dark night skies, tranquility and getting close to history and nature have been missed through a design insensitive to these existing positive qualities of the site and its immediate context.

4.13 **Southern Water:** No objection.

4.14 **Sussex Gardens Trust:** Comments:

- Content in principle for low key tourist use that secures the site's future management and future positive contribution to the wider designed historic landscape.
- Concerns regarding the size and number of tree houses proposed and their appearance, and how these could be satisfactorily absorbed within the woodland.
- The development is not considered true to the 'tree house' typology; rather they are folksy stand-alone ground dwellings lacking any special interest.
- It is unusual for dwellings to be sited so close to forest trees and the development will drive the way the woodland is managed, i.e. with greater weight given to safety considerations.
- The revised siting of the car park, reduced bulk of the tree houses, and more sympathetic specification of hard landscaping materials represent an improvement.
- The new structures will cause some harm to the significance of the park but improved management of the woodland will provide some offsetting benefits.

4.15 **Sustainable Tourism Officer:** No objection.

- Will meet a need for rural tourism accommodation in the SDNP and support estate diversification.

- Interesting, high end design creating an accommodation that is a destination and experience in its own right.
- Well suited for year-round nature based tourism, with opportunities to promote and foster visitor understanding, education and enjoyment of the National Park's special qualities.
- Would support the local visitor economy through linkages to local producers, however stronger linkages could be promoted.
- Access and car parking includes facilities for electric cars and bicycles, and promotes cycling and walking when in the area.
- Construction will partly use local materials from Cowdray timber yard.
- Access to the units will be ramped and 10% of all lodges and 5% of all parking spaces will be fully accessible.
- Creation of 5 new jobs.

4.16 **Tree Officer:** No objection, subject to conditions.

4.17 **Woodland and Biodiversity Tree Officer:** Objection.

- This is a priority habitat in a registered park and garden, in a National Park, and the size and scale of the development and associated infrastructure and public access will affect most of the woodland site, and thereby its character.
- It has not been demonstrated that it is technically possible to construct the lodges in this site without detrimental impact to biodiversity, or that the biodiversity, habitat and landscape would be enhanced as a result of development.
- Increasing public access to the site will require a significant increase in tree safety works including post construction, which will significantly change the character of the woodland, and remove habitat for priority species.
- Lack of detail in regard to tree works, which are likely to be significant given the increased public access to the site, and reliance on agreeing important tree protection details at a later stage.
- Although ground protection measures would be provided no areas will be fenced off in compliance with BS 5837:2012.
- Lack of detail in regard to what materials will be sourced locally, which is a missed opportunity.
- The Woodland Management Plan is driven solely by safety considerations rather than standard sustainable woodland management practices.

## 5. Representations

- None received.

## 6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the saved policies of the Chichester District Local Plan (1999). The relevant policies are set out in section 7 below.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- 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 upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

6.3 The National Planning Policy Framework (2018) is considered holistically although the following sections are of particular relevance to the applications:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued on 24 July 2018. 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.

6.5 The development plan policies listed in Section 7 have been assessed for their compliance with the NPPF and are considered to be compliant with it.

Major Development

6.6 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF (2018), and accompanying footnote 55, advising that 'major development' in designated landscapes 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.

The South Downs National Park Partnership Management Plan 2014-2019

6.7 The South Downs National Park Partnership Management Plan (SDPMP) (2014-2019) is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight. It outlines a vision and long term outcomes for the National Park. The following policies are relevant:

- 1: Conserve and enhance natural beauty and special qualities of the landscape.
- 3: Protect and enhance tranquillity and dark night skies.
- 8: Prevent, control and eradicate invasive non-native species.
- 9: The significance of the historic environment is protected from harm .
- 10: Improve the management of heritage assets, particularly focusing on those that are 'at risk'.
- 28: Improve and maintain rights of way and access land.
- 29: Enhance the health and wellbeing of visitors by encouraging, supporting and developing the use of the National Park as a place for healthy outdoor activity and relaxation.
- 30: Raise awareness and understanding about the National Park.
- 41: Influence visitor behaviour in order to reduce impacts on the special qualities and increase visitor spend in and around the National Park.

- 43: Support the development of appropriate recreation and tourism facilities, including a mix of quality accommodation which responds to market demands and supports a sustainable visitor economy.
- 44: Encourage and support tourism providers to develop sustainable business practices and increase knowledge about the National Park's special qualities.
- 55: Promote opportunities for diversified economic activity, in particular, where it enhances the special qualities.

#### Statutory Requirements

- The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission that may affect listed buildings or their setting.
- Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

## **7. Planning Policy**

7.1 The following saved policies of the Chichester District Local Plan (1999) are relevant:

- RE1: Development in the Rural Area Generally
- RE4: Areas of Outstanding Natural Beauty - Chichester Harbour and Sussex Downs: Protection of Landscape Character
- RE8: Nature Conservation - Non-designated Sites
- RE28: Historic Parks and Gardens
- BE11: New Development
- BE14: Wildlife Habitat, Trees, Hedges and Other Landscape Features
- R4: Public Rights of Way and Other Paths
- T1: Accommodation and Facilities
- T3: Provision in Rural Areas
- T4: Provision in Areas of Outstanding Natural Beauty
- T6: Occupancy Periods for Holiday Accommodation

#### The South Downs National Park Local Plan Submission (2018)

7.2 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Chichester District Local Plan (1999) the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight, depending on the level of objection received on individual policies. The relevant policies are:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character

- SD5: Design
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD13: Listed Buildings
- SD16: Archaeology
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD22: Parking Provision
- SD23: Sustainable Tourism
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management
- SD50: Sustainable Drainage Systems

## 8. Planning Assessment

8.1 The main considerations to be determined as part of this application are:

- The principle of providing new tourist accommodation;
- The heritage impact of the development on the woodland site, which forms part of the historic parkland associated with the main Cowdray House;
- Design, landscape and visual impact;
- Impact on trees, ecology and woodland habitat;
- Dark night skies;
- Highways, access and Public Rights of Way (PROW);
- Drainage and the water environment.

### Principle of development

8.2 The findings of the South Downs National Park Visitor Accommodation Review 2014 indicate that the development of new tourist accommodation of all types is required across the National Park to meet reported peak period shortages. There is an acknowledged shortfall of accommodation along the South Downs Way as highlighted in the South Downs Partnership Management Plan and the South Downs Way Management Plan (2014-2019).

8.3 Paragraph 83 of the NPPF (2018) supports proposals for sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 states that sites to meet local or business needs beyond existing settlements should ensure that development is sensitive to its surroundings exploit opportunities to encourage sustainable access. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

8.4 Saved policies T1 and T3 of the Chichester District Local Plan (1999) support the development of sustainable tourism accommodation outside settlement policy boundaries



that is consistent with other policies in the Local Plan, providing the development does not cause adverse effect on the character and appearance of the surrounding landscape, which is the source of attraction to visitors.

- 8.5 Policy SD23 ‘Sustainable Tourism’ received 43 representations during the Regulation 19 consultation, with some objections mainly in regard to the minimum marketing period; it therefore carries considerable weight. The policy supports proposals that will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities; minimise the need for travel by private car and encourages access by sustainable means; and will not detract from the experience of visitors. Policy SD34 ‘Sustaining the Local Economy’ received 27 representations that did not raise any significant issues, and also carries considerable weight. The policy supports proposals that foster the economic well-being of local communities and promote businesses linked to tourism, which is a key sector for the National Park.
- 8.6 The second purpose of the National Park is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public, and in many cases proposals for tourist accommodation accord with this purpose.
- 8.7 The submitted information states that the scheme would generate approximately £500K per annum in an area described as the ‘Heart of the Park’ where affordability and employment are issues, and tourism accommodation occupancy is often full.
- 8.8 The South Downs Visitor Review did not identify a lack of tourist accommodation within Midhurst Town, although there is a shortage of accommodation in Petersfield, and there is scope for boutique hotels in Petersfield and Midhurst. However, the proposal could attract visitors to the area as a destination and experience in its own right. Access to the units would be ramped, and the submitted information also states that 10% of all lodges (1 No unit) would be fully accessible, details of which could be secured through condition. The scheme would also provide clear benefits to the rural economy, including links with local businesses such as the Cowdray Farm Shop, and local employment. The scheme would therefore provide clear tourism benefits that align with Purpose 2 in terms of providing high quality, year round accommodation that would improve the rate of overnight stay and could allow visitors to experience some of the special qualities of the National Park.
- 8.9 However, the site itself involves a narrow strip of woodland which is a heritage asset as it forms part of a wider Historic Parkland landscape. Although management of the woodland is essential for its ongoing conservation, development of the site is not considered necessary to secure its optimal viable use, as might be the case for a building. The first Purpose of National Parks, which takes precedence if there is a conflict, is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. National planning policy also requires that ‘great weight’ be given to conserving landscape and scenic beauty in National Parks and conserve and enhance valued landscapes.
- 8.10 In this instance, whilst the principle of providing tourist accommodation is acceptable, the wider principle of development, and overall acceptability of the scheme, hinges on consideration of the impact of the proposal on the landscape character, historical significance, appearance and amenity of the heritage asset and woodland habitat, and how far these would be conserved and enhanced by the scheme. These matters are considered in more detail below.

#### Heritage Impact

- 8.11 The woodland site is one of the three main phases identified in the historic development of the registered parkland associated with Cowdray Park, and contributes to the significance of the Grade II listed C19 house and the earlier mansion as part of their historic parkland setting.
- 8.12 Paragraph 193 of the NPPF (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Paragraph 196 states that where a development proposal will

lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.13 Saved Policy RE28 ‘Historic Parks and Gardens’ states that any proposals which have a significant detrimental impact on the character or setting of an historic park or garden, as listed in the English Heritage Register of Parks and Gardens of special interest in England, will be refused. Policy SD12 of the Submission South Downs Local Plan (2018) received 29 representations with some concerns raised in regard to enabling development, and carries considerable weight. The policy supports proposals that conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.
- 8.14 As stated at paragraph 8.9 although management of the woodland is essential for the ongoing conservation of the heritage asset, development of the site is not considered necessary to secure its future. The acceptability of the proposal in heritage terms therefore depends on how far the overall impact of development would conserve and enhance the asset, and whether the public benefit from improved access to the site is sufficient to overcome any identified harm.
- 8.15 The submitted information, including the amended Heritage Statement, states that the key value that the woodland contributes to the historic element is the appearance of the belt of woodland on the skyline, which would be unaffected by the proposal. The tree houses would be largely hidden within the woodland, and only partly visible against a backdrop of infrastructure associated with the polo fields to the west. The impact on both the historic landscape and the Grade II listed house is therefore considered to be minor, and offset by the beneficial effects of managing the woodland, which is overgrown with rhododendron having been undermanaged for some years, and reinstatement of the historic rides.
- 8.16 In this instance, Historic England has no objection, and considers that the harm to the historic significance of the site would be “less than substantial” in terms of the NPPF. However the harm must still be minimised and any harm that cannot be avoided must be clearly and convincingly justified, and weighed against the consideration of public good. Historic England acknowledge the ongoing conservation and management of such an asset is challenging and therefore increasing access to it which generates income for its long-term future is acceptable in principle. The reinstatement of the former rides as part of an agreed landscape management plan for the woodland also represents a heritage benefit to be weighed in the planning balance.
- 8.17 The Sussex Gardens Trust objected to the original scheme due to the size, number and ‘folksy’ typology of tree houses, and the need for management of the woodland to be driven by safety considerations given the close location to forest trees. Following revision of the scheme to reduce the scale of development, remove the access from the A272 and proposed Woodland Management Plan, the Trust acknowledges the improved management of the woodland will provide some offsetting benefits to the impact of development and no longer objects to the proposal, however neither does it support it.
- 8.18 The SDNPA Historic Buildings officer has objected to the proposal. Although the structures would not have significant impacts on the setting of the surrounding heritage assets, the scheme has the potential to significantly impact the woodland which is a historic feature in its own right within the Registered Park. It is considered that insufficient information has been submitted to identify the specific impact that the development would have on trees, particularly in regard to ongoing maintenance and visitor safety (impact on the woodland is considered in more detail at paragraphs 8.25-8.34 below.)
- 8.19 In summary, any development in this location should seek to conserve and enhance the historic significance of the heritage asset, in this case a woodland within a Registered Park. Officers are of the view that given the size and scale of the structures, and the ongoing need to manage the trees in terms of public safety, the full impact of development on the heritage asset is not sufficiently clear, and it has therefore not been demonstrated that there would not be an adverse impact on the heritage asset.

Design, Landscape, and Visual Impact

- 8.20 Saved policy R2 permits the development of new recreational facilities in the rural area where they are a type and level of provision which would not have a serious effect on the resources and character of the countryside. Saved policies T1 and T3 support the development of sustainable tourism accommodation that does not cause adverse effect on the character and appearance of the surrounding landscape, which is the source of attraction to visitors, are appropriate to the character of their location, and do not cause adverse effect on the character and appearance of the surrounding landscape as a result of development, ancillary works or curtilages.
- 8.21 Policy SD4 'Landscape Character' of the Submission South Downs Local Plan (2018) received 40 representations mainly in regard to matters of detail, and protection of strategic gaps, and therefore carries considerable weight. The policy supports development that conserves and enhances the existing landscape character features which contribute to the distinctive character, pattern and evolution of the landscape; and safeguards the experiential and amenity qualities of the landscape. Policy SD5 'Design' received 29 representations, also mainly in regard to matters of detail, and also carries significant weight. The policy supports development that demonstrates a landscape-led approach and respects the local character of the area. Proposals should both integrate with, respect and sympathetically complement the landscape character and utilise architectural design which is appropriate and sympathetic to its setting. Policy SD23 'Sustainable Tourism' supports proposals that will not adversely affect the character, historical significance, appearance or amenity of the area.
- 8.22 Several amendments have been made to the proposal to try and overcome the landscape concerns, including the reduction in the scale of the units to be provided and provision of a new car parking area to the west of the site rather than creating a new access from the A27 as originally proposed. The roof height has also been lowered by removing the hipped roof ends and replacing these with a gable end. Further landscape information has also been submitted considering the impact of the proposal in landscape terms, and how the proposal has sought to mitigate this.
- 8.23 The SDNPA Landscape officer has objected to the proposal, the design of which has not been led by landscape evidence, and overall the scheme demonstrates a lack of consideration of the strong character of the designated historic landscape. It is acknowledged that the revised scheme has made efforts to mitigate harm, and the additional landscape work undertaken in response to landscape and arboriculture concerns, offers some improvement by virtue of not accessing the site from the A272. The proposed car park will utilise an existing area of hardstanding and surrounding bund that is in close proximity to the parking area serving the Cowdray Farm Shop, and is not considered to raise significant concerns in terms of landscape impact. However, officers have concerns in regard to the site's capacity to receive this scheme, and that the scale and number of the buildings, associated infrastructure, paraphernalia, and subsequent management needs can be accommodated without a significant negative effect on the woodland's character. The size and scale of the units, and the suburban layout along a central path with accompanying lighting bollards and perimeter fencing, would also impose a new and unrelated suburban character on a complex and sensitive site. The design of the huts is generic in appearance and does not specifically reflect the National Park or the Cowdray Estate. Although some materials, including the cladding and roof shingles would appear to be sourced locally, the type and extent of Cowdray timber that would be used is not clear. The resultant scheme does not reflect or celebrate the strong landscape character of the site, or the Estate, which is a missed opportunity.
- 8.24 In summary, given the site's designation, value and sensitivity, the siting, scale and design of the proposed development is considered to have a significant negative impact on its landscape character. The proposal would represent an over-intensification of the Designed Landscape in a way which is not in-keeping with its character and sensitivity, or with the wider landscape character of the Cowdray Estate.

Impact on Trees, Ecology and Woodland Habitat

- 8.25 Part 15 of the NPPF (2018) draws attention to the duty to protect the natural environment and to the opportunities for its enhancement. Paragraph 170 states that when determining planning applications, local planning authorities should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value in a manner commensurate with their statutory status.
- 8.26 Saved Policy BE14 supports development proposals that minimise impact on features and sites of nature conservation, and take advantage of opportunities for habitat enhancement and creation. Policy SD9 'Biodiversity and Geodiversity' received 41 representations, with objections in regard to the HRA and Ashdown Forest, resulting in changes being made to the policy wording, however it carries some weight. The policy supports proposals that conserve and enhance biodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should retain, protect and enhance features of biodiversity and supporting habitat and ensure appropriate and long-term management of those features. Proposals should also contribute to the restoration and enhancement of existing habitats and seek to eradicate or control any invasive non-native species present on site. Policy SD11 'Trees, Woodland and Hedgerows' received 23 largely supportive representations, and carries considerable weight. The policy supports development that will conserve and enhance trees, hedgerows and woodlands, and the felling of protected trees, groups of trees or woodland will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations.
- 8.27 The submitted information states the layout has been designed to retain all trees within and adjoining the lodge locations. A helical pile method, which has been used successfully elsewhere, will be used to accommodate the structural load of the units, which can be installed in and around existing tree roots. These involve the use of a reinforced concrete pile cap and hand augured ground anchor screws that would be placed under arboricultural supervision. A number of biodiversity enhancements are proposed including owl and other bird boxes, bat boxes, hedgehog hotels, log piles and reptile refugia. The submitted Summary Statement also includes a draft s106 agreement to secure a Landscape, Ecology, and Woodland Management Plan.
- 8.28 The submitted technical information relating to trees includes an Arboricultural Impact Assessment (AIA), amended AIA, Woodland Plan, Arboricultural Addendum, and sample arboricultural method statement for a development at Warwick Castle. Due to the unusual nature of the assessment, the information states that a number of BS 5837 standard details are not included due to the entirety of construction being within RPA and the need for a fluid schedule due to recent tree failures. A tree surgery schedule and method statement would be formalised post planning in conjunction with the woodland management plan, and individual lodge tree protection plans. The information states that no trees would be removed as a result of the proposal, however there would be some hazard pruning works post permission involving selective felling and the forming of several 'monolith' trees. The information also states that the development provides the opportunity to bring an unmanaged woodland into management, removing invasive species and providing new native planting
- 8.29 The Tree Officer has no objection to the proposal subject to conditions securing details of tree protection, schedule of tree works and Woodland Management Plan, as the trees in question are not subject to TPO nor is the site within a Conservation Area.
- 8.30 The County Ecologist has reviewed the submitted information and also has no objection subject to condition. There is some lack of detail in regard to the assessment of impacts, including the habitat surrounding the new car park area. Although the proposal has the potential to enhance biodiversity through appropriate long-term woodland management and enhancement measures, the submitted woodland management plan is insufficiently detailed to determine what works are actually proposed. A Construction Environmental Management Plan and detailed Woodland Management plan should therefore be required via condition to secure the long-term arboricultural, woodland and ecological management of

the site including ecological enhancement measures, should Members be minded to approve.

- 8.31 The SDNPA Woodland and Biodiversity Officer, has objected to the proposal. The size and scale of the development and associated infrastructure and public access will affect most of the woodland site, however despite the significant amount of submitted information there is a lack of detail in regard to the nature and extent of the impact of development on trees. It has therefore not been demonstrated that it is technically possible to construct the proposed tree houses without detrimental impact to the woodland biodiversity and habitat, or that these would be conserved and enhanced as a result of development.
- 8.32 In this instance, weight is given to the Woodland and Biodiversity Officer comments, due to the site being comprised largely of designated woodland, and the need to holistically consider its unique character, habitat and ecosystem. It is acknowledged that the woodland has not been actively managed for some years, and that removal of rhododendron would be a positive ecological intervention and go some way to conserve and enhance the site. However, given the increased public access and year round habitation of the site, management of the woodland, particularly post development, would necessarily be driven by safety considerations which could significantly change the character of the woodland, and impact priority habitat. More typical woodland management practices generally require additional works beyond removal of invasive species, and woodland management plan would generally also include details of any constraints and designations; a risk assessment of potential threats and actions to address these; an outline management strategy; a 5-year detailed plan of operations (thinning/felling and restock) and longer term outline plan. In many instances, this level of detail may be secured through condition, but officer are of the view that given the given the significance of the woodland as a heritage asset, the level of works to provide and maintain the development needs to be understood prior to determination.
- 8.33 It is acknowledged that the applicant has successfully constructed a number of similar schemes in other sensitive locations, including the Knights Village at Warwick Castle and Chewton Glen area of green belt in New Forest District. However, in this instance, given the scale of development proposed, the density of the woodland and its special historical value within the National Park, the precise detail needed prior to determination in order to properly assess the level of required tree works, and therefore impact on the site's character and woodland habitat, has not been provided.
- 8.34 In summary, it is considered that in the absence of sufficiently detailed information in regard to construction methods, tree survey, schedule of works and ongoing management of the woodland, there is potential for significant negative changes to the character to the woodland, both from the development itself, and as a result of the subsequent woodland management that would need to be driven by public safety.

Dark night skies

- 8.35 Policy SD8: Dark Night Skies of the Submission South Downs Local Plan (2018) carries considerable weight. The site falls within zone EI (a), or 'intrinsic rural darkness,' which is classified as 'dark sky' and includes isolated areas that may not be connected to the main core. The amended external lighting plan is considered to be acceptable, and may be secured via condition alongside timed blackout blinds to minimise internal light spill.

Highways, Access and PROW

- 8.36 The Highways Authority has no objection to the proposal subject to a condition to secure cycle parking. The proposal will promote sustainable, non-car modes of transport to gain access to the site, and the access routes from the car park are pedestrian and cycle friendly. The use of buggies will also be provided for visitors with luggage or who are unable to walk this distance.
- 8.37 The proposed car park is 23m x 46m and would accommodate the required level of parking, estimated at 15 spaces. As the spaces will not be marked out it may be necessary to provide a sign to denote an area for disabled use. A sign within the public highway directing visitors

to the car park may also be required. Cycle parking within the development may be secured by condition.

- 8.38 Although the site is accessible from public footpath I 109, the SDNPA Access and Recreation team suggested that to encourage access by non-car modes and promote walking and cycling, footpaths I 104 and I 109 to Cowdray Farm shop and café and the centre of Midhurst could be upgraded to shared-use to allow visitor access for cyclists and wheelchair users. This would require agreement of the landowner and, if the upgrade is to include formal dedication, consultation with WSCC as Highways Authority. As the application is recommended for refusal, this has not been investigated further however the applicant has indicated they would be agreeable to considering upgrading of the footpaths, should Members be minded to approve.

#### Drainage and the Water Environment

- 8.39 NPPF Paragraph 109 states that the planning system should prevent both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Policy SD17 'Protection of the Water Environment' carries some weight, and supports development within Groundwater Source Protection Zones provided there is no adverse impact on the quality of the groundwater source or risk to its ability to maintain a public water supply.
- 8.40 The Drainage Engineer raises no objection to the application, subject to a condition requiring SuDS details and arrangements for surface water drainage from the roof areas.

### **9. Conclusion**

- 9.1 Although the application would accrue a number of benefits to tourism and the local economy, as well as the public benefit of providing access to the woodland heritage asset, it is considered that the Heritage, Landscape and Woodland and Biodiversity concerns in regard to the potentially significant impact of development on the character of the woodland outweigh the merits of the scheme. The applicant has worked with officers throughout the course of the application to provide further information and amendments to the scheme to attempt to overcome the concerns raised, and there are a number of positive elements to the proposal such as the provision of sensitive external lighting. However in this instance, given the size and scale of the structures; the design's lack of reference to local landscape character; the lack of sufficiently clear detail in regard to construction and level of tree works that will be required; and the ongoing need for management of the woodland in terms of public safety, it is considered that it has not been demonstrated that the development overall would conserve or enhance the landscape, scenic beauty and cultural heritage of this designated site within the National Park. The application is therefore recommended for refusal.

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

- 10.1 The application is recommended for refusal for the following reason:
1. The character of the woodland site, which forms part of a registered historic parkland, would be negatively impacted by virtue of the size and scale of the proposed tree houses. The design's lack of reference to local landscape character and minimal use of local, estate-sourced materials would not conserve or enhance the character of the historic parkland setting or wider Cowdray Estate. The public benefit that would be derived from the development, and wider tourism and economic benefits, are not considered to be so significant as to outweigh the identified harm to the heritage asset. The proposal is therefore contrary to saved policies RE28, R2, T1 and T3 of the Chichester District Local Plan (1999), policies SD4, SD5, SD12 and SD23 of the Submission South Downs (Draft) Local Plan (2018), the first Purpose of the National Park and the NPPF (2018).
  2. Insufficient detail has been provided in regard to tree protection and the level of tree works that would be required to be certain that the character of the woodland, and woodland habitat and biodiversity would not be negatively impacted by the development or ongoing management of the woodland, given the overarching need for

public safety. The proposal has not demonstrated that the development would conserve and enhance the site's woodland character, biodiversity or priority habitat. The proposal is therefore contrary to saved policy BE14 of the Chichester District Local Plan (1999), policies SD9 and SD11 of the Submission South Downs (Draft) Local Plan (2018), the first Purpose of the National Park and the NPPF (2018).

**11. Crime and Disorder Implication**

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 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

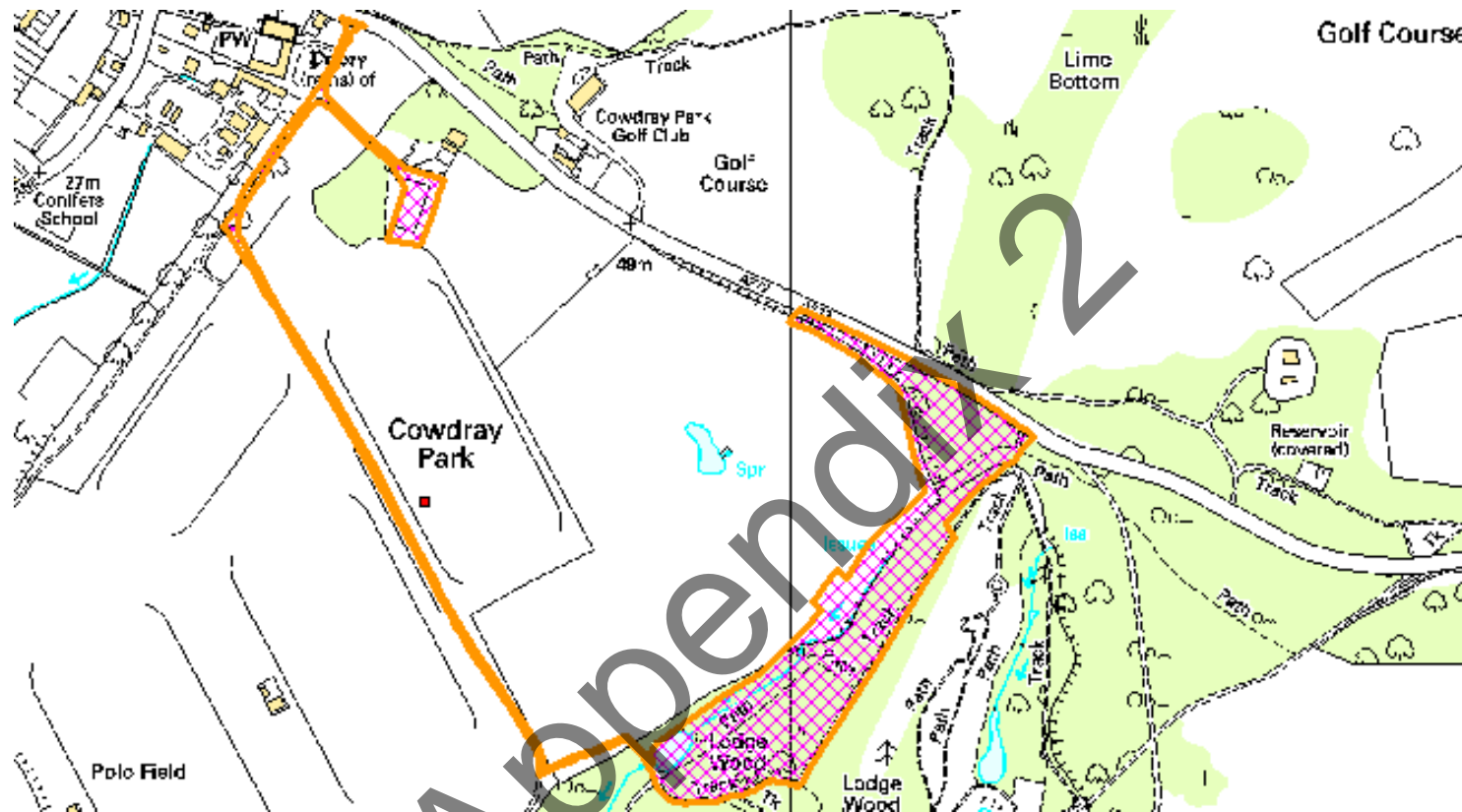
**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices	1. Site Location Map
SDNPA Consultees	Legal Services, Development Manager.
Background Documents	<a href="#">All planning application plans, supporting documents, consultation and third party responses</a> <a href="#">National Planning Policy Framework (2018)</a> <a href="#">Chichester District Local Plan (1999)</a> <a href="#">Submission South Downs Draft Local Plan (2018)</a> <a href="#">South Downs National Park Partnership Management Plan 2013</a> <a href="#">South Downs Integrated Landscape Character Assessment 2005 and 2011</a>

40  
Site Location Map



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**SOUTH DOWNS NATIONAL PARK AUTHORITY**

**PLANNING COMMITTEE 11 OCTOBER 2018**

Held at: The Memorial Hall, South Downs Centre, North Street, Midhurst at 10:00am.

Present: Heather Baker, David Coldwell, Neville Harrison, Barbara Holyome, Doug Jones, Tom Jones and Ian Phillips.

Ex Officio Members for Planning Policy items only (may participate on Policy Items but not vote, no participation on Development Management Items):

Norman Dingemans and Margaret Paren.

Officers: Katie Kam (Solicitor), Richard Sandiford (Senior Committee Officer), Gill Welsman (Committee Officer) and Tim Slaney (Director of Planning).

Also attended by: Rob Ainslie (Development Manager), Stella New (Senior Planner), Heather Lealan (Development Management Lead), Lucy Howard (Planning Policy Manager), Kevin Wright (Planning Policy Officer), Chris Paterson (Communities Lead)

**OPENING REMARKS**

138. The Chair informed those present that:

- SDNPA Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and acted in the best interests of the Authority and of the Park, rather than as representatives of their appointing authority or any interest groups.
- The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.

**ITEM 1: APOLOGIES FOR ABSENCE**

139. Apologies were received from Alun Alesbury, Roger Huxstep and Robert Mocatta.

**ITEM 2: DECLARATION OF INTERESTS**

140. Neville Harrison declared a public service interest in agenda item 10 as a member representing the Authority on the Lewes Neighbourhood Development Plan Group.

**ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 13 SEPTEMBER 2018**

141. The minutes of the meeting held on 13 September 2018 were agreed as a correct record and signed by the Chair.

**ITEM 4: MATTERS ARISING**

142. There were none.

**ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS**

143. There were none.

**ITEM 6: URGENT ITEMS**

144. There were none.

**ITEM 7: SDNP/18/00643/FUL - LAND SOUTH OF A272, COWDRAY PARK, EASEBOURNE, GU29 0AY**

145. The Case Officer presented the application and referred to the update sheet.

146. The following public speakers addressed the Committee:

- Jonathan Russell spoke in support of the application representing Cowdray Estate.
- Adam Coxen spoke in support of the application representing Treehouse Retreats.
- Andy Payne spoke in support of the application representing Blue Forest.

147. The Committee considered the report by the Director of Planning (Report PC63/18), the update sheet, the public speaker comments, and requested clarification as follows:

- That the treehouses were accessible for disabled users.
- Whether the Cowdray Estate was currently producing a Whole Estate Plan.

- If there was a boundary around the woodland to prevent visitors from dispersing across the wider estate.
  - Whether there were any historical records relating to the nature of the woodland being part of the listed garden but not designed.
  - If the woodland was ancient.
148. In response to questions, officers clarified:
- That several units had level access into the treehouses from the central track.
  - There was currently no Whole Estate Plan being prepared by the estate.
  - The area would be fenced in order to ensure dogs could be contained, this could be covered as a condition via the landscape plan.
  - The woodland was not ancient.
  - The Historic Buildings Officer had confirmed that the woodland was part of the overall design of the historic park.
149. The Committee discussed and debated the application, making the following comments:
- There was support, in principle, for a development of this type in this location.
  - Where there was a conflict between the two purposes of the National Park, Purpose 1 took precedence.
  - The proposal would benefit both the local economy and the Estate.
  - Support for the principle of the proposal with regard to use and management of the woodland and the positive impact for the local economy and community.
  - There were issues raised by the landscape, woodland and heritage officers which needed to be further addressed.
  - The design could be further improved; less dense, more sensitive to the context of the surrounding and the immediate surroundings; increased use of local timber.
  - There was a balancing issue between providing new holiday accommodation against impact of new buildings in the National Park.
  - The proposal had a lack of sensitivity for the setting of a National Park.
  - Technical issues had been well addressed, the treehouses would be built without harming the woodland and trees, however the overall impact of scale and associated paraphernalia needed to be further addressed.
  - There was a need for the woodland to be managed. The report highlighted that management of the woodland would be led by public safety and not by the protection of species, biodiversity or in the best interests of woodland conservation.
  - The proposal would improve the woodland and assist diversification for the estate.
  - There was no opposition for the proposal from the Parish Council, several statutory consultees and the public.
  - The proposal was not landscape led, sustainable woodland management practices were currently not present.
  - Further discussion with officers could result in an outstanding scheme being proposed which could be a beacon development for National Parks.
  - This was the first proposal of this kind in the National Park, it was important to ensure the best design was implemented.
  - The presence of a Whole Estate Plan could have given further context to the proposal and supported a more sensitive approach which was landscape led.
  - There were currently too many points of conflict with National Park policies and no demonstration of conserving and enhancing biodiversity or priority habitats.
150. It was proposed and seconded to vote on the officer's recommendation.
151. **RESOLVED:** That planning permission be refused for the reasons set out in paragraph 10.1 of the report.

**ITEM 8: SJ/98/1471 & SJ/98/1472 - MINERAL SITE COMPLIANCE AND MONITORING – MINSTED SANDPIT**

152. The Case Officer presented the application, referred to the update sheet and advised the Committee of information that had been submitted after the update sheet had been published.
153. The following public speakers addressed the Committee:
- Jane Crawford spoke against the application representing John Griffiths, a Minsted resident.
  - Michael Crawford spoke against the application representing himself as a member of the Minsted Residents Group.
  - Peter Earl spoke against the application representing Minsted Residents Group.
154. There was a further declaration of a public service interest from Barbara Holyome, who was acquainted with Peter Earl (former Monitoring Officer of the SDNPA).
155. The Committee considered the report by the Director of Planning (Report PC64/18), the update sheet, the public speaker comments, and requested clarification as follows:
- Further detail on the late submitted information.
  - When the current operator had taken control of the site and if control had been taken before the suspension order came into force.
  - Whether the issuing of a prohibition order eliminated the restoration condition on the extant approval.
  - If deadlines could be imposed for the submission of information required for the ROMP.
  - Whether the cost of preparing the necessary reports were a material consideration in dealing with this application.
  - Speakers had highlighted that restoration proposals had been prejudiced by workings on site. Was the proposed restoration in doubt due to the current state of the site?
  - If the suspension order had a timescale.
156. In response to questions, officers clarified:
- The information submitted late highlighted a change with regard to the amount of reserves within the site. The revision, which was in draft form and based on evidence from a detailed site survey, report around 170,000 tonnes of reserves left on site (approximately 2 years of reserves), a revision to the previous figure of 480,000 tonnes. A ROMP review would further assess the revised figure.
  - The operator took ownership in around 2004.
  - Part of the prohibition order would ensure restoration of the site.
  - The costs of producing the necessary reports were not a material consideration to the ROMP application. The operator continued to pay for reports to be produced, indicating an intention to continue working the site.
  - A deadline for submission of information in relation to the ROMP would be helpful. Reports produced to this point required considerable time frames to compile, the outstanding required information would have shorter deadlines to reach submission.
  - The operator claimed that restoration could still be achieved. A Landscape Visual Impact Assessment (LVIA) would give a renewed base line in regard to the new figures of reserves which would form part of a ROMP application.
  - The Environmental Impact Assessment Regulation (2011), which applied to this suspension order, stated that the extension timescales were at the discretion of mineral planning authority. Additional time could be granted when there was a clear timescale. The Suspension Order prevented further ecological harm.
157. The Committee discussed and debated the application, making the following comments:
- This was largely a procedural matter.
  - As information for the ROMP was still being submitted it was difficult to suggest that the ROMP had stalled, however a current timeframe of 6 years was not satisfactory.

- Suggested that a reasonable time limit be added to the recommendation for all information in relation to the ROMP, to be submitted for consideration by the Committee.
  - The ROMP had not stalled so suspension should be maintained within the deadline.
  - There was a potential conflict of information between workability and viability of the site and its restoration. Further suspension of the site could delay restoration.
158. The Director of Planning commented that the suspension order that was currently in place would remain until it was lifted. A timeframe of 9 months for submission of information in relation to the ROMP application was advised. A prohibition order could be considered by the Committee in 9 months dependent upon progress on the ROMP application, which should have been submitted to the Authority for consideration.
159. It was proposed and seconded to vote on the officer's recommendation, with the final wording to be delegated to the Director of Planning and Chair of the Planning Committee.
160. **RESOLVED:**
1. That the Suspension Order for the working of minerals at Minsted Sandpit be maintained; and
  2. That the Planning Committee confirm that the Review of Mineral Planning Permission (SDNP/13/06169/ROMP), had not stalled and therefore the site should not at this time be subject to a Prohibition Order to prevent further mineral working.
  3. That a report be brought back in 9 months time regarding progress on the ROMP application.
161. Margaret Paren and Norman Dingemans joined the meeting at 11:25.

#### **ITEM 9: LOCAL DEVELOPMENT SCHEME**

162. The Planning Policy Manager presented an overview to the Committee.
163. The Committee considered the report by the Director of Planning (Report PC65/18) and requested clarification as follows:
- Confirmation that the dates for the Arun Local Plan listed on page 63 were correct.
  - If there was an expectation on parishes to notify the National Park when they were updating their Neighbourhood Development Plans (NDPs).
  - Whether the technical supporting documents were open to scrutiny or just brought in as evidence as necessary.
164. In response to questions, officers clarified:
- The reference to the saved policies of the Arun Local Plan was correct but the reference to the new plan that only relates to the District outside the National Park should be deleted.
  - NDPs were not part of the Local Development Scheme. NDP's had a renewal time frame of 5 years. Any updates to Local Plan would trigger a review of an NDP.
  - There was a core document library for technical documents. All appropriate supporting documents were submitted alongside the Local Plan and would also be examined.
165. It was proposed and seconded to vote on the officer's recommendation.
166. **RESOLVED:** The Committee approved the Local Development Scheme (Sixth Revision) as set out in Appendix I.

#### **ITEM 10: QUARTERLY NEIGHBOURHOOD DEVELOPMENT PLAN UPDATE**

167. The Planning Policy Officer presented an overview to the Committee and referred to the update sheet.
168. The Committee considered the report by the Director of Planning (Report PC66/18), requested clarification and commented as follows:
- Whether the Twyford NDP had stalled.
  - Thanks were extended to all the communities and Officers that were involved in NDPs.

- Whether there was an interactive map on the website to show the status of individual plans.
- That it was good to see that the National Park were working with communities outside the NP boundary.
- There had been very positive input from the examiner on the Lewes NDP. The examiner had set out a clear route map and all was going well.

169. In response to questions, officers clarified:

- Twyford had identified their preferred site which had both benefits and concerns. The NDP had not yet progressed to pre-submission as there were ongoing discussions in relation to flood management. Strategic and environmental assessments have slowed the process.
- The interactive map was under development which would take users direct to individual plans and show where there are reviews in progress.

170. The Director of Planning expressed his thanks to Alma Howell for all her hard work on the Lewes NDP.

171. It was proposed and seconded to vote on the Officer recommendation.

172. **RESOLVED:** The Committee noted the progress to date on the preparation of Neighbourhood Development Plans across the National Park.

**ITEM 11: TO NOTE THE DATE AND VENUE OF THE NEXT MEETING**

173. Thursday 8 November 2018 at 10am at the South Downs Centre, Midhurst.

**CHAIR**

The meeting closed at 11:50.

Appendix 3

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Report to	<b>Director of Planning</b>
Date	<b>9 July 2020</b>
By	<b>Richard Ferguson</b>
Local Authority	<b>Winchester City Council</b>
Application Number	<b>SDNP/20/01263/FUL</b>
Applicant	<b>Mr Butler</b>
Application	<b>Works to re-grade the land to create new habitat to facilitate the removal of nitrates from Whitewool Stream and deliver net biodiversity enhancements.</b>
Address	<b>Whitewool Farm, Whitewool Lane, East Meon, Hampshire, GU32 1HW.</b>

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**Recommendation:**

**1) That planning permission be granted subject to:**

- **The completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:**
  - a) **The scheme is secured and managed for the lifetime of the development which relies on it as mitigation.**
  - b) **Appropriate arrangements for the management and monitoring of the wetland and its performance of capturing nitrates; an agreed nitrogen saving budget for offsetting development; provision of remedial measures as necessary; appropriate funding, responsibilities and mechanisms to ensure compliance of the above by appropriate organisations.**
- **The completion of further ecological surveys regarding protected species on site, principally within the stream corridor, and provision of a suitable policy compliant mitigation and enhancement ecological strategy to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and**
- **The conditions as set out in paragraph 10.1 of this report and any additional conditions, the form of which is delegated to the Director of Planning, to address any mitigation and strategy matters that arise from the completion of further ecological surveys.**

**2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:**

- a) **The S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 9 July 2020 Planning Committee meeting.**
  - b) **The additional ecological surveys and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 9 July 2020 Planning Committee meeting.**
-

## **Executive Summary**

The application site is a secluded 2.2ha area of land within Whitewool Farm and the Meon Valley. It comprises a length of Whitewool Stream, which is a chalk stream, which leads from Meon Springs Fly Fishery Centre, owned by the Farm, and through the site to West Meon where it meets the River Meon. The Site also comprises of grassland and farmland either side of the stream.

The proposals are to create new wetland, riparian meadow and wet woodland which also involves engineering operations to re-profile the land, hence the need for planning permission. These works primarily would involve a flattening and widening of the existing land and watercourse to create the wetland habitat. The scheme has been amended during the course of the application.

The principal aim of the scheme is for the new wetland to absorb nitrates, produced by the Farm, from the stream which would otherwise flow into the River Meon and then the Solent. There is a regional issue of nitrates entering European protected sites within the Solent which is affecting their environment by these nutrients feeding the growth of algae and plant life, to the detriment of wildlife.

This is an important issue for proposed new development insofar as Natural England guidance issued in 2019 outlines that it needs to achieve 'nitrate neutrality' in order to not have a likely significant adverse effect upon these protected areas. An approach supported by Natural England to address this issue is the creation of new wetland habitat.

In this instance, the proposed scheme is a commercial enterprise by the Farm to diversify its income by enabling developers to offset the nitrates produced by wastewater in their developments by virtue of the amount of nitrates which are anticipated to be removed from the watercourse.

The scheme has been assessed in regard to its effectiveness to remove nitrates, as well as the eco-systems services benefits and ecological enhancements it could achieve. Its impact upon the surrounding intrinsic landscape character has also been assessed. Access to the site for a range of visitors to the Farm, including those fly fishing, staying in the tourist accommodation and organised events such as school visits is also proposed. In these regards, the scheme would accord with the relevant Development Plan policies and National Park Purposes.

The application is placed before the Planning Committee to consider the merits of this scheme in relation to the environmental and wider issues it raises.

### **I. Site Description**

- I.1 The application site lies within the holding of Whitewool Farm, which currently grows a variety of cereal crops, has a dairy herd, and other diversified businesses such as tourist accommodation and a recreational fly fishery centre called Meon Springs. It is a 2.2 hectare area of land south of West Meon and near to Meon Springs. The Site comprises of lower lying ground within a valley between steep higher grassland land to the west and arable land with a gentler gradient to the east, which leads up to woodland called Hen Wood.
- I.2 The irregular shape of the application site includes a tributary of the River Meon, known as Whitewool Stream, which is approximately 2m wide and gently bends through it. The largest part of the site is on the eastern side of the stream which is currently cultivated with a cereal crop. The site on the western side of the stream is a narrower strip of grassland at the foot of steeper sloping ground. The northern site boundary is partly defined by mature trees and hedging along a field boundary, whilst the southern boundary is undefined.
- I.3 Whitewool Stream originates from a spring within wet woodland and riparian habitat south of Meon Springs, from where it feeds the recreational fishing lake before flowing through agricultural land to meet the River Meon at West Meon. The stream has been canalised north of the fishing lakes and through the site. Whilst presently overgrown, this canalisation is evident in the winter months.
- I.4 The site is quite secluded and only partially visible in wider views. There is a road which runs along the western side of Hen Wood a short distance from the site and on higher ground but this is lined with hedging which obstructs views. The closest footpath is the South Downs Way (SDW) south of the site, which runs east to west past Meon Springs. The site is partly visible from a short distance on elevated ground west of Meon Springs but otherwise it is hidden.



## **2. Relevant Planning History**

2.1 No relevant planning history. A site meeting and a follow up pre-application meeting were held in last February and March regarding the principles and details of the scheme. Following overarching advice provided:

- Scheme needs to be fundamentally effective for removing nitrates.
- Need to achieve biodiversity net gain over functional need to achieve local benefits to the National Park.
- Need to consider the positive and negative impacts upon landscape character.
- Concerned that the Farm does not appear to be reducing use of nitrates, instead a commercial scheme would be used to extract them from the watercourse.
- Need detailed calculations and technical information; e.g. nitrate removal, waterflow rates, impacts of climate change.

## **3. Proposal**

- 3.1 The scheme involves the creation of a combination new wetland, riparian meadow and wet woodland habitats within the application site. It has been amended during the course of the application to include a wider variety of habitats and species vegetation and details of how the stream would feed through the wetland. Its principal aim is for the wetland to act as a natural 'sieve' to filter out nitrates, originating from the Farm, from Whitewool Stream.
- 3.2 The issue of nitrates entering the Solent is a broader regional issue and the scheme would be a commercial enterprise by the Farm in response to this and to diversify its income. By the removal of nitrates from Whitewool Stream, the scheme would then have the ability to be used to offset nitrates from the waste water of new, primarily, residential development elsewhere within the river catchments which flow into the Solent. This would involve developers paying into the scheme.
- 3.3 Locally, the establishment of new habitat would support new wildlife and flora species to thrive, capture sediment, improve water quality, manage any flood risk, drought mitigation and carbon sequestration. The flow of water downstream is proposed to be unaffected due to the design of the scheme during and after construction.
- 3.4 The creation of the new habitats would involve engineering operations to re-profile the land and Whitewool Stream itself, hence the need for a planning application, in order to create an environment where new native planting would become established. The re-profiling principally involves a widening and flattening of the stream's channel eastwards to create the wetland area. New banks either side of the wetland area would be created and the land on the eastern side of the site would be re-graded. An anticipated c.21,500 cubic metres of earth would be excavated and either re-used on-site or elsewhere on the Farm. The gradient through the site would be designed to help fish and other aquatic species like eels to enter and pass through the wetland.
- 3.5 The stream would directly feed into the wetland and the flow of water would be left to create its own natural channels over time, and beyond the wetland it would flow through its existing watercourse. This is known as a 'stage zero' approach whereby an environment is returned to a state which resembles a pre-human era. Large dead trees would also be sited in the wetland to slow the water and to provide additional habitat diversity.
- 3.6 The wetland would not need to be artificially filled, rather water would flow through it from the existing stream and the re-profiling of the land and new planting would naturally soak up ground water and become sodden. This area would be colonised by a variety of species including reeds.
- 3.7 Riparian meadow habitat either side of the wetland would be created. This would comprise an 8m buffer strip along its western side and a much larger area on the eastern side. New wet woodland is also proposed to be created on the eastern most part of the site adjacent to riparian meadow. Overall, a mixture of approximately 20,000 native plants and trees suitable for a chalk geology and these habitats would be planted.

3.8 A circular footpath is proposed around the site which would be accessed from Meon Springs and alongside the stream. This would not be a public access, rather it would be used by visitors to the Farm including those who are fishing, staying in the tourist accommodation, or organised education visits such as school children which already take place.

#### 4. Consultations

4.1 The consultee responses below summarise original comments received at the initial stage of the application and any subsequent comments from a re-consultation exercise undertaken following the submission of amended plans.

4.2 **Archaeology:** No objection (no conditions recommended).

4.3 **Drainage Engineer (WCC):** Comments. The stream is an ordinary watercourse and Land Drainage Consent would need to be approved by Hampshire County Council prior to working commencing.

4.4 **Ecology:** Objection, pending further ecological surveys.

- Supportive of any project to enhance biodiversity and provide a tangible gain for wider issues such as nutrient neutrality.
- Supportive of the overall aims of the scheme,
- Majority of existing habitats are likely to be of low ecological value (e.g. arable farmland, improved grassland), but the habitat of the stream is of greater value.
- A fully-detailed assessment of the existing ecology within the stream needed so that changes/impacts can be understood.
- Ecological Appraisal (January 2020) undertaken at a time of year when most species are absent or dormant; therefore no fully-detailed assessment of the Site.
- Ecological appraisal suggests no evidence of water voles; a visit in January is insufficient and the wrong time of year to assess their presence; further clarification needed on whether the stream was involved in the River Meon water vole re-introduction scheme.
- Otter may be present.
- Stream suitable for migratory fishes (e.g. brown trout) and freshwater invertebrates; no information on these aquatic species has been provided.

4.5 **Environment Agency:** No objection, subject to condition.

4.6 **Environmental Health:** No objection (no conditions recommended).

4.7 **Highways Authority:** No objection (no conditions recommended).

4.8 **Landscape and Biodiversity Lead (Water):** No objection.

- Support water flowing through the reed beds.
- Support the 8m 'buffer' strip of riparian grassland on the western side of the stream; water flowing the reed beds and stream channel restoration.
- Some concern about the effects downstream during times of lower flows and the reeds holding back would water, but should be guided by Environment Agency advice.
- Accept the comments on nitrate calculations and precautionary approach in adopting Natural England's guidance.
- Future management and monitoring of the site needs to be secured.
- Conclusion of no evidence of water voles being found is unsupported given SDNPA's own monitoring of the River Meon through the re-introduction project. Recommend a further survey is conducted prior to commencement to confirm no water vole burrows or otter holts are within 8 m and 200m respectively.
- Wetland habitat welcomed but it does not wholly reflect stage zero restoration as the scheme requires the removal of 21,500 m<sup>3</sup> of material, rather than allowing natural processes to restore the course of the stream.

- Existing straightness of the stream and its gradient leads to a fast flow and such streams tend to be in narrow steep sided valleys, rather than having a broad floodplain; query whether the scheme responds to landscape character.

#### 4.9 **Landscape officer (SDNPA):** Objection.

- New water meadow is a characteristic habitat in the landscape along chalk watercourses, which has previously been lost.

##### However, concerns raised are:

- Landform changes and reed beds are not characteristic; engineering the landform is potentially harmful to landscape character.
- A landscape-led approach and delivering ecosystem services should utilise natural processes and systems.
- A simpler solution led by a better understanding of chalk river system landscapes, along with addressing the cause of the problem, would deliver sustainable benefits long-term.
- Wetland needs to be kept wet and are characteristic in landscapes where water is stored on the surface; they are uncharacteristic of well-drained chalk systems where water is stored underground.
- Unconvinced the scheme will succeed long-term, especially given climate change.
- If the wetland doesn't survive the water quality benefits will not be realised.
- Evidence does not demonstrate that the water meadow will be wet; if it is not wet then the scheme is not restoring a lost 'water meadow' habitat but it is reverting arable to grassland.
- Important habitats along chalk valley systems of wet woodlands and water meadows need to be seasonally inundated. Without this, the wetland habitat will become grassland, which is characteristic of the landscape but not as good as restoring lost riparian habitats.
- The wetland will only 'clean' water from upstream. If land within the Farm downstream is fertilised then the scheme (with the potential to cause negative effects upon landscape character) does not address the nitrate issue.
- Unclear where the extracted soil will go and what the effects upon the landscape will be.

#### 4.10 **Lead Flood Authority (HCC):** Awaiting comments, Members will be updated.

#### 4.11 **Natural England:** No objection, subject to conditions and completion of a legal agreement to secure the long term management and monitoring of the site.

#### 4.12 **Planning Policy:** Comments.

- Relevant policies are SD2, SD4, SD9, SD11 and SD17.
- Scheme would have a positive impact regarding eco-systems services
- Support the comments from ecologist regarding existing ecology concerns.
- Proposals will increase biodiversity; greater variety of emergent planting proposed in the amended scheme for the wetland area is an improvement.
- Biodiversity net gain needs to be achieved through a landscape-led approach.
- DEFRA metric not used to quantify what the biodiversity net gain will be.
- Further detail about the intended users of the new circular footpath needed and whether it could connect to wider public right of way network.
- Construction phase of the earthworks presents a pollution risk downstream; Construction Management Plan required.
- In order to be an effective offset for mitigation for development; the wetland needs to remain effective in perpetuity.
- An appropriate water flow through the site is critical and needs to take into account climate change; particularly in regard to anticipated 'low flow' periods during summers.

- A clear long term Landscape and Ecological Management Plan required to ensure the scheme is effective for the long term.

4.13 **Southern Water:** Comments. Any sewer found during construction works will require investigative works before further works commence.

4.14 **West Meon Parish Council:** No comments received.

## 5. Representations

5.1 None.

## 6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan (SDLP) 2014-2033. The relevant policies are set out in section 7 below.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- 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.

### National Planning Policy Framework and Circular 2010

6.3 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 24 July 2018 and revised in 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 landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF) 2019

6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change.
- Conserving and enhancing the natural environment

### Relationship of the Development Plan to the NPPF and Circular 2010

6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### Major development

6.6 The proposed development does not constitute major development for the purposes of the NPPF and policy SD3 (Major Development) of the SDLP. This is a matter for the decision maker, taking into account the nature, scale, and setting of the proposals and whether they could have a significant adverse impact on the purposes for which the area has been designated or defined.

## The South Downs National Park Partnership Management Plan 2019-2025

- 6.7 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. The relevant outcomes include: 1, 2, 4, 5, 6, 13, 23, and 24.

### Other relevant guidance and evidence documents

- 6.8 Other relevant guidance includes the Ecosystems Services Technical Advice Note 2019.

## **7. Planning Policy**

- 7.1 Whilst the SDLP must be read as a whole, the following policies are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD17: Protection of the Water Environment
- SD45: Green Infrastructure

## **8. Planning Assessment**

### Background

- 8.1 The proposed scheme is principally a response to Natural England’s advice to local planning authorities in 2019 regarding how the impact of new development upon protected habitats within the Solent needs to be assessed. The Solent is internationally important for its wildlife and areas are designated as Special Protection Areas and Special Areas for Conservation under European legislation.
- 8.2 There is evidence of high levels of nitrogen and phosphorous in the protected areas in the Solent which are causing eutrophication of the protected habitats. This, consequently, affects a diverse array of wildlife and particularly bird species which protected habitats have largely been designated for.
- 8.3 The source of nitrates are predominantly from agriculture (eg. fertiliser run off) and wastewater from housing. There is uncertainty as to how new housing growth will further deteriorate designated sites but Natural England’s view is that wastewater is likely to have a significant adverse effect upon to their future conservation status. Consequently, new developments need to achieve ‘nitrate neutrality.’ This means they should not be adding to existing nutrient levels and therefore mitigate for this potential impact. To achieve this, wastewater either needs to be treated on site or off site solutions need to be found.
- 8.4 New wetland habitat creation is an approach endorsed by Natural England, which could avoid more mechanical means of removing nitrates at wastewater treatment works or new facilities. There is ongoing joint work between local authorities, the SDNPA, government agencies and the water companies to reach a strategic solution(s) but at present proposed residential development is considered on a case by case basis.

### The proposed scheme

- 8.5 The proposed scheme is a commercial enterprise by the Farm, to diversify its income, to provide developers with an option to off-set the nitrates their schemes would produce. It could be used by developers inside or outside of the National Park for sites within the river catchments of the Solent. This would be in the form of purchasing ‘credits’ via financial

payments to the Farm. The number and scale of developments which could rely on the scheme would be subject to calculations between what wastewater they would produce and the capacity of the wetland to remove nitrates.

- 8.6 The scheme has been assessed in the context of the relevant planning policy and assessed on its merits. More broadly, this type of scheme, if approved, would involve the SDNPA supporting a proposal to help a farm diversify its income, tackle the nitrate run-off it already produces and facilitate new development potentially outside of the National Park. Many of the rivers and their catchments which feed into the Solent are also within the National Park and, importantly, this type of scheme needs to be in a location where nitrates in watercourses can be captured.
- 8.7 The scale and nature of the scheme has been devised through a consideration of the surrounding landscape character and technical calculations on maximising the volume of nitrates which the scheme could absorb. This would be nitrates already generated on Whitewool Farm from its farming practises and would equate to removing 4,000kg of nitrates per year entering the River Meon and the Solent, which would offset wastewater from development elsewhere.
- 8.8 The Farm's practices directly influence the scheme and how much development it could offset. If the Farm were to reduce its reliance on fertilisers and adopt other sustainable methods this would further influence the amount of nitrates entering the stream. It is understood that the Farm's objectives over the next ten years include adopting more sustainable farming practices, which include improving soils and relying more on natural processes but the scheme needs to be assessed on its merits and the issues which currently exist.

#### Ecosystems services and ecological enhancements

- 8.9 The nitrate issue aside, there are also other environmental and ecological benefits of the scheme, as outlined below. Policy SD2 requires development to have a positive impact on eco-systems services and this scheme would provide the multiple benefits below:
- Provide more and better joined up natural habitats;
  - Increase the ability to store carbon through new planting;
  - Improve water quality and reduce levels of pollution;
  - Manage any risk of flooding;
  - Improve the National Park's resilience to and mitigation of climate change.
  - Provide opportunities for people to access the natural resources of the National Park (health, wellbeing, education)
- 8.10 Policy SD9 requires proposals to demonstrate that they have identified and incorporated opportunities for net gains in biodiversity, including the creation of wildlife habitats. Many positive ecological enhancements to the area could be achieved by this scheme through the creation of wetland, riparian meadow and wet woodland habitats. These habitats would relate well to one another and provide opportunities for a diverse range of plant, tree and wildlife species, including insects, birds, fish, eels and mammals, to colonise the site. It would also improve the ability for species to travel along the stream corridor and link with nearby habitats. This is in contrast to the arable use of a large part of the site which is less rich in biodiversity. These enhancements would meet the First Purpose of a National Park in regard to conserving and enhancing wildlife.
- 8.11 The county ecologist and the SDNPA's Landscape and Biodiversity Lead supportive the new habitat creation, but they have raised concern about insufficient surveys of the existing ecology of the site. This has resulted in an objection from the county ecologist, however, permission is not recommended to be granted until further survey work is undertaken, to the satisfaction of the SDNPA, and the applying of any further planning conditions to be delegated to the Director of Planning.
- 8.12 Natural England is supportive of the scheme in principle subject to the provision of conditions and a S106 legal agreement to secure the management and monitoring regime for

the scheme. The Environment Agency also raise no concerns and recommend a condition on protection measures for brown trout and eels. The re-profiling of the land could likely be undertaken sensitively. Whilst a Construction and Environmental Management Plan has been submitted which outlines a reasonable approach, a further CEMP is recommended on the basis that it may need to be amended pending the outcome of a further survey for protected species within the Site.

- 8.13 Policy SD17 requires development which affects watercourses to conserve and enhance water quality and quantity; allow for the stream to function by natural processes through seasonal variations including upstream and downstream; biodiversity, their character and appearance and setting.
- 8.14 Concern has been raised by SDNPA consultees regarding whether the wetland habitat could dry out particularly in the summer months, which could lead to a succession of grassland species and its subsequent inability to absorb nitrates. If the scheme were to capture less nitrates in the future as a result of the wetland being significantly affected then the scheme would be less effective in off-setting either any new development or indeed built development which may already be relying on the scheme.
- 8.15 The existing stream is, however, proposed to feed directly into the wetland and the widening of its channel, changes to its gradient, new planting and tree debris, are designed to slow the flow of water to an appropriate level to help sustain this environment, whilst also help to maintain the flow of water downstream. This clearly depends on seasonal variations but in regard to climate change summers are anticipated to be warmer and drier.
- 8.16 Natural England has assessed this issue and raises no objection. They have also advised that the issue of low water flows through the scheme is sufficiently addressed in its design. An appropriate management regime for the scheme, to be secured via a S106 Agreement, would enable such issues to be monitored and any remedial action to be undertaken as necessary. This monitoring work is likely to be undertaken in conjunction with Natural England and responsibilities of this would be secured in the completion of the S106 Agreement.

#### Impact on landscape character

- 8.17 The ecosystems services benefits and biodiversity net gain highlighted above are still required to be considered in the context of a landscape-led approach to design. Policy SD4 requires new development to conserve and enhance landscape character, reflecting the context and type of landscape in which a scheme is located. Similarly, policy SD5 outlines that proposals need to respect local character through high quality design which integrates and sympathetically complements the landscape.
- 8.18 The Landscape Officer has objected in regard to the creation of the wetland habitat. This is on the basis that the engineering works involved are uncharacteristic of the surrounding landscape character and also questions its long term survival and success in removing nitrates. The latter point is considered in paragraph 8.14 to 8.15 above.
- 8.19 'Great weight' needs to be given to conserving and enhancing landscape and scenic beauty in National Parks. It is important to understand the intrinsic landscape character as well as the visual impact from which to make an assessment about how proposals can positively or negatively impact the landscape. The South Downs Integrated Landscape Character Assessment (2011) identifies the following characteristics of the Meon Valley which the site lies within (underlining is officer's emphasis):
- Broad, branching valley carved from the chalk downs and indented by dry valleys and coombes to produce smoothly rounded valley sides.
  - The River Meon flows in a narrow floodplain characterised by small permanent pastures divided by hedgerows, wet woodland, water meadows and open water.
  - Remnant features relating to water management and agricultural/industrial use of the river including fragments of water meadows, weirs, ponds, fish farms and trout lakes.

- 8.20 These characteristics highlight that the proposed wet woodland and riparian meadow are characteristic of the Meon Valley and are evident near to the site. There is therefore precedent for this type of habitat in this location and their re-introduction is supported by policy SD4 and the Landscape Officer's concerns primarily relate to the introduction of wetland habitat and ground works needed to create it.
- 8.21 It is acknowledged that the wetland would be less characteristic in the landscape, but it is a means to absorb nitrates in a location where, based on the advice of consultees, it could be successful. It would also be in a landscape characterised by the River Meon, its tributaries and other ponds and small lakes. Its wider and flatter ground levels perhaps are less characteristic of narrow floodplains but it would create a relatively more natural character for the stream compared to its canalisation, which has negatively affected it. The proposed banks could also become new habitat and opportunities for new burrow creation by water voles. The re-grading of the land through the wet woodland area is not particularly dissimilar to the existing gradient of the arable field.
- 8.22 Importantly, the wetland would be surrounded by riparian meadow and wet woodland which would better integrate it within the landscape so as it would not be an isolated piece of habitat at odds with surrounding habitats and landscape character. After the initial phases of construction are complete the site is likely to appear incongruous within the landscape, but this would be temporary until the colonising vegetation matures and it is then unlikely to appear artificial. Furthermore, the scheme is unlikely to appear incongruous from the only vantage point on the SDW due to seeing it in the overall context of the wider landscape.
- 8.23 On balance, therefore, the impacts on the intrinsic character of the landscape and the visual impact are acceptable and the scheme would create significant enhancements for wildlife and nitrate neutrality which are supported. In addition, the proposals would accord with the criteria of SD17 in regard to conservation and enhancement of water environments.

#### The Conservation of Habitats and Species Regulations 2017

- 8.24 To fulfil the requirements under the Habitats Regulations (2017), officers are required to assess the likely significant effects of development on the European protected sites. The Solent is vulnerable to water quality issues and in this instance the scheme would be capturing nitrates. Based on an assessment of the scheme and advice of Natural England, the scheme would not have an adverse effect upon the Solent subject to its long term management and monitoring to ensure its effectiveness.

#### The proposed footpath

- 8.25 The scheme includes a circular footpath around the site. It would be accessed via walking from Meon Springs alongside the stream on an unsurfaced route. The footpath would allow some access to the scheme for recreation and education, including the introduction of an interpretation board which is the subject of a condition. The site would only be accessible by visitors to the Farm, rather than be publicly accessible due to its location and accessibility and in these respects its status would be a private path.
- 8.26 The footpath would enable an appropriate access through the site and opportunities to understand its functions and ecology to a wide range of visitors. This would accord with the Second Purpose of a National Park.

#### Other matters

- 8.27 There would be no impacts upon surrounding private amenities given the nature of the scheme and the distances to the nearest properties and the construction phase is unlikely to cause any harmful impacts.
- 8.28 The Highways Authority have raised no objection and their recommended conditions are included in the recommendation. Other consultees cited have not raised any concerns.

## **9. Conclusion**

- 9.1 The advice from consultees is that the scheme, as a means to reduce nitrate pollution, would be fit for purpose, provided appropriate management and monitoring can be secured via conditions and a S106 Agreement.



- 9.2 There are the priorities of the needs of the design to primarily remove nitrates and the need to conserve and enhance the landscape and wildlife. The scheme would enable range of eco-systems services benefits and significant ecological enhancements in an area which comprises a largely artificially canalised stream and arable land. It is also considered that the re-profiling and the creation of the varied habitats would conserve and enhance the surrounding landscape character of the Meon Valley for the reasons outlined. Access for visitors to enjoy and learn about the scheme and the new habitats is also proposed. In all of these regards, the scheme would meet National Park Purposes.
- 9.3 There remains concern about the impact upon the existing ecology of the site and therefore the recommendation includes the need for further survey work to be undertaken and any mitigation agreed to the satisfaction of the SDNPA before permission is granted.

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

10.1 It is recommended to grant planning permission subject to:

- 1) The completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:
  - a) The scheme is secured and managed for the lifetime of the development which relies on it as mitigation.
  - b) Appropriate arrangements for the management and monitoring of the wetland and its performance of capturing nitrates; an agreed nitrogen saving budget for offsetting development; provision of remedial measures as necessary; appropriate funding, responsibilities and mechanisms to ensure compliance of the above by appropriate organisations.
    - The completion of further ecological surveys regarding protected species on site, principally within the stream corridor, and provision of a suitable policy compliant mitigation and enhancement ecological strategy to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and
    - The conditions as set out in paragraph 10.1 of this report and any additional conditions, the form of which is delegated to the Director of Planning, to address any mitigation and strategy matters that arise from the completion of further ecological surveys.
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:
  - a) The S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 9 July 2020 Planning Committee meeting.
  - b) The additional ecological surveys and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 9 July 2020 Planning Committee meeting.

### Planning Conditions

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 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

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.

### Landscaping and ecology

3. No development shall commence until a detailed Scheme of Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a. Written specifications of planting methods (including cultivation and other operations associated with tree, plant and grass establishment, tree pits and guying methods);
  - b. Schedules of trees and plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - c. Retained areas of trees and hedgerows;
  - d. Manner and treatment of the watercourse and its banks;
  - e. Details of the circular footpath including materials, design and appearance (including edging) and the crossing at the northern end of the wetland;
  - f. A landscape schedule for a minimum period of 5 years including details of the arrangements for its implementation;
  - g. A timetable for implementation of the landscaping works.

The scheme of Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

4. No development shall commence take until a site-wide detailed Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of long term objectives and management responsibilities and regime of the landscape scheme; measures to enhance ecology through the provision of landscape species. The measures shall thereafter be implemented in accordance with the approved details.

Reason: To conserve and enhance flora and fauna.

5. No development shall commence until a scheme detailing measures for the protection of Brown Trout (a protected species under the Salmon and Freshwater Fisheries Act 1975) and Eel (a protected species under the Eel Regulations 2009) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the following elements:

- A plan to show how both species are to be removed from the proposed development site together with details of a release site.
- A strategy for how fish species will be prevented from re-entering the entire development site for the duration of the works.

The scheme must consider the whole duration of the development, from the construction phase through to completion and operation of the development. Any change to operational responsibilities, including management, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with a timetable for implementation as approved.

Reason: Brown Trout and Eel are protected species under the Salmon and Freshwater Fisheries Act 1975 and the Eel Regulations 2009, and are believed to be present at the site.

### Construction Management Plan

6. No development shall commence until a detailed Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - i) An indicative programme for carrying out of the works;

- ii) Method Statement for the demolition and construction work;
- iii) Chemical and/or fuel run-off from construction into the watercourse;
- iv) Measures to minimise the noise (including vibration) generated by the construction process, the selection of plant and machinery;
- v) Means of limiting sediment released into the watercourse during construction to limit impacts downstream.
- vi) Measures to safeguard the existing ecology of the site including any protected species;
- vii) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- viii) The parking of vehicles of site operatives and visitors;
- ix) Loading and unloading of plant and materials;
- x) Storage of plant and materials used in constructing the development;
- xi) The erection and maintenance of security hoarding, where appropriate;
- xii) Wheel washing facilities;
- xiii) Measures to control the emission of dust and dirt during construction;
- xiv) A scheme for re-using/disposing of waste, including spoil elsewhere;
- xv) Provision for storage, collection and disposal of rubbish;
- xvi) Working hours.

Reason: In the interests of highway safety and the amenities of the area.

#### Levels

7. The development shall not commence until further detailed site levels, including longitudinal and latitudinal sections through the site, of the proposals have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory development which responds to the characteristics of the landscape and creates an appropriate environment for the new habitats to establish and an appropriate flow of water through the site.

#### Interpretation board

8. The proposals shall include the provision of an interpretation board along the circular footpath within the site. Its siting, scale and design shall be agreed by the Local Planning Authority before it is erected. It shall be erected in accordance with the agreed details and maintained thereafter.

Reason: To promote the understanding and enjoyment of the scheme to visitors.

### **11. Crime and Disorder Implication**

- 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 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices I. Site Location Map

SDNPA Legal Services, Development Manager.

Consultees

Background Documents All planning application plans, supporting documents, consultation and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs National Park Partnership Management Plan 2019

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

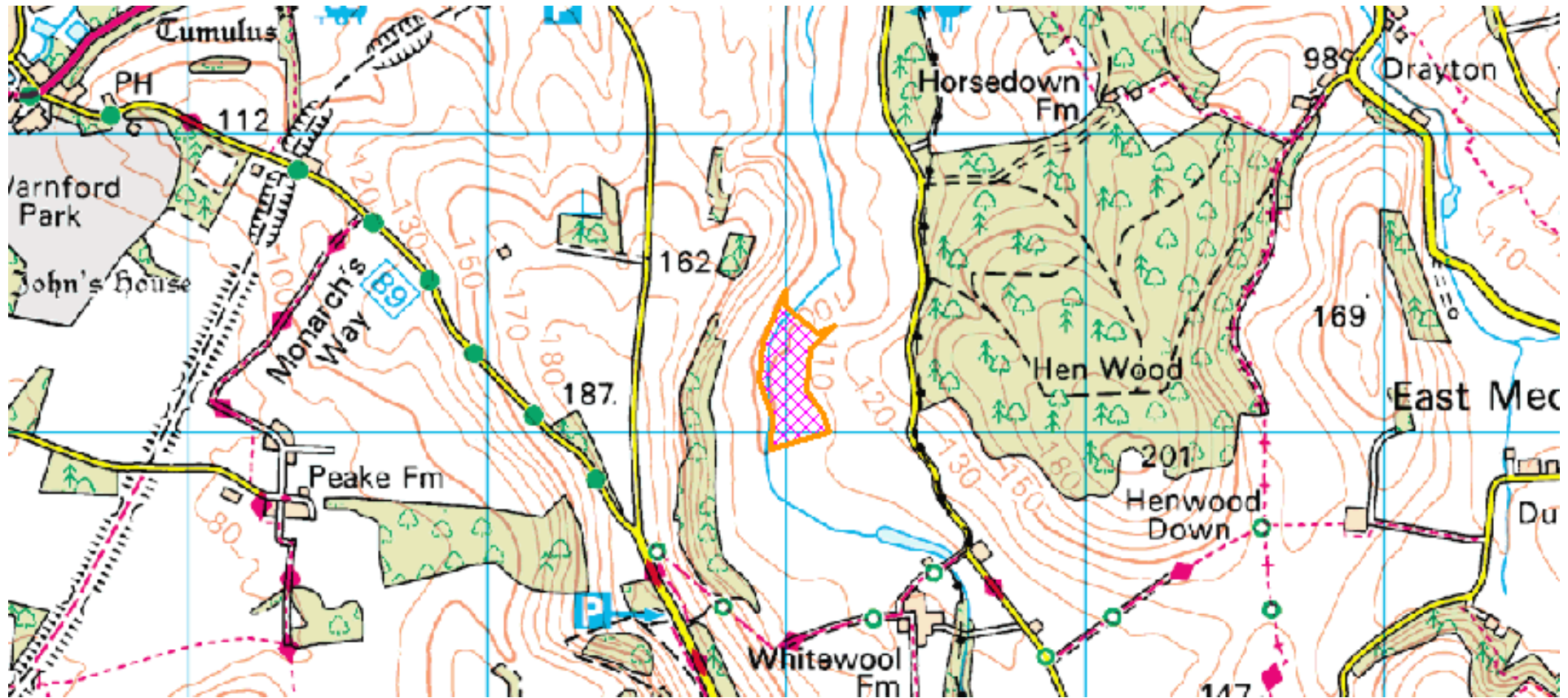
South Downs Local Plan 2019

[https://www.southdowns.gov.uk/planning/south-downs-local-plan\\_2019/](https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/)

Ecosystems Services Technical Advice Note

<https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

Site Location Map



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Report to	<b>Planning Committee</b>
Date	<b>09 July 2020</b>
By	<b>Director of Planning</b>
Title of Report	<b>Adoption of the Affordable Housing Supplementary Planning Document (SPD)</b>
Purpose of Report	<b>To present the revised Affordable Housing SPD for adoption</b>

**Recommendation: The Committee is recommended to:**

- 1) Note the content of the Consultation Statement (Appendix 1 of this report); and**
- 2) Adopt the revised Affordable Housing SPD (Appendix 2 of this report).**

**1. Summary**

- 1.1 The South Downs Local Plan (SDLP) adopted in July 2019 includes robust policies requiring the provision of affordable housing alongside housing to be sold or rented on the open market, or as rural exception sites (RESs) to meet an identified local need. The Affordable Housing SPD supports the implementation of the SDLP, and therefore supports the wider objectives of the SDNPA (for example it supports the [Partnership Management Plan Outcome 9](#) in relation to provision of affordable housing).
- 1.2 The SPD has been drafted to provide further detail to the policies in the SDLP that relate to affordable housing. It covers a number of implementation issues, including local connections, tenure mix, vacant building credit, and financial contributions in lieu of on-site affordable housing provision.
- 1.3 Public consultation took place in September to October 2019 on the draft SPD. The Consultation Statement, forming **Appendix 1** of this report, summarises and responds to the representations received during the consultation. Minor changes were made to the SPD in response to this consultation, as set out in the Consultation Statement. The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities, prior to adopting a SPD, to publish the Consultation Statement and revised SPD for comment for a minimum four week period. This consultation took place from the 2 March to 6 April 2020. **Appendix 1** also summarises and responds to further representations received during this period. In light of these consultation responses a revised SPD is proposed and this document is at **Appendix 2** of this report.

**2. Background**

- 2.1 There is substantial evidence which shows most privately provided residential property in the National Park is unaffordable to families and individuals on modest incomes. Young people and young families, in particular, find it difficult to get low-cost housing that would enable them to continue living in the area. In carrying out its purposes, the South Downs National Park Authority (SDNPA) has a duty to seek to foster the economic and social well-being of the local communities within the National Park. The English National Parks Vision and Circular further sets out the Government's expectation that *new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key*

services<sup>1</sup>. To support the duty and address these issues the [South Downs Local Plan 2014-2033](#) (SDLP) contains robust policies that require new residential development to provide affordable homes:

- **Policy SD28: Affordable Homes** sets out a requirement for residential developments of three or more homes to provide for affordable housing. This provision should be provided on-site on sites with capacity for four or more homes. The level of provision is determined by the overall capacity of the site in terms of potential number of homes, with a minimum 50% of the total to be affordable on sites of 11 or more homes. The policy also sets out how many affordable homes should be provided as rented tenure (as opposed to shared ownership or other forms of low-cost ownership).
- **Policy SD29: Rural Exception Sites** sets a requirement that residential housing sites outside of settlement boundaries should provide 100% affordable housing. The precise mix of homes and tenures should be based on the local needs of the community, and provide specifically for local housing needs.
- **Policy SD27: Mix of Homes** sets out a broad strategic mix of affordable dwelling sizes.
- **Policy SD25: Development Strategy**, and in particular paragraphs 7.15 and 7.16, outlines the SDNPA's approach with respect to Whole Estate Plans and affordable housing.

2.2 The Affordable Housing SPD has been prepared to provide further guidance to support the implementation of the Local Plan policies, in particular Policy SD28: Affordable Homes and Policy SD29: Rural Exception Sites. In July 2019, Planning Committee approved for consultation the draft Affordable Housing SPD. Public consultation took place for eight weeks from the 24 September to 19 November 2019. During the consultation period 45 responses were received, from a range of individuals and organisations including parish councils, district councils, Community Land Trusts (CLTs), whole estate managers and developers. These are detailed in the Consultation Statement, which forms **Appendix I** of this report.

2.3 The key response themes are summarised as follows:

#### **District Councils**

- Local connection cascade may be difficult to administer
- Query the standard inputs to be used in viability appraisals

#### **Parish Councils**

- General support for the Local Plan policies on affordable housing and the guidance contained in the draft SPD
- In lieu financial contributions should be used within the parish they are collected
- Parish Councils would like greater involvement in deciding a suitable mix for a site

#### **Community Land Trusts**

- Provide some flexibility for CLTs to cross-subsidise Rural Exception Sites reflecting their aim to address local needs
- CLTs would like greater flexibility in applying the local connection criteria and cascade to respond to the objectives of the CLT

#### **Developers**

- Objections to the standard inputs proposed for viability appraisal
- A number of issues raised with the use of review mechanisms
- Unrestricted 'staircasing' should be allowed on shared ownership housing to enable outright ownership

2.4 Following the public consultation, a revised SPD was prepared. Changes were made, where necessary, as follows:

- Inclusion of criteria for the assessment of Vacant Building Credit

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<sup>1</sup> English National Parks and the Broads: UK government vision and circular 2010 (Defra, 2010), paragraph 78



- Detail on the marketing and eligibility criteria for Discount Market Sales affordable housing
  - Removal of S106 template from appendices (this will be a standalone template which can be updated more frequently separate from the SPD)
- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities, prior to adopting a SPD, to publish the Consultation Statement and revised SPD for comment for a minimum four week period. This consultation took place from the 2 March to 6 April 2020. A further eight representations were received during this period and these are detailed in the Consultation Statement, which forms **Appendix 1** of this report. The representations largely concerned detailed matters and some minor changes to the SPD are set out in response to these in the Consultation Statement and included in the revised SPD, which forms **Appendix 2** of this report. The most substantive representation, from a developer, concerned the inclusion of standard viability appraisal inputs and detailed requirements regarding the use of review mechanisms. The representation maintained that the inclusion of these elements was not appropriate for a SPD. These representations were considered and in response, these elements have been removed from the revised SPD.
- 3. Next steps**
- 3.1 The recommendation of this report is that Members note the content of the Consultation Statement and adopt the revised Affordable Housing SPD.
- 3.2 Once adopted, the SPD will be a material consideration in the determination of planning applications. As such, it will help to maximise the number of new affordable homes provided in the South Downs National Park in a way which meets local needs, whilst also supporting the landscape-led approach.
- 3.3 The SDNPA is preparing a suite of SPDs on Parking, Trees, Sustainable Construction, Design and Biodiversity Net Gain, which will be presented to Planning Committee over the next few months before they go out to consultation; they all support the implementation of the South Downs Local Plan. It is proposed all new SPDs will be formatted and designed into a common style. As this will not change the content of the Affordable Housing SPD, the formatting and design work can occur following adoption of the SPD.
- 4. Sustainability Appraisal and Habitats Regulations Assessment screening**
- 4.1 The European Union Directive 2001/42/EC sets out legislation on the assessment of the effects of certain plans and programmes on the environment (known as 'Strategic Environmental Assessment' or 'SEA'). Where the Authority determines that SEA is not required then under Regulation 9(3) the Authority must prepare a statement setting out the reasons for this determination.
- 4.2 The SDNPA therefore produced a draft SEA Screening Statement. Consultation on the draft Statement, with the three statutory bodies: the Environment Agency, Natural England and Historic England, took place from the 24 June to 8 July 2019. The Environment Agency responded to state they did not consider that the SPD has the potential to give rise to significant environmental effects for areas within their remit. No response was received from Natural England or Historic England. The determination therefore concludes that the Affordable Housing SPD is not likely to have any significant environmental effects, and therefore does not require an SEA.
- 4.3 As required by Habitats Regulations Assessment (HRA), the SDNPA has also assessed whether the policies and proposals set out in the Affordable Housing SPD will have any significant impacts on Natura 2000 sites, thereby necessitating an Appropriate Assessment to consider the impact on the integrity of any such sites. The HRA Screening Statement concludes that the SPD does not set the principle of development nor does it direct development to a specific location. Therefore, as with the assessment of SD28 and SD29 there are no linking impact pathways present and there are no HRA implications. Subject to the outcome of consulting the three statutory bodies listed in paragraph 3.2 above, it is considered that a full appropriate assessment is not required.
- 4.4 The combined SEA Screening Statement and HRA Screening Statement is presented as **Appendix 3** to this report.

## 5. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No.
Does the proposal raise any Resource implications?	The SPD has been produced using existing internal resources. The costs of further formatting and design production of the SPD will be met within existing budgets.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	<p>The Authority has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:</p> <ul style="list-style-type: none"> <li>• Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;</li> <li>• Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;</li> <li>• Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> <li>• Due regard in this context involves having due regard in particular to: <ul style="list-style-type: none"> <li>a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;</li> <li>b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;</li> <li>c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.</li> </ul> </li> </ul> <p>The Affordable Housing SPD promotes the advancement of opportunity for people within the communities of the National Park, who have lower incomes. This will in particular advance equality of opportunity for younger people who are currently often disadvantaged by the poor availability of affordable homes close to existing family or areas of potential employment. There are also likely to be indirect benefits for those with other protected characteristics who due to those characteristics find themselves to have lower incomes than might otherwise be the case.</p>
Are there any Human Rights implications arising from the proposal?	None.
Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	None.

<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p>	<p>2. Ensuring a strong healthy and just society: The provision of affordable housing strongly supports this strategic objective, as it promotes justice and supports the health of those in housing need.</p> <p>3. Achieving a sustainable economy: The provision of affordable housing strongly supports this strategic objective, as it helps local communities retain and attract working age people who are economically active and therefore supports local enterprise.</p>
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**6. Risks Associated with the Proposed Decision**

6.1 A risk assessment is provided in the table below.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>
If adopted: Third party challenge to the principle of the SPD or the guidance contained within. A challenge can be made within a three month period following adoption.	Possible (3)	Moderate (3)	The SPD has been prepared in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended).

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices

1. Consultation Statement
2. Revised Affordable Housing Supplementary Planning Document
3. SEA Screening Statement and HRA Screening Statement Determination Statement

SDNPA Consultees

Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees

None

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## **Affordable Housing Supplementary Planning Document Consultation Statement**

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June 2020

I.1. The Affordable Housing Supplementary Planning Document (SPD) provides further guidance to support the implementation of Local Plan policies, in particular Policy SD28: Affordable Homes and Policy SD29: Rural Exception Sites. Once adopted, the SPD will be a material consideration for relevant planning applications.

I.2. This Consultation Statement has been prepared in accordance with Regulation 12(a) and (b) of the Town and Country (Local Development) (England) Regulations 2004 which states:

*“Before a local planning authority adopt a supplementary planning document it must—*

*(a) prepare a statement setting out—*

*(i) the persons the local planning authority consulted when preparing the supplementary planning document;*

*(ii) a summary of the main issues raised by those persons; and*

*(iii) how those issues have been addressed in the supplementary planning document; and*

*(b) for the purpose of seeking representations under regulation 13, make copies of that statement and the supplementary planning document available in accordance with regulation 35 together with details of—*

*(i) the date by which representations must be made (being not less than 4 weeks from the date the local planning authority complies with this paragraph), and*

*(ii) the address to which they must be sent.”*

I.3. This statement sets out details of the consultation that has taken place to date which has informed and refined the SPD. It sets out details of how, when and with whom the initial consultations with interested parties and organisations took place and how this has informed the SPD.

I.4. Following the preparation of the draft SPD, the Authority resolved to undertake an eight week consultation on the Affordable Housing SPD between 24 September 2019 and 19 November 2019. As part of the consultation, the Authority:

- Published the draft Affordable Housing SPD on the SDNPA website
- Made the draft SPD available for inspection at the South Downs Centre during opening hours;
- Sent emails and letters to persons and organisations on the SDNPA Local Plan mailing list inviting them to examine the consultation documents and make representation on them during the consultation period;
- Sent emails to consultation bodies identified below, which the Authority considers to be affected by the SPD;
- Released details of the consultation to the local press via a press release;
- Presented the draft SPD to local agents at the SDNPA Agents Forum on 16 October 2019 and invited agents to respond to the consultation.

I.5. The Authority considered it appropriate to consult the following consultation bodies on the draft Affordable Housing SPD:

- Homes and Communities Agency
- Relevant district and county councils
  - Adur District Council
  - Arun District Council

- Brighton & Hove City Council
- Chichester District Council
- East Hampshire District Council
- East Sussex County Council
- Eastleigh Borough Council
- Hampshire County Council
- Horsham District Council
- Lewes & Eastbourne District Councils
- Mid Sussex District Council
- Surrey County Council
- Waverley District Council
- Wealden District Council
- West Sussex County Council
- Winchester City Council
- Worthing Borough Council
- Parish Councils within the National Park
- CPRE Hampshire
- Action in Rural Sussex
- Local developers and Registered Providers
- Estates within the National Park that have developed Whole Estate Plans

I.6. Consultation responses were received from 45 individuals and organisations. The comments received are summarised in **Appendix 1**. Officer comments relating to the responses received and how the SPD has been amended in response to these is set out in Appendix 1.

I.7. The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities, prior to adopting a SPD, to publish the Consultation Statement and revised SPD for comment for a minimum four week period. This consultation took place from the 2 March to 6 April 2020. A further eight representations were received during this period and these are summarised in **Appendix 2**. Officer comments relating to the responses received and how the SPD has been amended in response to these is set out in Appendix 2.

## Appendix I

### Draft Affordable Housing SPD: Summary of comments received Sept – Nov 2019 and officer comments

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Andrew Simpson	Refers to Mid Sussex DC guidance note on Vacant Building Credit (VBC) – SDNPA should develop a similar guidance on applying VBC. Affordable homes in Lewes should be provided as Lewes Low Cost Housing.	Agree further guidance on VBC should be included in the SPD. The SPD states LLCH will apply in Lewes Town.	Provide further guidance on the application of VBC.
Andy McIvor	Specific objection to Wiston WEP; not relevant to the SPD consultation.		None required
Chichester District Council	2.12 Consistency with NPPF – amend wording from Intermediate Home Ownership to Low Cost or Affordable Home Ownership.	SPD is consistent with the Local Plan glossary.	None required
Chichester District Council	Suggests 2.19 is not compliant with policy 7.62 of Local Plan. To give priority to residents of specific settlements difficult to administer.	2.19 is consistent with cascade set out in 7.61 of the SDLP. This cascade has been approved by SDNPA members. The SDNPA will seek the early involvement of the relevant housing authority in securing and delivering affordable housing.	None required.
Chichester District Council	2.25 Typo - should RSL be RLV?	Typo	Correct typo
Chichester District Council	Figure 4 Lower margin of build cost may be acceptable – generally professional fees exceed 6% of build costs.	Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.



Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		justification and evidence which will be independently reviewed.	
Chichester District Council	2.44 - Prefer term of Community Led Housing to be used. CLTs only represent one element.	This terminology would be more encompassing and offer more flexibility.	Reference in 2.44 to Community led housing added.
Chichester District Council	<p>Section 4 – Legal Agreement                      Include reference to:</p> <ul style="list-style-type: none"> <li>• Minimum unit sizes</li> <li>• Restriction on disposals – non commencement until LHA/LPA has notification of RP</li> <li>• Mortgagee in possession clause</li> <li>• Description of process for letting (e,g through local housing register)</li> </ul> <p>Benefits: reduces barriers to delivery &amp; secures better fit with local housing register &amp; allocation policy</p>	<p>Minimum unit sizes not needed in S106 as these are assessed by DM and covered by the approved plans.</p> <p>Agree bullet 2 and 3</p> <p>Bullet 4 would only be as good as the local housing register (see concerns of B&amp;H CLT re housing lists). This is not essential for S106 purposes and should be covered by HA housing policies.</p>	Add bullet 2 & 3 to section 4.
Chichester District Council	Appendix 2 Stronger commitment to indexation – methodology appears to produce lower figure than expected given higher value of properties in SDNPA	Agree to including a commitment to alter figures annually in line with BCIS All-in Tender Price Indices	Include reference to in lieu rates increasing in line with BCIS All-in Tender Price Indices.
Ringmer Area CLT	No mention of CLT's other than in para 2.44, lack identifying needs of CLTs in relation to policies SD27, 28 & 29	SDLP and the SPD support delivery of affordable homes through CLTs	Reference to appropriate legal agreements added to para. 2.51
Ringmer Area CLT	2.19 No acknowledgement of CLT's having specific occupancy policy. Unlikely to include local in connection priority 4. Concern re external (SDNPA) determination of local connections.	All forms of affordable housing delivery will be expected to apply the local connection cascade set out in the SDLP to meet local needs for affordable housing. Para. 7.62 of the SDLP recognises regard will be had	Add para in section 2 to clarify expectation to use SDNPA cascade for all affordable home developments in SDNP.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		for a CLT's objectives when a CLT is the managing body.	
Ringmer Area CLT	1.3 Concern that 100% on Rural Exception Sites (RES) will not be financially viable unless some market housing. Query that 100% is in line with NPPF rules.	Also raised by B&H CLT - RES is outside of settlement boundary and would not otherwise be built on. Emphasis in SDNP is 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD with SDLP regarding 100% affordable on RES
Ringmer Area CLT	Need for agreements to be drawn up for mixed schemes to assure landowners that CLT can deliver.	CLT's should be drawing up agreements with developer to secure sites, this should cover this issue.	Add para re need for agreements between developers/CLT's to secure sites.
Ringmer Area CLT	S106 needs to reflect roles of two parties in a development.	S106 is agreement between the developer and SDNPA, not an agreement with the CLT, this needs to be separate between developer/ CLT.	Add para re need for agreements between developers/CLT's to secure sites.
Brighton & Hove CLT	Requirement of 20% shared ownership may be too low	Section 2.12 refers to a max 25% initial equity share, owners may increase their ownership and flexibility will be considered if local needs are met.	None
Brighton & Hove CLT	Market housing on RES – allowable with mechanisms to prevent being used for profit	Also raised by Ringmer (see above). Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only	Align SPD with SDLP regarding 100% affordable on RES

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		considered with support of viability appraisal.	
Brighton & Hove CLT	Concern that LA housing registers may not represent all in housing need.	Noted.	None
Eames Almshouses	Consider adding almshouses as a source of social housing.	SPD to refer to Community Led Housing which incorporates a wide range of charitable trusts. Community-led housing organisations which create permanently affordable homes to meet local housing needs will be encouraged.	Reference in 2.44 to Community led housing added.
Eames Almshouses	Request for clarification of almshouses status	See above.	As above.
START CT	2.3, 2.15-2.17, 2.43-2.47, 2.53. Agree	Noted.	None required.
START CT	1.2, 1.3, 2.12, 2.22, 3.1 Concern re 100% on RES and 25% shared ownership limit with regard to viability	Emphasis in SDNP is 100% supported by Whole Plan viability assessment. Any alternative only considered with support of viability appraisal. 25% is the initial equity share, owners may increase their ownership and flexibility will be considered if local needs are met.	Align SPD with SDLP regarding 100% affordable on RES
START CT	1.2 Recognises issues with house prices in SDNPA but not importance of land prices in delivering RES. May rule out RES unless compromise can be found.	Land price should reflect RES are outside settlement boundary so would not normally be used for housing.	Align SPD with SDLP regarding 100% affordable on RES

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
START CT	Viability appraisal is calculated only on 100% affordable – assumes that landowners will accept residual land value figure.	Land price should reflect RES are outside settlement boundary so would not normally be used for housing.	None required.
START CT	S106 agreement Section 4 – fourth bullet – needs beefing up re completion of roads – wording is too weak. Should include details of services and access at point of occupation for each property. Should also include a layout plan detailing all properties and tenure.	Agree – add bullet re completion of roads etc prior to occupation. Add details of services and access that should be in place at occupation. Layout plan to be included in S106 to secure provision.	Add these to bullet list in Section 4 of the SPD.
Bargate Homes / Metis Homes / Oakford Homes	- SPD goes beyond scope of SPDs by introducing additional requirements on proposals in relation to viability. - SPD departs from assumptions used in BNP Paribas VA. No supporting evidence for the standardised VA inputs proposed in the SPD	SPD provides further guidance to support the implementation of LP policies. Para 7.64 to 7.66 of the LP sets out the requirement for a viability appraisal to justify any departure from SD28. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification.
Bargate Homes / Metis Homes / Oakford Homes	2.12 & 2.13 AH Tenure SDNPA should not assume preference for Social Rent over Affordable Rent  Shared Ownership Housing is typically offered at 40% of OMV (SPD assumes 25%)  40% for discounted market sales housing does not reflect the NPPF definition (at least 20%)	Defra Circular 2010 (paras 76-79) sets out the government expectation that NPAs maintain a focus on affordable housing and ensure that the needs of local communities in the National Parks are met. Social Rent is most affordable to those in greatest need. 25% is the initial equity share, owners may increase their	SDNPA will seek a minimum discount of 30% on local market value, reflecting the high cost of buying in the National Park and local income levels. A minimum 30% discount is also in line with current government proposed 'first homes' model.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	Placing definitions of affordable housing in the Local Plan glossary above definitions in the NPPF is at odds with Government policy.	ownership and flexibility will be considered if local needs are met. Government definition of DMS sets minimum discount, does not preclude higher discount	Para. 2.13 amended to state that Local Plan definitions of affordable homes apply within the National Park.
Bargate Homes / Metis Homes / Oakford Homes	2.25 Landowner premium EUV + 10% is far too low – DVS typically agrees 20%, 30 -40% is accepted elsewhere in the South. EUV + 10% may result in less than market value - land will not be released. Premium should be 20-30% incentive.	Land owner premium will be site specific. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.
Bargate Homes / Metis Homes / Oakford Homes	<p>Viability Assumptions</p> <p>External works – ranges from 5-35% of Main Works Costs and typically 25%. BNP Paribas VA assumed 17.5% - this was too low.</p> <p>Professional fees – at least 8%. BNP Paribas VA assumed 10%. Planning applications in National Park require greater professional fees. (Provides appeal case that supports 10%)</p> <p>Selling costs – should be at least 2%. BNP Paribas VA used 3%</p> <p>Profit – should be 20% (as used by BNP Paribas VA) – 15% only appropriate for short term capital outlay or pre-sold project.</p>	Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Bargate Homes / Metis Homes / Oakford Homes	Nominations rights – S106 should reflect RPs nomination rights on 1 <sup>st</sup> lets and subsequent lets.	Nomination rights to be agreed between housing authority and RP and will be expected to reflect the SDNPA cascade	None.
Bargate Homes / Metis Homes / Oakford Homes	Low Cost Home Ownership Unrestricted staircasing should be allowed. S106 needs to include mortgage in possession clause otherwise it will be unmortgageable.	Para. 2.12 allows for occupiers to increase their equity share towards outright ownership.	Mortgage in Possession clause to be included in S106
Bargate Homes / Metis Homes / Oakford Homes	<p>Review Mechanisms Mandatory review should also allow for reduction in AH if review concludes this.</p> <p>SDNPA should state whether a review of viability post permission or at reserved matters will be accepted.</p> <p>Questions SDNPA position to review AH contributions if these are agreed resulting from Valuation.</p> <p>Questions Early Review mechanism – use on small sites, clear definition of when.</p>	<p>A reduced AH provision would require a new or revised planning application. Reviews of viability would only be undertaken post permission where the review triggers set out in the SPD document are met. Review mechanisms are widely used and supported by National Planning Practice Guidance (Paragraph: 009 Reference ID: 10-009-20190509)</p> <p>Early review will be required if sufficient progress is not made. This is triggered where ground works and foundations are not completed within 2 years of permission being granted.</p> <p>For an early stage review where development has been subject to</p>	<p>None.</p> <p>None.</p> <p>Clarification provided on meaning of sufficient progress.</p> <p>Clarification provided in respect of late stage review mechanisms that</p>

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Not practical to require onsite AH provision as part of review (dwellings already sold) – financial contribution instead.</p> <p>Late Stage Review – considered to be unreasonable and impractical</p>	<p>no/limited construction progress there is clearly the ability to provide any additional affordable housing required on site. For late stage review mechanisms where most of the development has been completed or sold it is acknowledged that a financial contribution toward off site affordable housing is more likely.</p> <p>Review mechanisms are widely used and supported by National Planning Practice Guidance (Paragraph: 009 Reference ID: 10-009-20190509). The benefits of a late stage review are that they are based on actual values achieved and actual costs incurred. A late stage review is restricted to development schemes of 25 dwellings and above and, in most cases, only changes to Gross Development Value and build costs will need to be considered. The approach is therefore considered both reasonable and proportionate.</p>	<p>the outcome of such a review is typically a financial contribution toward off site affordable housing provision (rather than affordable housing provision on site).</p> <p>None.</p>
Bargate Homes / Metis Homes / Oakford Homes	Vacant Building Credit Approach in SPD is not consistent with NPPF and NPPG	The policy is intended to incentivise brownfield development, including the reuse or redevelopment of	Include detailed criteria on the assessment of applications for VBC.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<ul style="list-style-type: none"> <li>- No requirement to be in use for 6 months in last 3 years</li> <li>- NPPG does not state whole building must be vacant</li> <li>- CIL and VBC can both be applied</li> </ul>	empty and redundant buildings. It is therefore reasonable to expect the whole building to be vacant. Given that the NPPG states that a building should not have been made vacant for the sole purpose of redevelopment it is also reasonable to expect a minimum period of vacancy. CIL and VBC cannot normally be applied to the same building.	
Bargate Homes / Metis Homes / Oakford Homes	Rural Exception Sites SPD should be more supportive towards RES – give greater weight to AH provision over environmental impacts. Site selection process should not need to consider sites within the settlement.	First purpose of the National Park is given priority. All development in the SDNP is expected to be landscape-led. Agree that sites within the settlement boundary do not need to be considered.	Remove reference to alternative sites within the settlement boundary.
Angmering Park Estate	Greater incentive required to persuade landowners to bring forward ‘exception sites’ (NOTE: Angmering Park do not have a WEP, nor have they been in active discussion with SDNPA to produce one in last 2 years). For example: <ul style="list-style-type: none"> <li>• allowing 50% market housing</li> <li>• allowing Estate to retain a proportion of nomination rights</li> </ul>	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD text with SDLP regarding 100% affordable on RES
Barlavington Estate	Policy will only be successful if there is an element of market housing (approx. 33%) to provide the revenue to construct the AH. (NOTE: are engaged in WEP process, although no WEP endorsed)	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only	Align SPD text with SDLP regarding 100% affordable on RES



Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		considered with support of viability appraisal.	
Bramshott & Liphook PC	General support for SPD. Proposes mechanism whereby small local developer obtains permission covering multiple sites to be built out over 5-10 years.	Planning application can be made for multiple sites, although time period may be a restriction.	None
Country Land and Business Association (CLA)	Seeking greater flexibility in the SPD. LP glossary definitions of AH should not take precedent over national definitions. SPD should support landowners providing AH (in place of RPs, HA or CLTs) especially on small sites. NPPF para 77 support cross subsidy on RES.	2.43 delivering AH does acknowledge landowners as potentially delivering and managing AH	Amend text on RES to reflect Local Plan more closely
CPRE Sussex	Support for Local Plan policies and SPD. Requiring 100% affordable on RES is counter-productive, SPD should reflect approach in LP para 7.78. SPD needs to be more flexible regarding CLTs e.g. in regards to tenancy allocations, local connection & type of tenancy	Agree that SPD should reflect more closely the approach set out in the LP regarding RES. Para. 2.20 states the specific local connection criteria applied to a site may reflect evidence provided by a CLT.	Amend text on RES to reflect Local Plan more closely
David Cubey	Objection to the Wiston WEP and prospect that Bayards Field will be put forward as a RES.		None required
Mr Trevor Cree	Objection raises the issue of settlements just outside the SDNP boundary and associated development pressure at these locations. In particular objection relates to Steyning and proposals in the WEP.	Noted.	None required
Dr Prosser	Raises a number of affordable housing issues relating to South Harting including support for C2 accommodation and raising the priority given to an employment connection in the cascade. Smaller	Issues relating to South Harting are noted. Employment connection is already covered in the local connection criteria.	None

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	villages in the NP should be treated differently to the larger conurbations.		
Elizabeth Lawrence	Annexes could provide short term low cost accommodation for local permanent and seasonal workers.	Noted	None
Eric Croft	<p>2.1 should be landscape &amp; <u>natural habitat led</u></p> <p>2.12 social rented housing should only be provided by registered providers</p> <p>Fig 4 – why does APR vary?</p> <p>2.28 In lieu financial contributions should only go to housing authority provision</p> <p>2.38 Tied agricultural/forestry worker dwellings should be in perpetuity.</p>	<p>SDLP Policy SD5 requires landscape-led development, biodiversity, the water environment and other ecosystem services are encompassed in the landscape-led approach. Other forms of affordable housing may be provided by other providers e.g. CLTs. In lieu financial contributions will be used for affordable housing provision within the National Park. Occupancy conditions are secured in S106 and not removed while there is a need for such dwellings in the local area</p>	None
Findon Parish Council	Refers to current planning applications which do not follow the guidance in regards to up-to-date local housing needs assessment. Para. 2.16 should clarify who supplies evidence for housing need.	Housing need assessments prepared by different organisations varying by location e.g. Action Hampshire in EHDC, CDC in CDC	None
Fittleworth Parish Council	General support for the SPD. In lieu financial contributions should be ring fenced for use in the parish they are collected. Concerned that housing authority tenure preference will not reflect local needs. Concerned that occupancy conditions & local connection criteria are not strong enough.	In lieu financial contributions will be used within local area collected wherever possible. There can be time restrictions on the use of S106 funds such that they need to be spent in a timely manner.	Include reference to using fund raised locally wherever possible and within a timely manner.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Friends of Lewes	Support for the SPD and implementation of LLCH via the SPD in particular. In lieu financial contributions should be ring fenced for use in neighbourhood area collected. Amend 2.48 to state in lieu financial contributions will be used in Lewes NDP area.	Seek to use in lieu contributions locally wherever possible, although there may not always be opportunities within the parish and there may be time limit for spending in lieu funds.	Amend para. 2.28 to state funds raised from financial contributions will be used to increase affordable housing provision locally (within the parish) wherever possible and within a timely manner.
George Gordon	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required.
Hywel and Jean Griffiths	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required
Glynde Estates	100% affordable is counter-productive, and unfeasible economically; mix should include some open market units (particularly if required to build using traditional materials and styles). In terms of Nomination Rights, happy to work in partnership with CLT's, but Estate would want final say on who occupies property.	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD text with SDLP regarding 100% affordable on RES
Ian Graham for West Dean Estate	100% affordable is counter-productive, and unfeasible economically; mix should include some open market units (particularly if required to build using traditional materials and styles).	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD text with SDLP regarding 100% affordable on RES
Itchen Valley Parish Council	RES policy should allow for some enabling development subject to an enhanced scheme or community facilities.	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Update SPD to reflect para 7.78 of the LP – subject to viability appraisal will consider optimum alternative option.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Kingston Parish Council	Support for the SPD.	Noted	None required.
Stephen Fuggles	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required.
Luken Beck	Queries para 2.25 landowner premium of just 10% of EUV. Should use DCLG benchmark land values for greenfield sites. Disagrees with use of VA key inputs. GDV should be based on net sales income. Affordable housing revenue does not need to be based on RP evidence. Build costs should be based on bespoke cost plan or upper quartile BCIS standard. Professional fees should be 10%. Agrees with finance costs. Developer profit should be 20%.	Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.
Lewes & Eastbourne DC	Blended profit margin for open market and affordable homes falls below the range allowed by NPPG (15-20%)	Development in the SDNP is generally low risk, a profit margin at the lower end of the scale is considered reasonable. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.
Midhurst Society	Support for SPD. Suggestion that long term vacant properties should be made available for sale to CLT at 50% discount.	Noted	None
Mr Hicks	Support for SPD with following comments – AH should be for working persons and not retirees.	Noted	None

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	No design compromises. Benefits to community should be clearly set out. Location of care homes should take into account proximity of health services.		
Nick Bailey	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required.
Oliver Darlington	Comments relate to government's definition of affordability which is not genuinely affordable.	Local Plan policy emphasis on affordable rent tenure reflecting evidence of need. SPD also supports the implementation of LLCH.	None
Sarah O'Kane	Support for emphasis on affordable rent tenure and smaller units. When dealing with large sites, priority should be given to proposals put forward by CLTs.	SDLP and SPD are supportive of delivery through CLTs.	None
Selborne PC	General support for the SPD. Request that Parish councils are consulted on suitable mix for a site. Recommend revised wording regarding WEPs at para 2.12. Revise para. 2.38 to take account of former estate worker accommodation. Two paragraphs 2.50. Concerned whether the AH review mechanism robustly addresses reduced AH provision post permission. Detailed wording amendments to RES section proposed.	SPD para 2.17 refers to regard being had to any local housing needs evidence, which would include evidence presented by the parish council.	Correct para. numbering and some wording amendments made as suggested.
Steep Parish Council	Support for SPD. Parish Council should have greater say over local connections and nominations in their parish.	Local connection is determined by the SDNPA, parish council and Housing Authority. Anyone eligible within the parish can be on the housing register and the SDNP local connection cascade will give	None

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		preference to those within the settlement / parish.	
Storrington Parish Council	Number of observations made. Question raised as to how right to buy legislation will affect perpetual affordability objective?	National legislation allows some ex-council home tenants to have a Preserved Right to Buy. In addition, Right to Acquire allows some housing association tenants to purchase their homes at a discount (the discount varies from £9,000 to £16,000). The SDNPA will endeavour through the SDLP policies SD28 and SD29 to address affordable housing needs in the National Park.	None
Sue Fasquelle	Objection to government definition of affordable housing.	AH SPD provides guidance for the implementation of LP policies SD27, 28 & 29. Whilst the LP needs to be in conformity with national policy and guidance, the LP does emphasise the provision of affordable rent tenure and the SPD seeks to implement LLCH within Lewes neighbourhood area.	None required.
Sussex Hub AiRS	General support for approach taken by the SDNPA in particular AH on small sites, commitment to social rented and community led housing. Seeks greater flexibility for Community Led Housing (CLH) to offer a higher equity share on shared ownership units to make schemes more viable. Also suggests some flexibility re. 100% AH on RES	Support noted and welcomed. Para. 2.12 of the SPD provides flexibility on shared ownership to reflect providers' business model as long as the core objective of meeting housing needs is met. This applies to CLH as well as other registered	SPD to reflect para. 7.78 of the LP on RES & mix of tenure. New para 3.3 states SDNPA will work with relevant stakeholders for optimum alternative option where viability is a barrier to delivery.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>could better reflect the aims of CLH which are genuinely seeking to address local needs. Argues for bespoke housing allocation policies – housing registers don't reflect rural AH needs. No mention of CLH in the SPD. Professional fees considered too low for the types of project CLH will seek to bring forward.</p>	<p>providers. Emphasis in SDNP should be 100% AH on RES which is supported by the Whole Plan viability assessment. Where viability appraisal evidence shows this is not viable, the SDNPA will seek the best alternative option to meet the needs of the local community. Para 2.20 of the SPD states that local connection and occupancy criteria for specific sites will have regard to evidence presented by CLH organisations where applicable. Agree that reference to CLH would be more encompassing. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.</p>	<p>Include reference to CLH in SPD (includes co-housing, cooperatives &amp; community self build)</p>
<p>Wealden DC Housing &amp; Property Services</p>	<p>Para 2.8 C2 use – case law suggests 2 hours week minimum care requirement</p> <p>To enable delivery, AH should be required to be built to RP and Homes England standards (e.g nationally described space standards) and Building Regs Part Q - security.</p>	<p>In the appeal case referred to, the LPA had set no guideline minimum requirement. 4 hours is considered reasonable to qualify as care that is significant.</p> <p>Onus is on developer to ensure necessary standards are met to ensure onward sale to a Registered Provider.</p>	<p>None.</p> <p>None.</p>

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Reference to HCA should be Homes England / Regulator of Social Housing.</p> <p>Parish level information on affordable home ownership need is not readily available.</p> <p>Suggests Local Connection criteria has 5<sup>th</sup> priority which refers back to Local Housing Authority.</p>	<p>Agreed.</p> <p>An up-to-date Local Housing Needs Assessment would address this.</p> <p>This cascade was approved by SDNPA members at Committee. The SDNPA will seek the early involvement of the relevant housing authority in securing and delivering affordable housing.</p>	<p>Amend references to Homes England / Regulator as relevant.</p> <p>None.</p> <p>None.</p>
Winchester CC	<p>Support classification of extra care housing as C3. Chesil Lodge, Winchester is good example of mixed tenure extra care scheme.</p> <p>Social rent requires significant funding which may only be granted by Homes England post permission.</p> <p>Shared ownership – 25% share can make unviable for RP, allow for higher share at point of sale.</p> <p>Discounted market sale – any evidence 40% discount is viable?</p>	<p>Noted.</p> <p>Social rent is the SDNPA's preferred form of rented tenure and the Authority will seek to secure this tenure as widely as possible. Para. 2.12 of the SPD provides flexibility on shared ownership to reflect providers' business model as long as the core objective of meeting housing needs is met. SDNPA will seek a minimum discount of 30% on local market value, reflecting the high</p>	<p>None.</p> <p>None.</p> <p>SDNPA will seek a minimum discount of 30% on local market value.</p>



Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Cascade should include prioritizing those within the parish but outside the SDNP.</p> <p>Landowner premium of just 10% is low – any evidence to support this?</p> <p>In lieu financial contribution should vary according to size of units and reflect the onsite mix.</p> <p>Extending allocation of AH across the SDNP does not reflect spirit of providing AH for local people.</p>	<p>cost of buying in the National Park and local income levels. A minimum 30% discount is also in line with current government proposed ‘first homes’ model.</p> <p>Para 2.19 sets out that those with a local connection to the parish, <u>partly</u> or wholly within the National Park will be prioritised within the cascade.</p> <p>Land owner premium will be site specific. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.</p> <p>Financial contribution in lieu is based on size mix required by SD27. This is considered to be a reasonably approach and provides a clear in lieu financial contribution rate per affordable home.</p> <p>Cascade prioritises local need i.e. the settlement, parish &amp; nearby settlements, before the wider SDNP area. SDLP and DEFRA circular</p>	<p>None required.</p> <p>Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.</p> <p>None.</p>

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		directs the Authority to reflect local affordable housing need within the National Park.	
Valerie Haggie	Raises a number of concerns regarding the King Edward VII development and recent planning application; not relevant to the SPD consultation.	Noted.	None required

## Appendix 2

### Consultation Statement & Revised Affordable Housing SPD: Summary of comments received March 2020 and officer comments

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
Cove Construction	<p>SPD takes an unreasonable approach to viability appraisal (VA).</p> <p>SPD sets landowner incentive to apply to Existing Use Value (EUV) as 10% for non-agricultural uses. The premium for landowners should reflect circumstances of the site.</p> <p>Developer profit level is unreasonable and unrealistic. It doesn't reflect the risk level in getting through DM process given the SDNP landscape designation and high design &amp; sustainability requirements.</p>	<p>The SPD requirements for viability appraisal are in line with National Planning Guidance. Minimum content of an applicant's viability appraisal is set out in Appendix 3 and any viability appraisal should be supported by appropriate available evidence.</p>	<p>Figure 4 checklist of key inputs for viability appraisal to be removed from the SPD.</p>
CPRE Hampshire	<p>Support for the amended draft SPD.</p> <p>Raises the issue of commuting to work and its contribution to the climate change emergency. Current local connection cascade could lead to people occupying affordable housing considerable distance away from their place of work. Suggests place of employment is factored into the last stage of the cascade.</p>	<p>Support welcomed.</p> <p>Note the issue of commuting and its contribution to the generation of greenhouse gas emissions. Covid-19 pandemic has illustrated that commuting can be reduced through alternative working arrangements and use of virtual technology. Also it is noted that the criteria for local connection used by housing authorities and set out in the SPD</p>	<p>None required.</p>

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
		includes being employed or due to take up employment in the relevant area.	
Environment Agency	Flood risk should be a key consideration for the site selection process for RES and assessing potential RES should meet the requirements for sequential test and exception test.	Agreed. Vulnerability to flooding should be a key consideration in the assessment of potential RES sites.	Include additional bullet point at para. 3.6 'vulnerability to flooding'
Findon Parish Council	No further comments to make.	N/A	None
Historic England	No comments to make.	N/A	None
Highways England	No comments to make on the amended draft.	N/A	None
McCarthy & Stone	<p>Para. 2.8 reference to 'care home' should be deleted, extra care housing could fall within use class C2.</p> <p>The reference to a minimum of 4 hours is arbitrary and should be removed.</p> <p>Tenure has very little to do with use class and should be removed from the list at Para. 2.9</p>	<p>Agreed, planning applications for extra-care housing may fall into either category C2 or C3, the level of care provided determines the use class. In this paragraph use the term 'residential institution / accommodation' as used in the Use Class order.</p> <p>It is reasonable to expect a minimum level of care in judging which use class a development falls within.</p> <p>Tenure is one of several variables in the type and form of extra-care housing and will be given</p>	<p>Replace references to 'care home' with 'residential institution or accommodation' in para 2.8.</p> <p>None</p> <p>None</p>

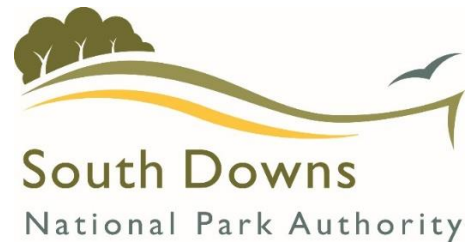
People or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Provision of therapy rooms should not be a determining factor.</p> <p>Para 2.10 suggests a degree of independence is indicative of a C3 use, this is erroneous.</p> <p>Para 2.11 suggests self-contained accommodation is determinative of a C3 use, it is not.</p> <p>Para 2.12-14 tenure requirements for housing for older people should reflect the needs of older people and not tenure needs of housing overall.</p>	<p>consideration when judging the use class of an application.</p> <p>Provision of therapy rooms is one of various indicators of the level of care to be provided and will be given consideration when judging the use class of an application.</p> <p>Retaining a degree of independence is the converse to being dependent on care. For a development to classify as C2 use class, the provision of care must be significant and the care provided must be the primary reason why residents seek to live there.</p> <p>The form of accommodation is one of several elements that will be considered in making a judgement on the use class of an application.</p> <p>The tenure requirements of SDLP SD28 are based on evidence from the Strategic Housing Market Assessment and the Housing &amp; Economic Development Assessment. In absence of locally specific evidence on the tenure</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Viability inputs for specialised housing for older people varies from conventional housing and should be acknowledged in Para 2.28. Profit levels are established at 20% and a 10% landowner premium is unrealistic.</p>	<p>needs of older people it is considered appropriate to apply these tenure requirements across housing types including specialist housing for older people.</p> <p>The SPD requirements for viability appraisal are in line with National Planning Guidance. Minimum content of an applicant’s viability appraisal is set out in Appendix 3 and any viability appraisal should be supported by appropriate available evidence.</p>	<p>Figure 4 checklist of key inputs for viability appraisal to be removed from the SPD.</p>
<p>Midhurst Society</p>	<p>Repeats suggestion that CLTs are given the right to purchase vacant properties which are vacant for a number of years.</p>	<p>Suggestion is beyond the scope and remit of the SPD.</p>	<p>None.</p>
<p>Oakford Homes</p>	<p>Representation maintains it would be unlawful to adopt the SPD as a supplementary planning document as it contains policy statements on viability and review mechanisms which constitute new policy and should be in a DPD such as a Local Plan and not a SPD.</p>	<p>The SPD requirements for viability appraisal are in line with National Planning Guidance. Minimum content of an applicant’s viability appraisal is set out in Appendix 3 and any viability appraisal should be supported by appropriate available evidence. Officers will consider whether the assumptions used by an applicant are reasonable. Clawback clauses may be negotiated in S106</p>	<p>Figure 4 checklist of key inputs for viability appraisal to be removed from the SPD.</p> <p>Paragraphs 2.57-2.71 on review mechanisms to be deleted from the SPD.</p>

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
		agreements on a case by case basis in line with paragraph 7.67 of the Local Plan.	
SMART CLT	<p>Maximum equity on shared ownership should be 90% to ensure the dwelling is available to the community in perpetuity with first option of purchase going to the landlord. Para 3.2 suggests outright ownership will be an option.</p> <p>Support for new paragraph 3.3.</p>	<p>Agree, Local Plan policy SD28 states affordable housing should where feasible remain affordable in perpetuity.</p> <p>Support welcome.</p>	Remove brackets '(unless an occupant has increased their equity share to outright ownership)' from para. 3.2.
Waverley District Council	No comments to make.	N/A	None
Wealden District Council	No comments to make	N/A	None
Winchester City Council	<p>Para. 2.16 &amp; 3.4 clarification that a housing needs survey is not required should other evidence exists.</p> <p>Fig 1 does not state whether homes can be flats or the occupancy rates (e.g 2 bed 4 person rather than 2 bed 3 person</p> <p>2.22 how will Discounted Market Sales units be marketed?</p>	<p>Should other appropriate evidence exist, a housing needs survey is not required.</p> <p>Flats may be appropriate depending on the site circumstances. The figure is for illustrative purposes and is not intended to go into detail of occupancy rates.</p> <p>Whilst specific marketing requirements are likely to be site specific, agree that the SPD can make clear that minimum marketing requirements which prioritise local</p>	<p>None.</p> <p>None.</p> <p>Include the following in para 2.22 "Marketing arrangements will be included in a S106 agreement and will include minimum marketing periods to ensure local needs are</p>

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>2.47 Stronger wording / evidence needed on developers effectively managing affordable housing</p> <p>3.3 Tenure on Rural Exception Sites should reflect local needs</p> <p>Section 4 - concerned that the 21 day timeframe for housing authorities to nominate is insufficient to work through the cascade.</p>	<p>needs will be included in a S106 agreement.</p> <p>The SPD requires developers to demonstrate to the satisfaction of the SDNPA that they can provide and manage the affordable housing to the same quality as a Registered Provider. This is considered to be sufficient to ensure effective management.</p> <p>Agreed. SD29 requires tenure to reflect up-to-date evidence of local need.</p> <p>Note that the timeframe may be tight given the example of a 2 week advertising window used by Hampshire Home Choices. Timeframe will be extended slightly but it is important to ensure affordable homes are allocated to local needs promptly.</p>	<p>prioritised in line with the cascade set out in paragraph 7.61 of the SDLP and paragraph 2.19 of this SPD.”</p> <p>None.</p> <p>None.</p> <p>Amend timeframe in para. 4.3 to 28 days.</p>





# Affordable Housing Supplementary Planning Document



## South Downs Local Plan

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Adoption Version June 2020

# CONTENTS

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1. Introduction .....	3
Background .....	3
Purpose of this SPD .....	4
2. Using Policy SD28: Affordable Homes .....	4
Assessing ‘gross capacity’ and artificial subdivision of sites .....	4
Types of uses to which policy applies .....	5
Affordable housing tenures .....	6
Mix of dwelling sizes and tenures .....	8
Applying occupancy restrictions and local connections criteria .....	9
Discount Market Sales .....	11
Viability appraisal .....	11
Financial contributions in lieu of on-site provision .....	14
Dealing with conversions .....	15
Applying the Vacant Building Credit .....	15
Agricultural forestry and estate workers .....	18
Delivering affordable housing .....	19
Lewes Low Cost Housing .....	19
3. Using policy SD29: rural exception sites .....	20
What is a Rural Exception Site? .....	20
Evidencing local need .....	21
Site selection process .....	21
Delivering rural exception sites .....	22
4. Legal agreement for affordable housing .....	22
Appendix 1: Local Plan Policies .....	i
Strategic Policy SD27: Mix of Homes .....	ii
Strategic Policy SD28: Affordable Homes .....	v
Strategic Policy SD29: Rural Exception Sites .....	ix
Appendix 2: Financial Contributions Calculation Methodology .....	xi
Appendix 3: Minimum content for an applicant’s viability appraisal .....	xvi

# I. INTRODUCTION

## Policies covered:

- **Policy SD28:** Affordable Homes
- **Policy SD29:** Rural Exception Sites

## Background

- 1.1** The South Downs Local Plan (SDLP) was adopted on 02 July 2019. The introduction to the SDLP sets out the context of the statutory purposes and duty that govern all national park activities. In carrying out its purposes, the South Downs National Park Authority (SDNPA) has a duty to seek to foster the economic and social well-being of the local communities within the National Park. The English National Parks Vision and Circular further sets out the Government's expectation that *new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.*<sup>1</sup> The National Planning Policy Framework (NPPF) further sets out that *the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including those who require affordable housing.*<sup>2</sup>
- 1.2** There is substantial evidence which shows that most privately provided residential property in the National Park has become unaffordable to families and individuals on modest incomes. House prices within the National Park are significantly higher than in the wider sub-region, with the average house being sold costing some fourteen times the average salary (compared to around eight times average salary across England and Wales as a whole). The result is that more people and families are struggling to meet the cost of accommodation, and younger people in particular are discouraged from remaining or settling in the area.
- 1.3** To support the duty and help to address these issues, the SDLP includes two policies that require new residential development to provide affordable housing:
- **Policy SD28: Affordable Homes** sets out a requirement for residential developments of 3 or more homes to provide for affordable housing. This provision should be on-site on sites with capacity for 4 or more homes. The level of provision is determined by the overall capacity of the site in terms of potential number of homes, with a minimum 50% of the total to be affordable on sites of 11 or more homes. The policy also sets out how many affordable homes should be provided as either social rented or affordable rented tenure (as opposed to shared ownership or other forms of low-cost ownership). **It should be noted that the provision of affordable homes in the South Downs National Park is a priority for the Authority. Planning proposals should start from the position that the provision of affordable homes is paramount. Given the recently examined and adopted Local Plan, which includes an assessment of its viability, any planning applications that do not comply with Policy SD28 will be refused and the decision will be defended at appeal.**

<sup>1</sup> English National Parks and the Broads: UK government vision and circular 2010 (Defra, 2010), paragraph 78

<sup>2</sup> National Planning Policy Framework (MHCLG, Feb 2019), paragraph 61

- **Policy SD29: Rural Exception Sites** sets a requirement that residential housing sites outside of settlement boundaries should provide 100% affordable housing. The precise mix of homes and tenures should be based on the local needs of the community, and provide specifically for local housing needs.

In addition, **Policy SD27: Mix of Homes** sets out a broad strategic mix of affordable dwelling sizes. **Policy SD25: Development Strategy**, and in particular paragraphs 7.15 and 7.16, outlines the SDNPA’s approach with respect to Whole Estate Plans and affordable housing. Policies SD27, SD28 and SD29 are replicated in **Appendix I** to this SPD.

### Purpose of this SPD

- 1.4 The SPD provides further guidance to support the implementation of the Local Plan policies, in particular Policy SD28: Affordable Homes and Policy SD29: Rural Exception Sites. The SPD therefore supports Local Plan Objective 8: To protect and provide for the social and economic wellbeing of National Park communities supporting local jobs, affordable homes and local facilities. It covers a number of detailed matters which are set out in the Contents page of this document.

## 2.USING POLICY SD28: AFFORDABLE HOMES

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### Assessing ‘gross capacity’ and artificial subdivision of sites

- 2.1 The capacity of sites in the national park to accommodate development will depend on a number of factors. Most importantly, all developments must be ‘landscape-led’ and thereby enhance landscape character. But within this, it should also make appropriate and efficient use of the land.
- 2.2 Policy SD28 includes thresholds that refer to ‘gross capacity’. This means that the development layout and design, and the sizes of houses and their plots, will be expected to reflect SDLP (and where relevant Neighbourhood Plan) policies.
- 2.3 In assessing site capacity, the SDNPA will consider carefully whether the number of homes proposed makes efficient and appropriate use of the site. Particular regard will be had to SDLP Strategic Policies SD4: Landscape Character, SD5: Design, and SD27: Mix of Homes. If the development does not make optimum use of the site (for example, by providing uncharacteristically large plot sizes, and/or failing to provide smaller dwellings to meet identified housing needs), the SDNPA may conclude that the use of the land is not appropriate, and also that not enough affordable housing is being provided. It should be emphasised however that a landscape-led approach, which takes account of site specific factors, will always be used when assessing site capacity.
- 2.4 Policy SD28 part 5 states that developers may not circumvent the policy by artificially subdividing sites. The development site itself (as identified by the ‘red line’) should include all existing elements of built development that are being materially modified (e.g. extended, reconfigured

or converted). As such, any existing dwelling or building on a plot proposed for development should only be excluded if there is no material alteration to that building proposed. If there are changes to the access, garden or parking to an existing dwelling or building that is necessary for the wider development to go ahead, the SDNPA may conclude that the land and building in question form part of the same development site.

- 2.5** Should two or more separate planning applications come forward within 5 years for adjacent sites within the same ownership and/or which have a clear functional link, the SDNPA may conclude that the developments should be considered as a single scheme. The SDNPA will, in such cases, consider evidence including land transaction data, the closeness in time of the applications being made, and appropriate evidence of ownership at the times the respective applications were made.

**Types of uses to which policy applies**

- 2.6** Strategic Policy SD28 Affordable Homes is applicable to all development proposals falling within the Use Class C3. Developments falling into the Use Class C1 (hotels) and C2 (residential institutions) do not attract the requirement for affordable housing. Use Classes C3 and C2 as defined by the Town and Country Planning (Use Class) order 1987 as amended are as follows:

**Use Class C3**

Use as a dwelling house (whether or not as a sole or main residence) by

- a. a single person or by people to be regarded as forming a single household
- b. not more than six residents living together as a single household where care is provided for residents
- c. not more than six residents living together as a single household where no care is provided for residents (other than use within C4)

**Use Class C2**

Residential Institutions - Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses))

There is a clearer distinction between Use Classes C1 and C3, as C1 applies to hotels and guesthouses that contain no capacity for use as a separate, independent unit of accommodation and provide no significant element of care (notwithstanding the ancillary provision of a manager’s flat).

- 2.7** Historically Use Class C2 has been used for the more traditional forms of residential institutions providing care such as ‘nursing homes’ and ‘care homes’ provided by Local Authorities and some private companies. However, the provision of care has increasingly taken alternative forms consisting of ‘assisted living’, ‘extra care’, ‘retirement village’ and ‘sheltered accommodation’ which are different from a ‘nursing home’. These alternative forms of care often take the form of self-contained dwellings (i.e. residents have their own front door where differing levels of care are provided to individuals living in those dwellings, which contain all the domestic facilities to enable independent living), as part of a wider housing complex or estate. Given this, the distinction between Use Class C2 and C3 has become less clear.
- 2.8** Where there is doubt over the use class, the SDNPA will presume in favour of Use Class C3, and the onus will be on the applicant to demonstrate otherwise. This bears in mind the identified

need for affordable specialist housing including for older people.<sup>3</sup> Each proposal will be assessed on its own merits to assess the level of care being provided to the individuals and the constituent parts that make up the wider care provision. The amount of care provided at a residential institution or accommodation must be significant, and the care provided must be the primary reason why residents seek to live in the residential institution or accommodation. To this end, the SDNPA will begin the case by case consideration for compliance with Use Class C2 where the units are restricted to those aged 65 years or over and requiring a minimum of 4 hours of care needs per week. Outside of this definition, and if the units are self-contained, they will be considered as Use Class C3.

**2.9** Elements to consider when making the judgement include:

- Built form of the development (e.g. scale, facilities provided such as private kitchens), dwelling types, dwelling features, building standards);
- Tenure (for sale, shared ownership, leasehold, mix);
- Allocation and eligibility criteria (age restriction, individual assessment of and minimum level of care needs etc);
- Level of service charge (whether these are well beyond those that might reasonably be expected in non-institutional accommodation);
- Provision of meals (either within a communal dining area or provided to residents' rooms) and other services (is it linked to the needs of the individual's personal care),
- Provision of communal facilities (kitchen, social areas, therapy rooms, offices and other areas for staff), and
- Housing and other support provisions (care provider / agency on site, multiple care agencies providing care).

**2.10** These elements will be weighed up to determine whether a proposal falls within Use Class C2 or C3. For a proposed development to fall within Use Class C2, whether residents qualify as 'people in need of care' is key. Care can include medical care but extends to other forms of care needs due to age or disablement. In contrast, residents of extra-care housing, may be in receipt of care, but retain a degree of independence beyond that enjoyed by occupants of a care home and would therefore still be considered a C3 Use.

**2.11** The facilities of the dwelling will also be taken into consideration, for example whether they include a private front door and lounge / kitchen area, and the extent to which the dwelling can function as a separate unit. It is necessary to look at the interrelationship between the dwellings and the rest of the development, taking into account the primary purpose of the development as a whole.

**Affordable housing tenures**

**2.12** 'Affordable housing' is an umbrella term that covers housing provided to eligible households whose needs are not met by the market, with eligibility based on local incomes and local house prices. This includes a number of different ownership and/or rental options, referred to in this

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<sup>3</sup> South Downs Local Plan (2014-33) paragraphs 7.42 to 7.44 and Figure 7.3

document as tenures. The main types of affordable housing are 'social rented', 'affordable rented' and 'intermediate' affordable housing.

- **Social rented housing** is the SDNPA's preferred form of rented affordable tenure, as they are the most affordable to those in greatest need. It is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime.<sup>4</sup> It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with Homes England / Regulator of Social Housing.
- **Affordable rented housing** is housing that must be rented at no more than 80 per cent of the local market rent (including service charges, where applicable). It should also be provided at a level of rent (and any additional service charge) which does not exceed the Local Housing Allowance (LHA) for the relevant area.<sup>5</sup>
- **Shared Ownership housing** describes housing where the occupier purchases with a mortgage part of a home and pays rent on the remainder. These are primarily provided by Registered Providers. Due to the high cost of housing in the National Park, shared ownership housing should offer buyers a maximum initial share of 25% of the open market value of the dwelling. The annual rental charges on the unsold equity (share) plus any service charges should be no more than 2.75% of this share. Shared ownership affordable housing should be available in perpetuity to those in housing need if the house is sold on in future, with the exception that occupants may increase (or 'staircase') their equity share towards outright ownership. Flexibility may be necessary to take account of affordable housing providers' business models, provided the core objective of meeting the housing needs of those who cannot afford market prices are met. Nevertheless, Regulations<sup>6</sup> may apply in some areas which restrict the leaseholder's equity share to a maximum of 80%.
- **Intermediate home ownership** covers homes for sale at a cost below market levels provided to eligible households whose needs are not met by the market. They can include shared ownership, shared equity, equity loans and discounted market sales. **Shared equity homes** are where the occupier buys a home paid in part by a conventional mortgage and part through a short-term loan from the provider and/or Government. **Discounted market sales housing** is a form of intermediate home ownership and is defined in the NPPF. The NPPF states that this should be provided at a discount of **no less than 20%** below market value. Subject to evidence provided on a case-by-case basis, the SDNPA **will seek a discount of a minimum of 30% below local market value** to reflect the high cost of buying a home in the National Park and local income levels. The level of discount should ultimately reflect what is realistically affordable to a lower income household on a lower quartile salary. The discount should

<sup>4</sup> Current guidance on setting a social rent formula is contained in 'Guidance on Rents for Social Housing' (DCLG, May 2014), which is published on gov.uk. It is likely that a new formula will be introduced from 1 April 2020 – see <https://www.gov.uk/housing-local-and-community/housing> for updates.

<sup>5</sup> Current Local Housing Allowance rates can be viewed on the Directgov website at <https://lha-direct.voa.gov.uk/>

<sup>6</sup> The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009, 2009 No. 2097 and The Housing (Right to Enfranchise) (Designated Protected Area) (England) Order 2009, 2009 No. 2098

'run with the land' such that if the house is sold on in future, the same level of discount will apply for future eligible buyers.

- Where the site relates to an endorsed Whole Estate Plan (WEP) and the landowner is looking to retain the housing themselves to deliver as affordable, the affordable housing must be provided in perpetuity, the tenures on which they are provided should aim to reflect an appropriate tenure split in line with the requirements of Policy SD28 and shall be secured by S106 Agreement.

**2.13** The National Planning Policy Framework (NPPF) was revised in 2018 and again in 2019. The revised NPPF changed the definition of 'affordable housing' as applies to national policy, to include 'starter homes' and provide more detailed explanation of different forms of rented affordable housing and low-cost ownership. For avoidance of doubt, the definitions set out in the SDLP Glossary will apply in the National Park. Any additional definition contained in made NDPs will apply in the respective neighbourhood area. However it may be appropriate to refer to the national definitions, where these provide greater detail.

**2.14** A legal agreement ('Section 106 Agreement') will set out the precise tenure restrictions applicable to a particular scheme.

### Mix of dwelling sizes and tenures

**2.15** Policy SD28 seeks to maximise delivery of affordable housing to meet local need, whilst providing a tenure mix that reflects the needs of the National Park as a whole. Paragraph 7.59 of the SDLP confirms that an alternative tenure mix to that set out in Policy SD28 may be proposed to reflect needs specific to the local community, provided this is robustly evidenced and supported by the relevant housing provider.

**2.16** It is clear from evidence underpinning the SDLP that the overriding housing need in the National Park is for low-cost rented accommodation. Therefore any alternative tenure mix that reduces the rented element should be underpinned by an up-to-date local housing needs assessment. This should take account of evidence both from the Local Housing Register, and from a thorough analysis of locally expressed needs which has looked at future demographic change as well as the immediate existing need. This evidence should be based on recent data that is no more than 2 years old, and endorsed by the relevant local housing authority (generally this will be a local housing enabler employed by the relevant housing authority) or community led housing group. Consultation with the relevant parish council would be expected in the preparation of this evidence.

**2.17** Affordable dwelling sizes should also reflect Policy SD27: Mix of Homes (part I(a)). This reflects evidence of most affordable housing need being for smaller dwellings. The tenure mix across dwelling sizes should be proportionate, to achieve an even spread of unit sizes for the different tenures. Regard should be had to any local housing needs evidence in achieving the broad mix required whilst also rounding to whole numbers.

**2.18** **Figure I** provides a worked example to illustrate this.



**FIGURE I: WORKED EXAMPLE OF HOUSING MIX FOR 10 AFFORDABLE HOMES AS PART OF A 20 DWELLING SCHEME**

A scheme of 20 dwellings is proposed. 50% of these dwellings (10 dwellings) are provided as affordable homes in line with Policy SD28 1(a). A suitable mix of sizes and tenures may be as follows:

Dwelling size (no. bedrooms)	Proportion of dwelling sizes (Policy SD27)	Rented (at least 75% of affordable units) (Policy SD28)	Intermediate (up to 25% of affordable units) (Policy SD28)	Total
1 bedroom	35%	2 (see Note 3)	1	3
2 bedrooms	35%	3 (see Notes 1 & 3)	1	4
3 bedrooms	25%	2	0	2
4 bedrooms	5%	1	0	1 (see Note 4)
<b>Total</b>		<b>8</b> (see Note 2)	<b>2</b>	<b>10</b>

It should be noted that, as the mix must be in whole numbers, it has been necessary to round figures up and down as appropriate:

1. It is appropriate to provide more 2 bedroom dwellings as Policy SD27 states that 1 bedroom affordable dwellings may be substituted with 2 bedroom affordable dwellings.
2. It is appropriate to over-provide rented units against the 75% target overall. Therefore 8 of 10 units (80% of overall total) are provided as rented.
3. 5 of 7 units with 1 or 2 bedrooms are provided as rented, which is equivalent to 71%. However this slight undersupply is compensated for by 100% of the 3-bedroom units being provided as rented.
4. The 4-bedroom unit represents 10% of the total. An alternative acceptable approach may be to provide 3x3-bedroom rented affordable homes and no 4-bedroom unit, dependent on any local evidence which may provide a steer.

**Applying occupancy restrictions and local connections criteria**

**2.19** Policy SD28 part 4 states that occupancy conditions and local connections criteria will be applied to affordable housing to ensure local needs are met. The SDLP in paragraph 7.61 states that local connections will be assessed in a cascade manner, as outlined in the SI06 agreement, to include the respective needs of:

- i) the relevant settlement, then
- ii) the parish, then
- iii) the wider area including nearby settlements and parishes within the National Park.

**2.20** Therefore, in line with paragraph 7.61 of the SDLP, the following cascade will be followed when assessing local connections in relation to prioritising the allocation of homes to local people in need of affordable housing for all forms of affordable housing delivery:

- Priority 1: Local connection to the settlement where development is proposed;
- Priority 2: Local connection to the parish where development is proposed, and partly or wholly within the South Downs National Park;
- Priority 3: Local connection to the contiguous neighbouring parish, to the parish within which development is proposed, and partly or wholly within the South Downs National Park; and finally
- Priority 4: Local connection to another nearby parish partly or wholly within the South Downs National Park.

**2.21** Paragraph 7.62 of the SDLP states that local connections will be determined primarily by the Authority, parish council and relevant housing authority. Paragraph 7.81, with respect to Rural Exception Sites, also cross-refers to the requirement for conditions to ensure the needs of local people are being met. For avoidance of doubt, such conditions and criteria will be set out in the Section 106 Agreement and/or in the planning permission conditions. The specific local connection criteria will depend on where the scheme is proposed. In addition, the local connection criteria applied to a specific site may reflect evidence provided by relevant community-led and legally constituted organisations or Community Land Trusts where applicable. Generally, the following will apply:

- a) Where there is a Neighbourhood Plan (NDP) which is ‘made’ or at an advanced stage of preparation, the relevant local connections policy will be used where included in the NDP.
- b) If the above does not apply, the starting point will be the most up-to-date housing allocations policy definition of ‘local connection’ that is applied by the relevant local housing authority, as applies in the South Downs National Park or in Designated Rural Areas<sup>7</sup> where specified, provided this prioritises need within South Downs National Park settlements or parishes and follows the cascade set out in paragraph 7.61 of the SDLP and paragraph 2.19 of this SPD.
- c) Where neither a. nor b. apply, the following will define a person or household considered to have a local connection. The area to which this relates will be dependent on where has been reached in the cascade set out in paragraph 2.19 above.
  - i. Ordinarily resident in the National Park, or
  - ii. Previously ordinarily resident, or
  - iii. Currently employed by, or is due to take up permanent employment with, an established employer with a registered business premises based in the relevant area, or

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<sup>7</sup> Designated Rural Areas are defined in the NPPF 2018 as National Parks, Areas of Outstanding Natural Beauty and areas designated as ‘rural’ under Section 157 of the Housing Act 1985. Therefore the whole of the South Downs National Park is a Designated Rural Area.

- iv. Has demonstrated a need for essential support by a family member who is ordinarily resident.
- d) The cascade from settlement / parish / wider area within the South Downs National Park will be applied in accordance with the availability of prospective residents on the relevant housing register(s) within each of these respectively or any other locally up-to-date evidence such as a local housing needs assessment.
- e) Where alternative criteria are proposed, for example to respond to the particular needs of a rural estate, large farm, or as expressed in a Neighbourhood Development Plan, this should be clearly evidenced. Material weight will be given to this when evidenced in an endorsed Whole Estate Plan or as otherwise robustly evidenced in respect of the specific circumstances of the scheme.

**2.22** Occupancy conditions will may be applied to limit future occupants to ensure the dwelling remains available to those with a local connection in perpetuity. Occupancy conditions may also be applied where there is a proven need for those with a particular work connection, in respect to maintaining the special qualities of the National Park. Regard will be had as appropriate to Development Management Policy SD32: New Agricultural and Forestry Workers' Dwellings.

### Discount Market Sales

**2.23** To ensure Discount Market Sales affordable housing meets local needs, occupancy conditions and local connections criteria will be applied as set out in Policy SD28 part 4. Marketing arrangements will be included in a S106 agreement and will include minimum marketing periods to ensure local needs are prioritised in line with the cascade set out in paragraph 7.61 of the SDLP and paragraph 2.19 of this SPD. Marketing will be targeted at those on the Help to Buy Register, a target market for discounted home ownership; with the Authority and relevant parish council being notified of the availability, asking price and intended start date for the marketing of any property prior to the commencement of marketing.

**2.24** Discount Market Sales will only be sold to qualifying persons. In order to qualify for Discount Market Sale dwellings the following eligibility criteria, secured through a S106 Agreement, will apply:

- One member of the household must meet the local connection criteria as detailed in section 2.19
- The total household income must be less than £80k per annum (gross )
- A first time buyer meaning someone who does not own any other residential property either in whole or part

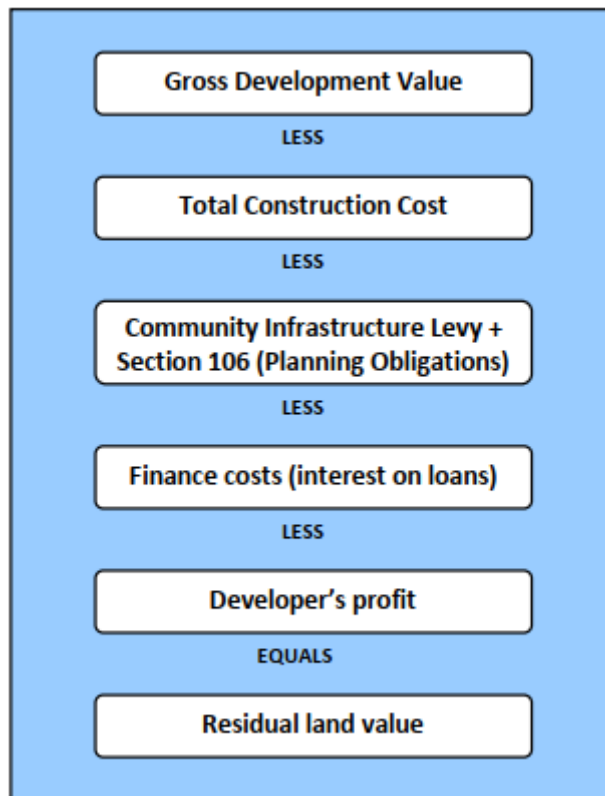
### Viability appraisal

**2.25** Policy SD28 part 2 recognises that, exceptionally, provision of affordable housing in a way that complies with the policy may render a development financially unviable. Paragraphs 7.64 to 7.68 of the SDLP set out the expectations of the SDNPA where this is considered to apply. A viability appraisal should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should

be made publicly available. Reference should be made to Planning Practice Guidance for further advice on public availability.<sup>8</sup>

- 2.26** The SDLP is in line with the more detailed Planning Practice Guidance (PPG) with respect to viability and decision-making.<sup>9</sup> Applicants should have full regard to this advice, in addition to complying with the SDLP. PPG makes clear that under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan (Paragraph 011 Reference ID: 10-011-20180724).
- 2.27** The starting point for a viability appraisal is to establish the ‘residual land value’ (RLV) for the site being developed. This is the amount that the developer can afford to pay for the development site, once all reasonable costs have been met. It is the difference between the value of the completed development on the one hand, and the overall cost of the development on the other. **Figure 2** shows in a simplified form how this calculation works.

**FIGURE 2: RESIDUAL LAND VALUE**



- 2.28** To establish whether a scheme is viable, the residual land value is compared with a benchmark land value (BLV). This is defined as the value of the site in its existing use (the ‘existing use value’ or ‘EUUV’), plus a ‘premium for the landowner’ which is the minimum return at which it is considered a reasonable landowner would sell their land for development. The guideline

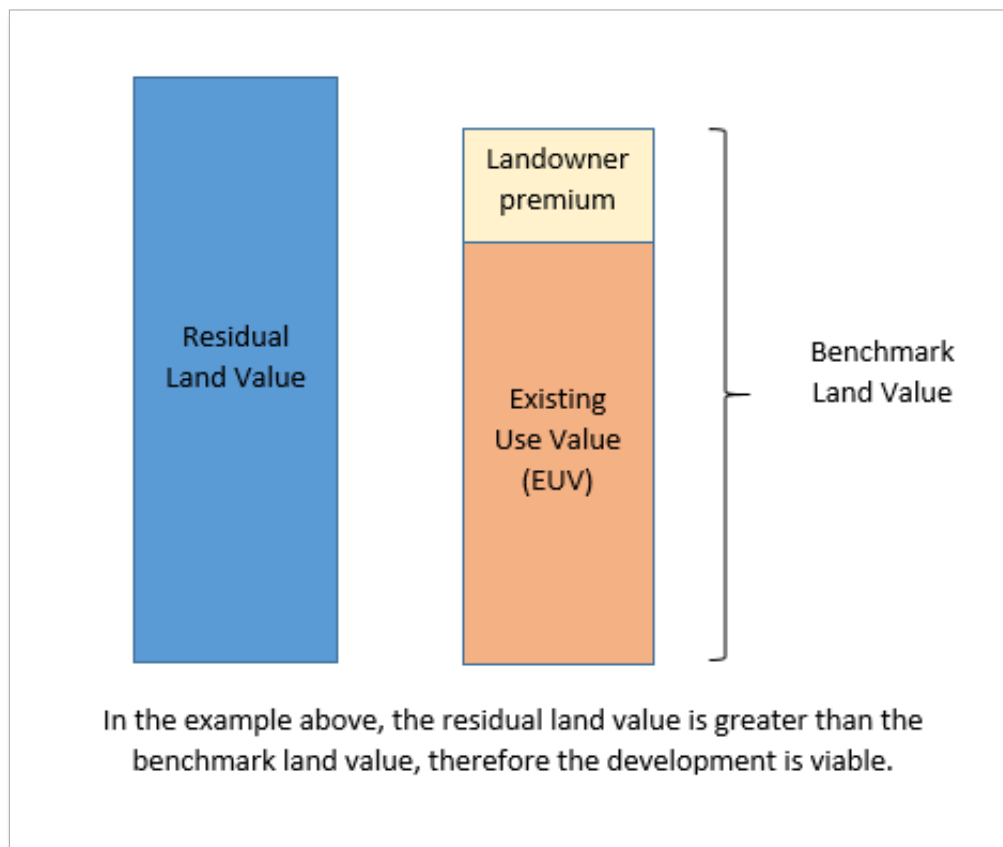
<sup>8</sup> [www.gov.uk/guidance/viability](http://www.gov.uk/guidance/viability). See ‘Should a viability assessment be publicly available?’ Paragraph: 021 Reference ID: 10-021-20190509

<sup>9</sup> [www.gov.uk/guidance/viability](http://www.gov.uk/guidance/viability). See Viability and decision taking, Paragraph: 007 to 021 Reference ID: 10-007-20180724 to 10-021-20180724

landowner premium for sites with a non-agricultural use is 10% of EUV.<sup>10</sup> **Figure 3** illustrates the RLV approach.

**2.29** When assessing the viability of a scheme, a number of key inputs are required. The minimum content for an applicant’s viability appraisal is set out in **Appendix 3**. The Residual Land Value should be supported by evidence from comparable development land sales. (This can provide a sense check but should also consider adjustments to factor in newly adopted planning policies.) In addition, the SDNPA will expect confirmation of the price paid for the property/land or the price expected to be paid for the property/land on the grant of planning permission together with confirmation of the contractual terms relevant to the determination of the purchase price within any contingent sale agreement or option agreement including minimum price and overage provisions. Price paid is not allowable evidence for the assessment of BLV and cannot be used to justify failing to comply with policy. The SDNPA will ordinarily conduct an independent review of the elements of this supporting evidence, which would be required to be funded by the applicant.

**FIGURE 3: BENCHMARK LAND VALUE**



<sup>10</sup> A commonly used range assumed for appropriate EUV for previously developed sites is 10%-30% of EUV. For example see paragraph 3.46 of the Mayor of London Affordable Housing and Viability Supplementary Planning Guidance 2017 (GLA, 2017) – see <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/affordable-housing-and-viability-supplementary-planning-guidance-spg>

### Financial contributions in lieu of on-site provision

- 2.30** In accordance with Policy SD28, financial contributions towards affordable housing will be accepted on sites with a gross capacity of 3 homes. Exceptionally, financial contributions in lieu will also be accepted on proposals of 4 to 10 dwellings where robust evidence has been provided, analysed and agreed by the Authority that on-site provision of affordable housing is genuinely not feasible. On larger sites of 11 or more homes the expectation will be for on-site provision of affordable homes. All residential development (including self-build and custom housebuilding) is subject to Policy SD28.
- 2.31** Funds raised from such financial contributions will be used primarily to increase the overall number of affordable homes (including through supporting community led housing initiatives), or on occasion to achieve an optimum tenure mix to meet local need. For example, funds may be used to cross-subsidise delivery of rural exception sites to ensure that 100% affordable housing is achieved. A legal agreement will be required that sets out the terms of payment. The Authority will seek to use funds raised within the parish where they are collected where possible within a timely manner, but failing this the money will be used for affordable housing provision elsewhere in the National Park.
- 2.32** The Authority's approach to calculating the in lieu financial contribution, is to base the calculation on the cost of providing affordable housing on another site without subsidy. The financial contribution is based on the development cost (comprising build and land costs) minus the revenue that can be expected from selling to a Housing Association or other Registered Provider. The detailed methodology is set out in **Appendix 2** and in lieu financial contributions will be accepted in line with the amounts set out in **Figure 4** below. These figures will in future be altered on 1 April each year in line with the BCIS All-in Tender Price Indices rounded to the nearest whole pound. The in lieu financial contribution rate will be kept under review to reflect the changing cost of affordable housing provision.

**FIGURE 4: AFFORDABLE HOUSING IN LIEU FINANCIAL CONTRIBUTION PAYMENT TABLE, 2019**

Development size	Affordable housing requirement	In lieu financial contribution
3 homes	Meaningful financial contribution	£46,832 (which is equivalent to half of an affordable home, and subject to site specific circumstances)
4-5 homes	1 affordable home	£93,664
6-7 homes	2 affordable homes	£163,181
8 – 9 homes	3 affordable homes	£244,772
10 homes	4 affordable homes	£326,363
11+ homes	Minimum 50% of homes	£93,664 per affordable home necessary to meet the 50% minimum

### Dealing with conversions

- 2.33 Policy SD28 applies to the gross site capacity. The policy equally applies to the conversion of an existing building to create or increase the number of C3 residential units, irrespective of the existing floorspace. So, for example, if a large dwelling is proposed to be converted into a total of 4 smaller dwellings (even with no net increase in floorspace), there would be a requirement to provide 1 affordable home in line with Policy SD28.
- 2.34 Vacant building credit may apply with respect to existing floorspace if the relevant tests are met. See section below on Vacant Building Credit.

### Applying the Vacant Building Credit

- 2.35 The NPPF (paragraph 63) provides for a ‘vacant building credit’ (VBC), in effect reducing the requirement for affordable housing in some instances where a development is proposed on previously developed land that accommodates vacant buildings. National Planning Practice Guidance (NPPG) explains that the gross floorspace of vacant buildings being brought back into use or demolished will be ‘netted off’ from the total floorspace of the new development proposed. VBC does not apply to buildings that are either currently or have recently been in active use, or have been abandoned. If the building in question has been made vacant for the sole purpose of re-development, it is unlikely that the VBC will apply.<sup>11</sup>
- 2.36 The NPPG, then sets out the types of issues to be assessed, on a case-by-case basis, in order to determine whether VBC will apply. If VBC is being sought within the National Park, then there are a number of key criteria that the Authority will use to assess whether it applies or not. The criteria, set out below, should be addressed in any relevant planning application submission.
- 2.37 For clarity, for any reference to ‘building’ for the purposes of VBC, the whole of a building will need to be deemed to be vacant to qualify for VBC.

**FIGURE 5: CRITERIA USED IN THE ASSESSMENT OF APPLICATIONS FOR VACANT BUILDING CREDIT**

Criteria	Reference	Assessment and Evidence Required
Is the application site a brownfield site?	NPPF paragraph 63 and Annex 2: Glossary	VBC is an incentive for the redevelopment of brownfield sites containing vacant buildings. Therefore, there is a need to demonstrate that the site meets the definition of ‘previously developed land’, as set out in the Glossary of the NPPF.
Has the building been abandoned?	NPPF paragraph 63 and NPPG Paragraph: 028 Reference ID: 23b-028-20190315	If a building has been abandoned (where a property has been disused to the extent that it has lost its existing use rights) then VBC will not apply. Therefore, following case law, the applicant will need to provide evidence relating to the factors below to demonstrate that the building has not been abandoned:

<sup>11</sup> Planning Practice Guidance on Planning Obligations, paragraphs 026-028. (Reference ID: 23b-025-20190315, 23b-026-20190315, 23b-027-20190315)

		<ul style="list-style-type: none"> <li>• The physical condition of the building;</li> <li>• The length of time the building has not been used for its permitted purposes;</li> <li>• Whether it has been used for any other intervening purposes, and</li> <li>• The owner’s intentions.</li> </ul>
Has the building been made vacant for the sole purpose of redevelopment?	NPPG Paragraph: 028 Reference ID: 23b-028-20190315	Applicants will need to demonstrate through written records (such as Rates, Council Tax records and tenancy agreements) that the building has been vacant for continuous period of at least 3 years before the application was submitted.
Is the building covered by an extant or recently expired planning permission for the same or substantially the same development?	NPPG Paragraph: 028 Reference ID: 23b-028-20190315	The Authority will check the application site for planning permission for development of a similar basis or scale which are extant or have expired within the previous 12 months.
Is a claim being made that any part of the building(s) is ‘in-use’ for the purposes of the Community Infrastructure Levy (CIL)?	Community Infrastructure Levy Regulations 2010 (as amended), Schedule 1 (Regulations 40 and 50)	Under the CIL Regulations, the CIL Liability payable can be off-set when any part of a building has been ‘in-use’. ‘In-use’ is defined as being in lawful use for a continuous period of at least 6 months within the period of 3 years ending on the day planning permission is granted.

**2.38** For avoidance of doubt, the Authority is unlikely to accept a claim for VBC and a claim that any part of the building is ‘in-use’ for purposes of the CIL Regulations.<sup>12</sup>

**2.39** As Policies SD28 and SD29 require provision of on-site affordable units, the following methodology will apply:

- i) Calculate affordable housing provision for the whole development, in line with Policy SD28 or SD29;
- ii) Calculate the existing floorspace of buildings that are ‘vacant’ (see paragraph 2.32 above) as a proportion of the floorspace of the whole proposed development – this gives the VBC discount as a percentage;
- iii) Subtract the percentage credit from 100% to give the percentage multiplier to apply to the affordable housing element;

<sup>12</sup> See Regulation 40 and Schedule 1 of the the Community Infrastructure Levy Regulations 2010 (as amended)



- iv) Apply the VBC discount as a percentage to the normal affordable housing requirement (as calculated in (i) );
- v) If a fraction of a unit results (e.g. 3.2 units), the fraction will translate to a financial contribution as applies to the contribution that would normally be sought for one affordable unit (as set out in Figure 4 or subsequent updates), to be sought in addition to on-site provision<sup>13</sup>;
- vi) When Policy SD28 applies, the on-site affordable housing tenure should reflect as closely as possible the full quota of affordable rented, as required by Policy SD28 as applied to the whole development.

**2.40 Figure 6** below sets out a worked example of how the VBC would be applied:

**FIGURE 6: WORKED EXAMPLE OF HOW TO APPLY THE VACANT BUILDING CREDIT**

A scheme of 9 dwellings is proposed with a total gross floorspace area of 800m<sup>2</sup> within a settlement boundary. However there exists on the site a vacant workshop building (which is eligible to trigger VBC) that has a gross floorspace of 160m<sup>2</sup>.

The number of affordable units to actually be provided is worked out as follows:

- i) Calculate the affordable housing provision for the whole development in line with Policy SD28-
  - 3 affordable homes, at least 2 of which are rented affordable tenure
- ii) Divide the vacant building floorspace by the total floorspace-
  - $160 / 800 = 0.2$  or 20% 'credit'
- iii) Subtract the 'credit' from 100%-
  - $100\% - 20\% = 80\%$
- iv) Apply the VBC discount as a percentage to the normal affordable housing requirement-
  - $80\% \times 3 = 2.4$  units
- v) Translate the fraction of a unit to a financial contribution, with reference to Figure 5 or subsequent updates-
  - 0.4 of a unit x £93,664 equals £37,465.60
- vi) Calculate unit tenure to as closely as possible reflect the Policy SD28 requirement for affordable rented tenure, as applies to the whole development-
  - 2 rented affordable units would normally be sought from a development of 9 dwellings therefore both on-site affordable units should be an affordable rented tenure.

In summary, the development should therefore provide:

- 2 rented affordable units, and
- a financial contribution of £37,465.60 (or the equivalent pro-rata amount arising from updates to Figure 5).

<sup>13</sup> If applying VBC discount results in less than one whole affordable unit being required on a site, a financial contribution will be accepted in lieu of on-site provision.

**2.41** If it has been agreed that a financial contribution in lieu of on-site affordable housing is appropriate, the amount should reflect the scale of provision set out in Figure 4, after the VBC has been applied using the methodology above. In the example above, the amount would be £200,646.60 (i.e. £163,181 plus £37,465.60) or the equivalent figure following annual review of Figure 5.

### **Agricultural forestry and estate workers**

**2.42** The SDLP recognises the importance of providing ‘tied’ dwellings for occupation by essential rural workers. Policy SD32: New Agricultural and Forestry Workers’ Dwellings seeks to protect such existing dwellings, and allows for new such dwellings in appropriate circumstances.

**2.43** With respect to tenure, an occupational tie provides in effect a form of ‘key worker housing’. As there is no requirement for such a dwelling to provide a low-rent or intermediate tenure, it does not automatically make a dwelling affordable, and may not be available to all those who qualify as having a local connection. Such a dwelling can however be defined as ‘affordable’ for the purposes of Policy SD28 if the tenure provided is in line with the definitions given in the SDLP and in paragraph 2.12 of this SPD.

**2.44** With respect to rural workers, it is recognised that large rural estates employ people who are seen as integral to the long term viability of the estate and the sustainability of the wider community to which it relates, but are not defined as agriculture or forestry workers. Nevertheless, they may still qualify as having a need for affordable housing, and be able to demonstrate a local connection as defined in the SDLP and in this SPD.

**2.45** Paragraph 7.16 of the SDLP states:

*Where new dwellings are proposed as part of a Whole Estate Plan, these should meet the priority housing needs of the local area, hence should be affordable homes, or accommodate full-time, rural workers as defined by Policy SD32 and its supporting text. An exception may be made where to do so would make the delivery of multiple benefits to ecosystem services and the special qualities of the park unviable, provided clear evidence is provided in the endorsed Estate or Farm Plan.*

**2.46** The exception described above may apply to a specific identified need for affordable accommodation that is not strictly within the definition of either ‘affordable housing’ or ‘agricultural worker or forestry worker’s dwelling’. If an applicant considers that an exception case can be made such that these definitions are ‘flexed’, whilst still meeting the core objective of meeting local affordable housing needs, this will be viewed in light of the following:

- Is there an endorsed Whole Estate Plan which provides robust evidence and justification for such a departure, including demonstration of the multifunctional benefits that could be delivered through the delivery of the housing?
- Does the proposed scheme provide for people or families in the local settlement or parish who are in need of affordable housing, but are not working for the estate or organisation who proposes development?

**2.47** The existence of an endorsed Whole Estate Plan will potentially provide weight to any exception case made. Consideration of rural workers’ needs may also, however, be material when assessing proposals not covered by a Whole Estate Plan on a case by case basis.

### Delivering affordable housing

- 2.48** Developers are responsible for delivering affordable housing in line with planning policy, or to comply with a legal agreement or condition. This means that the developer should partner with a registered or other reputable provider of affordable housing. Alternatively the developer must demonstrate that they are able to themselves provide and manage the affordable housing to the same quality and cost to the occupier as an RP. Whoever provides the affordable housing must be willing to enter into a nominations agreement with the relevant local housing authority.
- 2.49** The SDNPA strongly encourages the involvement of community-led housing organisations who are looking to create permanently affordable housing to meet local housing needs. Indeed, the SDNPA makes available financial grants toward the cost of affordable homes delivered via community led housing groups. Community-led housing comes in many different forms which includes Community Land Trusts (CLTs) and affordable housing provided by other charitable trusts. A CLT is set up by a local community, usually to build affordable housing, and then oversee the homes being built and maintain some degree of control over their management into the future. Some CLTs may choose to enter into partnerships with other organisations who can offer experience and/or capital, such as a Registered Provider (RP) (see below).
- 2.50** Registered Providers (RPs) are formally recognised providers of low-cost social housing for people in need. Most RPs are housing associations, although other organisations such as charities and not-for-profit private companies can also be RPs. It is RPs who are best placed to partner with developers tasked with delivering affordable housing, unless there is a CLT or CLT/RP partnership set up for the local area who can take on the affordable dwellings. Where a CLT will deliver the affordable homes, an appropriate legal agreement should be drawn up between the developer and CLT.
- 2.51** It is recognised that there are particular challenges associated with providing very small numbers of affordable dwellings on a site. Whilst options may be more limited compared with larger developments, there are specialist providers of affordable housing who can take on small numbers, or even individual units. Where discounted market housing is agreed as acceptable, it may be appropriate to deliver the affordable homes without a third party provider being involved at all (although the discount provided will need to run with the land in perpetuity).
- 2.52** Whichever delivery model is used, the advice of both the planning authority and a suitable housing enabler<sup>14</sup> should be sought at an early stage. This will allow any practical barriers to delivery to be addressed, ensure that planning obligations are fulfilled, and maximise the benefits to the local community.

### Lewes Low Cost Housing

- 2.53** The Lewes Neighbourhood Development Plan (LNDP) forms part of the development plan for Lewes town.<sup>15</sup> It includes Policy PL1 A (part 3) which requires development to maximise the amount of Lewes Low Cost Housing (LLCH) to meet local housing need, unless proven to be undeliverable. LLCH is defined as:

<sup>14</sup> Most local housing authorities covering the SDNP have a rural housing enabler, or work in partnership with others to provide support for rural affordable housing. Advice can also be sought from the housing authority itself. SDNPA can provide suitable contacts on request.

<sup>15</sup> The Lewes Neighbourhood Plan is published on the SDNPA website at [www.southdowns.gov.uk/planningpolicy](http://www.southdowns.gov.uk/planningpolicy), and also at [www.lewes4all.uk](http://www.lewes4all.uk)

*“the maximum cost affordable on the average Lewes salary whether for sale or rent. The Government’s definition of 80% of market value is not “affordable” on the average Lewes income of £23,000 or house-hold income of less than £30,000, and for that reason will not address the community’s housing need.”*

- 2.54** In Lewes town, the LLCH model will apply. Rented affordable dwellings should be provided at a rent level based on income rather than market rents, to reflect the aims of the LLCH policy.<sup>16</sup> Intermediate housing for sale should be capped at a level which is 5 times the average Lewes household income.
- 2.55** The requirement to maximise LLCH is important. Where viability is a genuine barrier to delivery of LLCH, the applicant will be required to demonstrate this by submitting a robust viability appraisal. If a policy-compliant provision of affordable housing which meets both the SDLP and LNDP is not deliverable, an appropriate balance between the requirements of the SDLP and provision of LLCH will be sought. Some rented affordable dwellings should in any case be provided. Therefore any viability appraisal should test appropriate scenarios that have been agreed with the Authority in advance.

## 3.USING POLICY SD29: RURAL EXCEPTION SITES

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### What is a Rural Exception Site?

- 3.1** A Rural Exception Site (RES) provides 100% affordable housing in perpetuity to meet local needs, on land outside of any settlement boundary that would not normally be used for housing. SDLP Policy SD29 sets out criteria to be considered when assessing proposals for RESs:
- a) Affordable housing is provided in perpetuity;
  - b) The site selection process has considered all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability has been chosen;
  - c) The scale and location relates well to the existing settlement and landscape character;
  - d) It is shown that effective community engagement has fed into the design, layout and types of dwellings proposed.
- 3.2** An RES must provide affordable housing in perpetuity. Consequently, the homes must be secured through a Section 106 legal agreement with a clause to enable affordable homes to remain affordable indefinitely. This also relates to any intermediate housing, including shared ownership and discounted market sales housing. The Section 106 agreement will also ensure the homes will be for people in housing need and with a local connection to the community.

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<sup>16</sup> Social rented dwellings are defined in the South Downs Local Plan Glossary

- 3.3** As SDLP para 7.78 states the emphasis on rural exception sites in national parks should be on 100% affordable housing. If a viability appraisal demonstrates viability is a genuine barrier to delivering a RES, the Authority will work with the landowner, community and other stakeholders to establish the optimum alternative option which best meets the needs of the local community.

### Evidencing local need

- 3.4** RESs must address the needs of the local community. The type and tenure of homes should be informed by the latest evidence of strategic and local needs, including the currently published Housing and Economic Development Needs Assessment (HEDNA) or future reviews as relevant. In addition, the RES should take into account the needs of the local community as expressed in the relevant Neighbourhood Development Plan or Parish Plan where these are supported by appropriate up-to-date evidence including local housing needs assessment and housing registers. Proposals for RES will be expected to provide an up-to-date local housing needs assessment as part of the evidence in support of the application. This should have been prepared or updated no more than 2 years before the planning application (or a fully worked-up pre-application scheme) is submitted. Consultation with the relevant parish council would be expected in the preparation of this evidence.

### Site selection process

- 3.5** The selection of a site for an RES must be through a clear and evidenced selection process. This needs to have considered all reasonable available options. RES by their nature are an exception to Policy SD25 (which directs development to within existing settlement boundaries). The selection of the most suitable site needs to have taken into account which site is best related to the existing settlement, including providing best access to local services, which site fits best within the landscape, and which site offers the best opportunities to contribute to ecosystem services and can be delivered.

- 3.6** Some key considerations in assessing RES are, in brief:

- Relationship between the site and the existing settlement;
- Contribution to ecosystem services, including in respect to the further points below;
- Understanding the landscape character and its capacity to accommodate change;
- Contribution to the natural environment and green infrastructure;
- Vulnerability to flooding;
- Impact on the historic environment, and
- Physical access to local amenities, especially for pedestrians and cycles.

- 3.7** The relationship between a site and the existing settlement is the first consideration for the site selection process. The preferred site should fit well with the existing settlement pattern both in terms of location and by respecting the settlement character in terms of form and scale, whilst having regard to access and employment. In addition, all reasonably available sites should be evaluated in relation to their access to local amenities (in particular for pedestrians and cycles, but also for vehicles). Consideration should also be given to impact upon the historic environment, including conservation areas, individual buildings and archaeology.

- 3.8** In line with SDLP Policy SD4 all development proposals should conserve and enhance landscape character. A meaningful understanding of the landscape context and character should therefore inform the site selection process. The South Downs Integrated Landscape Character

Assessment, relevant community-led / local landscape character assessments and any bespoke assessment should be used to establish an understanding of the landscape context and character of the area and those positive characteristics which define local distinctiveness. The assessment should evaluate the capacity of each reasonably available site to accommodate change, and to conserve and enhance overall landscape character and settlement pattern. Landscape capacity will reflect the inherent sensitivity of the landscape and the value attached to the landscape, or to specific elements within it.

- 3.9** The site selection assessment should also consider the ability of each reasonably available site to have an overall positive impact on the natural environment, and to contribute to ecosystem services in accordance with SDLP Policy SD2: Ecosystem Services.<sup>17</sup> To establish the baseline conditions of sites, a range of evidence base should be used including the Ecoserve GIS mapping (available on the South Downs Local Plan Policies Map webpage<sup>18</sup>). For each site, a baseline assessment should establish what characteristic assets exist such as trees, hedgerows and woodland, wildlife habitats, water or soils which are valuable for providing ecosystem service benefits. Once the assets present on each site have been established, these should be analysed to determine what opportunities exist to positively enhance the ability of the natural environment to contribute goods and services in line with the examples provided in SDLP Policy SD2.

#### Delivering rural exception sites

- 3.10** Due to their nature, RESs should be owned and managed by a Registered Provider (RP) or a constituted community led housing provider such as a Community Land Trust (CLT)<sup>19</sup>. Paragraph 7.82 of the SDLP explains that local partnership arrangements potentially involving an RP are an appropriate way to deliver a RES. Where an endorsed Whole Estate Plan (WEP) is in place, alternative options such as direct provision by the landowner may be appropriate, with the tenure mix being considered on a case-by-case basis.

## 4. LEGAL AGREEMENT FOR AFFORDABLE HOUSING

- 4.1** Affordable housing requirements will be secured by Section 106 legal agreement. An example S106 Agreement is provided on the SDNPA website and this template will be updated periodically as required.
- 4.2** All S106 Agreements related to affordable housing will:
- Detail the number and tenure of affordable housing to be provided on site (social rented, affordable rented, shared ownership etc.);

<sup>17</sup> Policy SD2: Ecosystem Services – see South Downs Local Plan page 38

<sup>18</sup> The interactive Policies Map is available at <http://www.southdowns.gov.uk/localplan>

<sup>19</sup> Further information and advice is available on the National Community Land Trust Network – [www.communitylandtrusts.org.uk](http://www.communitylandtrusts.org.uk)

- Detail the assessment of local connection according to the following cascade; connection to the relevant settlement, then the parish, then the wider area including nearby settlements and parishes within the National Park;
- Detail the locations and number of bedrooms of the affordable dwellings;
- Contain formulas for calculating rent and service charge and/or sale value of units as relevant, and the initial equity for sale of shared ownership units to future occupiers;
- In the case of on-site affordable housing provision on a commercially-led scheme, state when the affordable housing will be provided (usually prior to occupation of a proportion of the open market units);
- Details of services and access roads that will be in place prior to disposal of the units to the affordable housing Provider or first occupation of the affordable housing units;
- Where relevant, specify the means by which the affordable units will remain as affordable for future occupiers in need of affordable housing;
- Include a requirement to notify the SDNPA of the development commencement and completion dates and the name, where applicable, of the Registered Provider for the Affordable Homes;
- In the case of financial contributions in lieu of on-site affordable housing, the legal agreement will include the amount payable to the SDNPA, the timing of that payment, and indexation and the interest chargeable in the case of late payment of the financial obligations;
- In circumstances where the full level of affordable housing has not been achieved as set out in Policy SD28, state whether there is to be an early review / late stage review or both, what the triggers will be, arrangements for covering the costs of the review, the detail of timings for the review, and how any surplus above target profit will be apportioned It will also include a requirement to notify the SDNPA of when triggers are reached;
- The means of delivering the affordable units, i.e. whether through partnership with a Registered Provider or other specialist housing provider; through direct provision, and process of nominating occupiers of the affordable units
- Include a mortgagee in possession clause to provide for circumstances where a Registered Provider defaults on loan payments and a mortgagee takes control of the RP's interest in affordable housing units as assets against which the loan is secured. The clause will allow for another RP to purchase the affordable housing units within a specified timeframe.

#### 4.3

Where reference is made to a specific Housing Authority, it should be acknowledged within the S106 Agreement that housing allocations will be, where necessary extended across the whole of the administrative area of the National Park in line with the cascade set out in paragraph 2.19 and 2.20 of this SPD.

#### 4.4

Where the designated housing authority fails to nominate a person within 28 days of being notified of the availability of the affordable unit, or where a nominee fails to take up tenancy, the affordable housing provider shall be entitled to allocate such units to any person who is in need of an affordable home within the SDNP.

- 4.5** Housing Authority Nomination Agreements are to use the criteria and mechanisms for Affordable Housing detailed in the S106 Agreement.



# APPENDIX I: LOCAL PLAN POLICIES

**Strategic Policy SD27: Mix of Homes**

**Strategic Policy SD27: Mix of Homes**

1. Planning permission will be granted for residential development that delivers a balanced mix of housing to meet projected future household needs for the local area. Proposals should provide numbers of dwellings of sizes to accord with the relevant broad mix.
  - a) Proposals for affordable housing delivered as part of a market housing scheme should provide the following approximate mix of units:
    - 1 bedroom dwellings: 35%\*
    - 2 bedroom dwellings: 35%
    - 3 bedroom dwellings: 25%
    - 4 bedroom dwellings: 5%
  - b) Proposals for market housing should provide the following mix of units:
    - 1 bedroom dwellings: at least 10%
    - 2 bedroom dwellings: at least 40%
    - 3 bedroom dwellings: at least 40%
    - 4+ bedroom dwellings: up to 10%
2. Planning permission will be granted for an alternative mix provided that:
  - a) Robust evidence of local housing need demonstrates that a different mix of dwellings is required to meet local needs; or
  - b) It is shown that site-specific considerations necessitate a different mix to ensure National Park Purpose 1 is met.
3. Development proposals will be permitted for residential development that provides flexible and adaptable accommodation to meet the needs of people who are less mobile, or have adult homecare requirements. Development proposals of 5 or more homes will be permitted where it is clearly demonstrated that evidence of local need for older people’s or specialist housing is reflected in the types of homes proposed.

\*1 bedroom affordable dwellings may be substituted with 2 bedroom affordable dwellings

**Meeting the needs of local households**

**7.33** The purpose of this policy is to ensure that development proposals provide a mix of homes that reflects the need and community aspiration for small and medium-sized homes.

**7.34** The precise mix of homes within each proposal should be informed by the latest evidence of strategic and local needs, including the currently published *HEDNA* or future reviews as relevant. However, given clear evidence in the *HEDNA* of future household needs, it is important that new housing development focuses on providing smaller and medium size dwellings, to reflect the National Park duty to foster the well-being of the local communities.

**7.35** The mix of dwellings set out in Policy SD27 is in line with the recommendations of the *SHMA* (and confirmed by the *HEDNA*), which is based on detailed modelling of housing market trends up until 2033. The *SHMA* and *HEDNA* recommend that market housing, in particular, should

be explicitly focused on delivering smaller family housing for younger households. This approach also complements Policies SD30: Replacement Dwellings and SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings, which similarly seek to retain smaller dwellings.

- 7.36** It is recognised that many housing sites are small and in such instances it may not be possible to achieve the exact proportions set out in Policy SD27. Nevertheless the requirements should be broadly met. For all proposals for standard occupancy housing, the onus will be on providing smaller homes, some of which should be suitable for families with children.
- 7.37** Affordable 1 bedroom dwellings may be substituted with 2 bedroom dwellings, in recognition that 2 bedroom dwellings are more adaptable to changing needs, for example, where a couple have children whilst living there.
- 7.38** For avoidance of doubt, any room in a proposed dwelling that is not a main reception room, kitchen, bathroom or WC, and has dimensions that allow for a single bed, will be counted as a bedroom. This will include studies and additional reception rooms.

### **Alternative mix of homes**

- 7.39** The Authority recognises that future development will need to respond appropriately to local needs. Policy SD27 therefore allows for regard to be had to bespoke local housing need evidence relating to the parish. This would normally be in the form of a local (parish) housing needs assessment. Such evidence should be robustly and independently prepared, and agreed in writing with the Authority as an appropriate evidence base for informing new residential development. Where a made Neighbourhood Plan (NDP) proposes an alternative housing mix based on robust local evidence, this should be used in place of the mix proposed in Policy SD27.
- 7.40** Exceptionally, the effect of unit types and sizes on a scheme's financial viability may be a material consideration, where this has been clearly evidenced through independent viability appraisal. For avoidance of doubt, the overall proportion of affordable housing with tenure mix to reflect Policy SD28: Affordable Homes will be prioritised, if exceptionally necessary, over the normal mix of market housing.
- 7.41** The delivery of each element of supply will be subject to ongoing monitoring.

### **Older people's housing**

- 7.42** The evidence from the *SHMA*, and confirmed by the *HEDNA*, demonstrates the importance of making provision for older people's housing. Furthermore, providing smaller homes suitable for older people encourages 'downsizing' which in turn frees up larger dwellings more suited to larger households.
- 7.43** The National Park has a higher than average proportion of its population within the 'older person' category of 55 years old or over, with further growth in this age demographic predicted. In particular, there is predicted to be strong growth in the 85+ age category.
- 7.44** The *HEDNA* identifies an indicative demand for some 90 homes per annum suitable to meet the needs of older people. This represents some 20% of the total objectively assessed housing need. Figure 7.3 indicates the different types of older people's housing need. There is a particular need for more sheltered housing in future.

**FIGURE 7.3: ESTIMATED NEED FOR SPECIALIST HOUSING FOR OLDER PEOPLE, 2014 – 33**

	Affordable		Market		Total	
	2014-33	Per annum	2014-33	Per annum	2014-33	Per annum*
<b>Sheltered</b>	506	27	758	40	1,264	67
<b>Enhanced sheltered</b>	81	4	121	6	202	11
<b>Extra-care</b>	101	5	152	8	253	13
<b>Total</b>	688	36	1,031	54	1,719	90

\*Note total differs from sum of rows due to rounding

Source: *South Downs Housing & Economic Development Needs Assessment (GL Hearne, Sep 2017)*

**7.45** All proposals for new residential development should include smaller homes that are designed to meet the living requirements of older people, for example, allowing step-free access to and within the home. Proposals of 5 or more dwellings are considered most likely to provide opportunity to achieve this. Sites that can reasonably accommodate a comprehensive mix of housing types should demonstrate that opportunities for specialist older people's accommodation have been fully investigated and, where appropriate, incorporated into the development. This should be of a type which reflects local or strategic needs, including affordability.

#### **Other housing needs**

**7.46** The National Park Authority recognises that there are other specialist housing needs that exist in local communities. People with disabilities may have particular requirements in respect of how their homes are designed to function, that is, the need for 'accessible and adaptable homes'.

**7.47** The national requirements and advice in respect of addressing such needs are set out in *statutory building regulations (Approved Document Part M)*. The Authority is supportive of proposals that go beyond meeting the statutory minimum standards.

**Strategic Policy SD28: Affordable Homes**

**Strategic Policy SD28: Affordable Homes**

1. Development proposals for new residential development will be permitted that maximise the delivery of affordable housing to meet local need, and provided that, as a minimum, the following are met:
  - a) On sites with gross capacity to provide 11 or more homes, a minimum of 50% of new homes created will be provided as affordable homes on-site, of which a minimum 75% will provide a rented affordable tenure.
  - b) On sites with gross capacity to provide between 3 and 10 homes, a proportion of affordable homes will be provided in accordance with the following sliding scale, applied to new homes created:

<b>3 homes</b>	Meaningful financial contribution, to be negotiated case-by-case
<b>4 – 5 homes</b>	1 affordable home
<b>6 – 7 homes</b>	2 affordable homes, at least 1 of which is a rented affordable tenure
<b>8 homes</b>	3 affordable homes, at least 1 of which is a rented affordable tenure
<b>9 homes</b>	3 affordable homes, at least 2 of which is a rented affordable tenure
<b>10 homes</b>	4 affordable homes, at least 2 of which is a rented affordable tenure

Development proposals of 4 to 10 net dwellings will provide affordable housing on-site. Exceptionally, at the discretion of the Authority, financial contributions in lieu will be accepted.

2. Where, exceptionally, provision of affordable housing which complies with Part 1 of this policy is robustly shown to be financially unviable, priority will be given to achieving the target number of on-site affordable homes over other requirements set out in this policy.
3. Development proposals will be permitted provided that affordable housing units are integrated throughout the development, are indistinguishable in design and materials from the market housing on the site, and, where feasible, will remain affordable in perpetuity.
4. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.
5. Developers may not circumvent this policy by artificially subdividing sites.

### Applying Policy SD28 to residential development

- 7.55** The purpose of Policy SD28 is to maximise the delivery of affordable homes across the National Park as part of market-led housing schemes.
- 7.56** All development falling within Use Class C3 is subject to Policy SD28, including any retirement or assisted living accommodation within this use class. The policy applies to all developments of 3 or more new homes, and applies to all residential units on the site that have been created by building new structures or converting existing structures.

### Amount of affordable housing

- 7.57** Policy SD28 sets out a sliding scale of requirement for developments to provide affordable housing. This recognises the greater challenges that exist for small site developers in making such provision. These requirements have been tested for viability, taking account of the different market circumstances across the National Park. Where the calculation of the on-site affordable housing requirement results in a fraction of a unit, the requirement will be rounded up to the nearest whole number. Applications proposing a lower proportion of affordable home provision should present robust evidence to demonstrate constrained viability or other exceptional circumstances.

### Mix of affordable housing tenures

- 7.58** The *SHMA*, as confirmed by the *HEDNA* recommends that 75% of new affordable homes should be either social rented or affordable rented tenure to reflect evidence of need, with the remaining 25% being provided as intermediate forms of housing, such as shared or low-cost ownership. However the *SHMA* also recognises that different communities within the National Park have different needs and aspirations.
- 7.59** Policy SD28 reflects the *SHMA* strategic tenure mix (as confirmed by the *HEDNA*) as a requirement for new housing development, whilst allowing flexibility to reflect local need. Evidence of local need can include, but is not limited to: local (parish) housing needs assessment, relevant housing market assessment published by a local authority, and housing registers (waiting lists). If a tenure mix is proposed which departs from the strategic tenure mix set out in Policy SD28, robust evidence must be provided, which is supported by the relevant housing enabler.
- 7.60** The National Park Authority considers that social rent tenures are the most affordable to those in greatest need, and should be prioritised over other forms of rented tenure. Levels of rent for affordable rented homes must be genuinely affordable, and must not exceed the relevant Local Housing Allowance.

### Local connections

- 7.61** Local connections will be assessed in a cascade manner: to include the needs of the relevant settlement; then the parish; and then the wider area including nearby settlements and parishes within the National Park, as necessary. Rural local connection criteria, which is linked to parishes, will take precedent over other needs.

**7.62** Local connections will be determined by the Authority, parish council and relevant housing authority, having primary regard to the relevant housing register allocations policy. Where a CLT is to be the managing body for the homes provided, regard will be given to the CLT's objectives and strategy. The Authority will also have regard to evidence of local need which is specific to a rural estate or large farm, particularly where this is set out in a Whole Estate Plan that has been endorsed by the National Park Authority.

### Viability

**7.63** The *South Downs Whole Plan and Affordable Housing Viability Study*<sup>20</sup> demonstrates that for the great majority of sites, the requirements of Policy SD28 can be achieved. The *Vision and Circular on English National Parks and the Broads*<sup>21</sup> states that new housing should be focused on affordable housing requirements, and support local employment opportunities and key services. Insufficient affordable housing provision which runs contrary to Policy SD28 will be a significant factor weighing against approval, irrespective of any viability barriers.

**7.64** In exceptional cases where viability is a genuine barrier to delivery, the Authority will require the applicant to demonstrate this by submitting a robust viability appraisal. This should show that the cost of land reflects the existing value of land in its current use, plus a reasonable, but not excessive, uplift which provides an incentive for the land to be sold. The Authority will not accept a land cost assumption that factors in 'hope' value. It will expect also that land purchase/sale negotiations have ensured due diligence, and have fully taken into account the whole cost of development, including all adopted and emerging development plan policies, CIL, and any abnormal costs reasonably identifiable ahead of development, as a prerequisite for development potential. Affordable housing provision and other planning obligations should therefore result in reduced residential land values which reflect these factors.

**7.65** In cases where viability is, having had regard to the above, still an issue, developers will be expected to contribute as fully as possible to mixed and balanced communities, by assessing development options in accordance with the following cascade:

- i) Firstly, reduce the proportion of rented affordable tenure homes in favour of intermediate housing that best reflect local need;
- ii) Secondly, reduce the overall percentage of housing provided as affordable units; and
- iii) Thirdly, provide a financial contribution for affordable housing to be delivered off-site.

**7.66** The viability appraisal must be done on an independent and open-book basis, and must be undertaken by a professionally qualified member of the Royal Institution of Chartered Surveyors (RICS) to establish the appropriate form and level of contribution. Where the Authority does not agree that the appraisal has been undertaken robustly and fairly, it must be independently audited at the cost of the developer and subsequently reviewed if necessary.

**7.67** Where a lower proportion of affordable housing is accepted by the Authority as an exception, a clawback clause will be included in the Section 106 Agreement to secure higher affordable housing contributions, up to the requirement in Policy SD28, if market conditions improve before the completion of development.

<sup>20</sup> South Downs Whole Plan and Affordable Housing Viability Study (BNP Paribas, 2017)

<sup>21</sup> Vision and Circular on English National Parks and the Broads (DEFRA, 2010)

**7.68** The National Park Authority will publish guidance on viability matters in due course.

### **Providing for affordable housing on-site**

**7.69** Affordable homes should be provided on-site. The options for achieving this should be discussed in full with both the Authority and the relevant housing enabler.

**7.70** Exceptionally, off-site provision or a financial contribution of broadly equivalent value to the normal on-site provision may be justified. Only when all options for on-site provision are shown to have been reasonably explored, without success, will a financial contribution to provide affordable housing off-site be accepted. On larger sites of 11 or more homes, this will usually be due to a lack of financial viability, ascertained by working through the cascade set out under 'Viability' above. On smaller sites of 10 or fewer homes, there may on occasion be other site-specific practical constraints that make on-site provision of a policy-compliant mix of housing tenures unfeasible.

**7.71** Financial contributions secured in lieu of affordable housing must directly address local needs within the National Park, and support achievement of mixed and balanced communities. In such cases, a legal agreement will be required that sets out the terms of payment, and that limits its spending to relate only to schemes that address local needs. The calculation of financial contributions will be based on the most up-to-date policy or guidance published or used by the local housing authority within which the site is located. The National Park Authority will publish its own guidance on this matter in due course, which will supersede other guidance.

**7.72** In some cases, the Authority may be willing to accept serviced plots as payment-in-kind, either on the application site, or on an equivalent site that equally addresses local need and is in other respects suitable and deliverable. This, together with any additional payment necessary, should represent a value equivalent to the financial contribution which would otherwise be calculated and paid to the Authority in the absence of acceptance of the serviced plot.

### **Design and mix**

**7.73** Affordable homes must be integrated throughout the development and be of visually indistinguishable design. They should be located throughout the site in a manner that supports integration but can also be managed efficiently by the relevant housing association. The mix of dwelling types and standards of design for affordable housing are considered under other development management policies alongside all other types of housing.

### **Artificial subdivision of sites**

**7.74** The Authority will not accept the artificial subdivision of sites where an obvious consequence of doing so would be to fall under the relevant policy threshold requiring either on-site provision of affordable housing, or a financial contribution proportionate to the total sum of development. For the purposes of housing provision, the Authority will consider a site to be a single site if the current arrangements, in either functional and/or legal land ownership terms, can be considered part of a wider whole.

### **Affordable housing delivery**

**7.75** Affordable housing provision will be secured at the granting of planning permission by a Section 106 legal agreement. The National Park Authority will work in close partnership with the relevant Local Housing Authority to ensure that affordable housing is delivered effectively. Affordable housing should remain as such in perpetuity.



- 7.76** CLTs provide an opportunity for local community ownership of land for long-term affordable housing provision. Affordable housing provided by CLTs and most housing associations are exempt from the “Right to Buy”, allowing affordable housing to remain affordable in perpetuity.

**Strategic Policy SD29: Rural Exception Sites**

**Strategic Policy SD29: Rural Exception Sites**

1. Proposals for new residential development of 100 per cent affordable housing outside of settlement boundaries as shown on the Policies Map will be permitted, provided that the following are met:
  - a) Affordable housing is provided in perpetuity;
  - b) The site selection process has considered all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability has been chosen;
  - c) The scale and location relates well to the existing settlement and landscape character; and
  - d) It is shown that effective community engagement has fed into the design, layout and types of dwellings proposed.
2. The size (number of bedrooms), type and tenure, (for example, social and affordable rented, intermediate, shared ownership or older people’s housing) of affordable homes for each proposal will be based on robust and up-to-date evidence of local community need.
3. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.

- 7.77** The purpose of Policy SD29 is to encourage the delivery of rural exception sites. These sites provide a critical source of affordable housing in perpetuity to meet local needs, which are not served by the market, on land that would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

**Mix of tenures**

- 7.78** The National Park Authority believes that a policy of allowing market housing would reduce the number of affordable homes coming forward and may reduce the willingness of communities to support the principle of rural exception sites. The emphasis on rural exception sites in national parks should be on 100 per cent affordable housing. If a viability appraisal has robustly demonstrated that viability genuinely risks preventing a rural exception site from coming forward, and there are no alternative, more viable, sites, the Authority will work with the landowner, community and other stakeholders to establish the optimum alternative option which best meets the local need.

### Site selection, scale and location

**7.79** Policy SD29 (1) (b) requires the most sustainable, available site to be chosen. It is important to ensure that locations which have an overall positive impact on the ability of the natural environment to contribute to ecosystem services, work best within the landscape and settlement form, allow better access to local services, and are most suitable in other respects, are preferred.

### Community and stakeholder engagement

**7.80** “Effective community engagement” should be demonstrated by the applicant in both the site selection and application design processes. This can include liaison with the relevant parish council(s), community groups and neighbours. It is also essential that the advice of the relevant Rural Housing Enabler feeds into these processes, so that any practical difficulties regarding management issues are identified and overcome at an early stage of design.

### Local need and local connection

**7.81** Occupation of affordable housing brought forward on both rural exception sites and market-led sites is subject to conditions to ensure the needs of local people are being met. The meanings of “local need” and “local connection” are set out in the supporting text to Policy SD28: Affordable Homes. Rural exception sites should also take into account the aspirations of the local community, for example, as expressed in the relevant Neighbourhood Plan (NDP), Parish Plan or Village Design Statement. The type and tenure of dwellings on rural exception sites will need to balance the provision of local needs with the character of the existing settlement and the landscape within which it is located.

### Delivery of rural exception sites

**7.82** The Authority will expect all rural exception sites to reflect local needs and aspirations. An effective way to achieve this is through establishing CLTs to drive the delivery of sites. Local partnership arrangements will generally be appropriate for delivering on sites, for example, between CLTs, Parish or Town Councils, Specialist Housing Associations and/or Rural Housing Enablers (RHEs). Whichever delivery model is used, the Authority will seek to ensure that affordable housing remains affordable in perpetuity.

# APPENDIX 2: FINANCIAL CONTRIBUTIONS CALCULATION METHODOLOGY

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1. This technical note provides the detailed workings behind the standard financial contributions set out in **Figure 5** of the Affordable Housing SPD. The figures in Figure 5 and Table D below will in future be altered on 1 April each year in line with the BCIS All-in Tender Price Indices rounded to the nearest whole pound. The in lieu financial contribution rate will be kept under review to reflect the changing cost of affordable housing provision.
2. In accordance with Policy SD28, a meaningful financial contribution is sought from residential developments of 3 homes. Residential development proposals of 4 or more dwellings will be expected to provide affordable housing on-site. Exceptionally, and where it has been robustly demonstrated that on-site provision is unviable, financial contributions in lieu of on-site affordable housing will be accepted in line with paragraph 7.70 of the SDLP.
3. A financial contribution will only be applicable to developments of 3 homes or where delivery onsite is demonstrated to be unviable and/or is agreed by the Authority. The Authority's approach to calculating an offsite financial contribution, also known as a 'commuted sum', is to base the calculation on the cost of providing affordable housing on another site without additional subsidy. The Authority will use the following methodology to calculate the commuted sum payments:

$$\mathbf{A} \text{ [Cost of land + Build Cost]} - \mathbf{B} \text{ [Revenue of Selling to Housing Association or other Registered Provider]} = \text{Off site financial contribution}$$

4. The assumptions and figures used in this methodology reflect the Local Plan and Affordable Housing Viability Assessment (the 'Viability Report').<sup>22</sup> This was prepared in 2017 by BNP Paribas Real Estate, on behalf of the SDNPA, as evidence to support the Local Plan.

#### **A) Cost to build affordable housing offsite**

5. The cost of land is based on a benchmark greenfield land value. Most sites coming forward for development in the National Park will be greenfield sites on the edge of settlements. It is therefore considered appropriate to assume offsite affordable housing would be delivered on a greenfield site. The Viability Report adopted a greenfield benchmark land value of £300,000 per gross hectare. This figure is adopted for the purposes of the financial contribution methodology. Greenfield development is assumed to comprise houses at a density of 15 dwellings per hectare. This reflects the requirements for landscape-led development, ecosystem services and on-site green infrastructure (including public open space) which typically means that a significant portion of a site won't be used for built development.
6. **Table A** sets out the component parts of the total build cost. The build cost is based on costs sourced from the RICS Building Cost Information Service (BCIS) as reported in the SDNPA Viability Report. Upper quartile BCIS costs are used to reflect the high benchmark set by policies such as Local Plan Policy SD5. Separate BCIS costs are used for flats and semi-detached dwellings to reflect the higher build cost of flats. The Viability Report also applied a local adjustment factor of 120 (i.e. 20% uplift on nationally derived base build costs) which is used in this methodology. A further 23% uplift on base build costs is applied to account for external works, landscaping and climate change mitigation measures. As with the Viability Report, an additional allowance of £15,000 per unit is made for the provision of utilities infrastructure on greenfield sites.

<sup>22</sup> Local Plan and Affordable Housing Viability Assessment (BNP Paribas Real Estate, August 2017). See Local Plan Evidence pages at [www.southdowns.gov.uk/localplan](http://www.southdowns.gov.uk/localplan)

7. BCIS figures are periodically updated to reflect changes to build costs as a result of inflation. These updates may feed into an annual review of standard financial contributions as set out in paragraph 2.29 of the Affordable Housing SPD.

**Table A: Build Cost of affordable housing units**

Cost component	Notes	Cost per unit
Cost of land	Using benchmark land value of £300k and benchmark density of 15dph.  Applies to all unit types.	£20,000
BCIS upper quartile base build cost (as of May 2017)	Flats	£1,454 per m <sup>2</sup>
	Houses – semi detached	£1,397 per m <sup>2</sup>
Local adjustment factor of 120 applied to base build costs	Flats	£1,745 per m <sup>2</sup>
	Houses – semi detached	£1,676 per m <sup>2</sup>
23% uplift allowance for external works, landscaping and climate change mitigation	Flats	£2,146 per m <sup>2</sup>
	Houses – semi detached	£2,061 per m <sup>2</sup>
Installation of utilities infrastructure	On greenfield sites allowance is made for site roads, ground works and other associated costs.  Applies to all unit types.	£15,000

8. A figure for gross internal floor area is needed to calculate the build cost by unit size. This is taken from the Government’s published ‘Technical housing standards – nationally described space standard’ (DCLG, March 2015), which sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy and is set out in **Table B**.

**Table B: Nationally described space standards**

Unit size	1 bed flat	2 bed house	3 bed house	4/5 bed house
Gross internal floor area (sqm)	58	79	102	128

9. In calculating floor area, account is taken of the strategic mix of homes specified in Local Plan Policy SD27: Mix of Homes. The unit mix for affordable homes is used. This unit mix is then multiplied by the unit sizes shown in Table 2. For example a notional floor area for a 1 unit scheme is calculated as follows:

$$\text{Floor area for 1 unit} = [0.35 \times 58] + [0.35 \times 79] + [0.25 \times 102] + [0.05 \times 128] = 79.85$$

10. **Table C** gives the cost/ m<sup>2</sup> to build new homes by dwelling size. This cost/ m<sup>2</sup> incorporates the land cost and build costs detailed above. It is assumed a 1 bed unit would be built as a flat and the

build cost for flats are used accordingly. The build costs for semi-detached houses are used for 2 – 4/5 bed units.

**Table C: Total Build Cost by Unit size**

Unit size	Build cost/ m <sup>2</sup>
1 bed	£2,750
2 bed	£2,504
3 bed	£2,404
4/5 bed	£2,334

## B) Gross development value of affordable units

11. The Gross Development Value (GDV) of the affordable units is the amount it is assumed would be paid for the affordable units by a housing association or other Registered Provider. To calculate this, Land Registry sales data is used to establish the median per square metre Open Market Sales Value (OMV). Table 5.7.1 of the Viability Report gives sales data by settlement and house type. The median figure for flats (£3,460 per m<sup>2</sup>) is used for 1 bed units and the median figure for semi-detached houses (£3,838 per sqm) is used for 2-5 bed units. This figure is multiplied by the floor space as shown in **Table B** according to the mix of units required by Policy SD27.
12. The next step in establishing the GDV is to factor in the amount a housing association or other Registered Provider (RP) will pay for the affordable units as a proportion of the OMV. It is expected that any offsite affordable housing would be delivered on a relatively small site given the availability of sites within the National Park. The SDLP sets a strategic tenure mix which favours social rented or affordable rented tenure, reflecting evidence of need. In addition, smaller sites can be more challenging for a housing association or RP with a higher associated risk. This additional risk is likely to be factored into the amount offered by an RP for affordable housing units. The Viability Report (paragraph 5.17) found that RPs would pay an average of £1,475 per sqm to acquire completed affordable rented units, which is equivalent to 42% or 38% of the typical median open market value of a flat or house respectively. It is therefore assumed that an RP would pay 40% of the market value for all affordable units, and a multiplier of 0.4 is therefore used to calculate the expected revenue for the affordable units.
13. The methodology as set out above and detailed in the worked example in **Box I** is repeated to calculate the in lieu financial contribution for 2 , 3 or 4 affordable homes as set out in **Table D**. In the case of 2 or more affordable homes, the median open market sale value for semi-detached dwellings is used as it is assumed 2 or more affordable homes would be delivered as semi-detached dwellings.

**Table D: Affordable housing in lieu financial contribution payment table**

Development size	Affordable housing requirement	Off-site financial contribution
<b>3 homes</b>	Meaningful financial contribution	£46,832 (which is equivalent to half of an affordable home, and subject to site specific circumstances)
<b>4-5 homes</b>	1 affordable home	£93,664
<b>6-7 homes</b>	2 affordable homes	£163,181
<b>8 – 9 homes</b>	3 affordable homes	£244,772
<b>10 homes</b>	4 affordable homes	£326,363

**Box 1: Worked example calculating the in lieu financial contribution for 1 affordable home**

A proposal consists of 4 units – it has been demonstrated that there are exceptional circumstances such that onsite affordable housing cannot be delivered. A financial contribution equivalent to the delivery of 1 affordable unit offsite is calculated as follows.

**A) Cost to build 1 affordable unit**

*Step 1 – Calculate the floor area*

The floor area is calculated according to mix of units required by SD27 and using **Table A: Nationally described space standards**

$$\text{Floor area} = [0.35 \times 58] + [0.35 \times 79] + [0.25 \times 102] + [0.05 \times 128] = 79.85$$

*Step 2 – Calculate the build cost*

As with floor area, the strategic mix of homes is factored into build cost and using **Table B: Build Cost by Unit Size**

$$\text{Build Cost} = [0.35 \times 2750] + [0.35 \times 2504] + [0.25 \times 2404] + [0.05 \times 2334] = 2557 \text{ per m}^2$$

*Step 3 – Calculate total build cost*

The notional floor area for one unit is multiplied by the build cost, i.e.  $79.85 \times 2557$ :

$$\boxed{\text{Total build cost} = \text{£}204,176}$$

**B) Gross Development Value**

*Step 4 Calculate the Open Market Sales Value*

Multiply median sales figure for flats by floor area (incorporating policy SD27 mix):

$$\text{OMSV} = 3,460^\dagger \times ([0.35 \times 58] + [0.35 \times 79] + [0.25 \times 102] + [0.05 \times 128]) = \text{£}276,281$$

<sup>†</sup>see paragraph 11 of this Appendix

*Step 5 Calculate revenue from Registered Provider*

RP expected to pay 40% of open market value

$$\boxed{\text{RP revenue} = \text{£}110,512} \text{ (i.e. } \text{£}276,281 \times 0.4)$$

**Off site Financial Contribution**

*Step 6 Calculate cost of development*

**A** [Cost of land + Build Cost] – **B** [Revenue of Selling to Housing Association or other Registered Provider]

$$204,176 - 110,512 = \text{£}93,664$$

# APPENDIX 3: MINIMUM CONTENT FOR AN APPLICANT'S VIABILITY APPRAISAL



I. Residual Land Value:

- a) Gross Development Value supported by:
  - i. Comparable market evidence for the Market Housing / Commercial floorspace confirming address of comparable, sale price, date of sale, analysis of comparable and how applied to proposed development.
  - ii. Accommodation schedule confirming:
    - Unit type, tenure, Gross Internal Area and as relevant Net Internal Area and/or Net Sales Area of the units.
    - Unit values for Market Housing and Affordable Housing and offers from Registered Provider if available
    - Ground Rents as appropriate
    - Unit values for any non-residential element (rent and yield or capital values comparables)
    - Assumptions made in relation to Affordable Housing units and values
- b) Cost Plan based upon BCIS data or Quantity Surveyor/Cost Consultant/Technical report(s) confirming:
  - i. Base build cost of the proposed development;
  - ii. Contingency
  - iii. Professional fees
  - iv. Abnormal development costs including for example:
    - Contamination remediation
    - Adverse ground conditions and specialist foundation types
    - Archaeology
    - Access and site servicing
    - Ecology
- c) Development Programme confirming periods for:
  - i. Pre-commencement
  - ii. Build
  - iii. Sales (overlap)
  - iv. Affordable Housing phased payment assumptions
- d) Section 106 and CIL assumptions including for example:
  - i. CIL assumptions
  - ii. SANGS and SAMM
  - iii. Site specific Section 106 contributions

- e) Other variables including for example:
    - i. Agent and legal fees on purchase and sale
    - ii. Marketing costs
    - iii. Finance costs
    - iv. Developer's profit assumptions (Market Housing, Affordable Housing, commercial parts etc)
  - 2. Residual Land Value to be supported by evidence from comparable development land sales.
  - 3. Confirmation of the price paid for the property or the price expected to be paid for the property on the grant of planning permission together with confirmation of the contractual terms relevant to the determination of the purchase price within any contingent sale agreement or option agreement including minimum price and overage provisions.
  - 4. Benchmark Land Value
    - a) Confirmation of existing use
    - b) Confirmation of Existing Use Value supported by comparable market and supported by an accommodation schedule confirming:
      - i. Gross Internal Area and as relevant Net Internal Area and/or Net Sales Area and unit values
    - c) Confirmation of premium adopted and justification for the premium
- or
- d) Confirmation of Alternative Use and planning permission for the Alternative Use
  - e) Confirmation of Alternative Use Value supported by relevant information (see Residual Land Value above).
5. Confirmation that the mandatory requirements of the RICS Professional Statement Financial viability in planning: conduct and reporting 1<sup>st</sup> Edition May 2019 have been satisfied.
6. Confirmation that the assessment of the Residual Land Value has been prepared in accordance with RICS Guidance Note Valuation of development property 1<sup>st</sup> Edition October 2019.



# **Affordable Housing Supplementary Planning Document**

**Strategic Environmental Assessment (SEA) –  
Screening Statement**

**Habitats Regulations Assessment (HRA) –  
Screening Statement**

**Determination Statement**

# I. INTRODUCTION

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- I.1** This statement sets out the Authority's determination under Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the consultation draft Affordable Housing Supplementary Planning Document (SPD).
- I.2** This statement also sets out the Authority's determination as to whether Appropriate Assessment is required under the Conservation of Habitats & Species Regulations 2017.

## Strategic Environmental Assessment

- I.3** Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set out the framework for future development consent of projects must be subject to an environmental assessment.
- I.4** There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- I.5** In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), the Authority must determine if a plan requires an environmental assessment. Where the Authority determines that SEA is not required then under Regulation 9(3) the Authority must prepare a statement setting out the reasons for this determination. The need for SEA is considered under Section 3 of this report.

## Sustainability Appraisal

- I.6** Under separate legislation (the Planning and Compulsory Purchase Act 2004 and associated Regulations), the Authority is required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents. This considers the social and economic impacts of a plan as well as the environmental impacts.
- I.7** In accordance with current Regulations (Town & Country Planning (Local Development) (England) (Amendment) Regulations 2012) SA is not required to be carried out for SPD. However, despite this, it is still necessary to determine the need for SEA.

## Habitats Regulations Assessment

- I.8** Habitats Regulations Assessment is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EC and transposed into British Law by the Conservation of Habitats and Species Regulations 2017. Section 4 of this report deals with the need for Habitats Regulation Assessment.

## 2. SCOPE OF THE AFFORDABLE HOUSING SPD

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**2.1** The scope of the SPD is to provide further guidance to support the implementation of affordable housing policies of the South Downs Local Plan (SDLP). The SPD will elaborate upon policies SD28: Affordable Homes and SD29: Rural Exception Sites of the SDLP (adopted July 2019) and applies to the whole of the South Downs National Park. The SPD provides further detail on the following matters:

- How to assess 'gross site capacity' and subdivision of sites;
- The development uses to which the affordable housing policies would apply (particularly how to distinguish between C2 and C3 uses);
- Clarification on affordable housing tenures;
- How the mix of dwelling sizes and tenures should be calculated;
- Applying occupancy conditions and local connections criteria;
- Viability appraisal and other exceptional justification for a reduced affordable housing provision;
- Calculating a financial contribution where provision cannot be made on-site;
- Conversions and affordable housing;
- Vacant Building Credit;
- Agriculture and forestry workers' accommodation;
- Community Land Trusts and Registered Providers;
- Defining a Rural Exception Site;
- Evidencing 'local need';
- Selecting the most appropriate Rural Exception Site;
- Delivering Rural Exception Sites; and
- Review mechanisms where viability has reduced the affordable housing being delivered on a site.

### 3. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

#### The SEA Screening Process

- 2.1** The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. Table I sets out the Authority's screening for the Affordable Housing SPD using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.
- 2.2** Within 28 days of making its determination the authority must publish a statement such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

#### SEA Determination and Reasons for Determination

- 2.3** Before making a determination, the three statutory consultation bodies were consulted. The responses received are set out in Table I below:

Table I – Comments received by Consultation bodies

Consultation Body	Comments
Environment Agency Date responded 8 <sup>th</sup> July 2017	<p>Thank you for consulting the Environment Agency on the SDNPA's SEA/HRA Screening Statement for the Affordable Housing SPD.</p> <p>We appreciate that an SPD may require an SEA under the Directive and early SEA screening is advised. The Environment Agency may be able to assist the Local Planning Authority at this stage by advising on whether the plan will result in significant environmental impacts within our remit. However please note that we do not advise on whether the plan falls under the requirements of the SEA Directive.</p> <p>Based on the scope of the SPD, we do not feel that the plan has the potential to give rise to significant environmental effects for areas within our remit.</p>
Historic England	No response provided.
Natural England	No response provided.

Table 2 – SEA Screening for the Affordable Housing SPD

<b>Criteria (from Annex II) of the SEA Directive and Schedule I of the Regulations</b>	<b>SDNPA Comments</b>
<b>Characteristics of the plan or programme</b>	
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources.	The Affordable Housing SPD sits at the lowest tier of the development plan system. It offers specific guidance to implement policies SD28: Affordable Homes and SD29: Rural Exception Sites of the South Downs Local Plan.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD is an implementation tool for delivering already adopted development plan policies at a higher tier (the South Downs Local Plan) which have already been subject to SA/SEA. It is influenced by other higher tier plans rather than influencing other plans itself.
c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The SPD provides further guidance to support the implementation of affordable housing policies of the South Downs Local Plan (SDLP) which have already been subject to SA/SEA and therefore does not have a significant environmental impact on environmental considerations. As the SPD is an implementation tool for the SDLP affordable housing policies it does have social and economic considerations in respect to sustainable development by providing clear and consistent guidance on the provision of affordable housing.
d) Environmental problems relevant to the plan or programme.	The SPD is an implementation tool for delivering already adopted development plan policies at a higher tier which have already been subject to SA/SEA. The SPD expands on higher level policy requirements (SD29) that affordable housing is appropriately located to minimise landscape impact and maximise ecosystem services.
e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example	The nature of the Affordable Housing SPD has no direct impact on the implementation of Community legislation. The principle of

<p>plans and programmes linked to waste management or water protection).</p>	<p>development is considered through the SDLP which has been subject to SA/SEA and HRA.</p>
<p>Characteristics of the effects and of the area likely to be affected</p>	
<p>a) The probability, duration, frequency and reversibility of the effects.</p>	<p>The SPD will not in itself set out or bring forward development plans or projects. It sets out guidance for how the Authority will interpret aspects of its strategic policies in the SDLP: policies SD28 and SD29.</p> <p>The SPD should provide positive effects in regards to social and economic considerations.</p>
<p>b) The cumulative nature of the effects</p>	<p>The SPD is not anticipated to have any significant cumulative effects. Cumulative effects are addressed in the SDLP SA/SEA and HRA.</p>
<p>c) The transboundary nature of the effects</p>	<p>The SPD applies within the South Downs National Park area only. It is not expected to have any negative effects outside of the SDNP. Transboundary effects have been addressed in the SDLP SA/SEA and HRA.</p>
<p>d) The risks to human health or the environment (for example, due to accidents)</p>	<p>The SPD presents no direct risks to human health or the environment. It is considered there may be improvements to human health and environment due to affordable housing being developed to meet local needs, including being of the appropriate size, location and quality. This could indirectly support improved health outcomes and reduced health inequalities</p>
<p>e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The SPD will cover the whole of the South Downs National Park area.</p>
<p>f) The value and vulnerability of the area likely to be affected due to:</p> <p>i) Special natural characteristics or cultural heritage;</p> <p>ii) Exceeding environmental quality standards or limit values;</p> <p>ii) Intensive land-use</p>	<p>The South Downs National Park covers an area with a wide variety of characteristics. The SPD itself does not direct or establish the principle of development. This is covered by higher tier policies in the SDLP which have been subject to SA/SEA. In any case, development proposals will need to be consistent with SDLP policy SD9 Biodiversity and Geodiversity and where appropriate tested through the Habitats Regulations</p>



<p>g) The effects on areas or landscapes which have recognised national, community or international protection status.</p>	<p>The SPD will cover the whole of the South Downs National Park which has been designated for its special landscape, wildlife and cultural value. The SPD should provide positive effects by promoting the provision of affordable housing in the National Park.</p> <p>In line with SD9 of the SDLP, development proposals will need to be tested through the Habitats Regulations where appropriate.</p>
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Other Considerations

**2.4** In reviewing these criteria and coming to a conclusion, the Authority has also had regard to the following:

- The SPD does not present new policies but seeks to clarify the Authority’s approach to implementing the SDLP affordable housing policies.

SEA Conclusion

**2.5** Having regard to the considerations above, the Authority considers that the Affordable Housing SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment.

**2.6** This determination was made on 28<sup>th</sup> August 2019.

## 4. HABITATS REGULATIONS ASSESSMENT SCREENING STATEMENT

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**2.7** This part of the report seeks to determine whether the Authority’s policies and proposals set out in the Affordable Housing SPD will have any significant impacts on Natura 2000 sites.

**2.8** This SPD will support policies SD28: Affordable Housing and SD29: Rural Exception Sites in the adopted South Downs Local Plan (SDLP). The SDLP was subject to a Habitats Regulation Assessment which was prepared in consultation with Natural England. The purpose of HRA is to assess the impacts of plans and/or projects against the conservation objectives of a European protected site. The assessment must determine whether the plan and/ or project would adversely affect the integrity of the site in terms of its conservation objectives. Where adverse effects are identified these effects should be avoided or mitigated.

**2.9** The Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effects.

**2.10** The Directive states that any plan or project not connected to or necessary for a sites management, but likely to have significant effect thereon shall be subject to appropriate assessment. There are 4 distinct stages in HRA namely:

- Step 1: Screening - Identification of likely impacts on a European site either alone or in combination with other plans/projects and consideration of whether these are significant.
- Step 2: Appropriate Assessment - consideration of the impact on the integrity of the European Site whether alone or in combination with other plans or projects with respect to the sites structure, function and conservation objectives. Where there are significant effects, step 2 should consider potential mitigation measures.
- Step 3: Assessment of Alternative Solutions - Assessing alternative ways of achieving the objectives of the plan/project which avoid impacts; and
- Step 4: Assessment of Compensatory Measures - Identification of compensatory measures should impact not be avoided and no alternative solutions exist and an assessment of imperative reasons of overriding public interest (IROPI) deems that a project should proceed.

**2.11** Should screening (step 1) reveal that significant effects are likely or effect cannot be discounted because of uncertainty, then it is necessary to move onto step 2: Appropriate Assessment. If step 2 cannot rule out significant effect even with mitigation, then the process moves onto step 3 and finally step 4 if no alternative solutions arise.

### Step 1 - Screening

**2.12** There are four stages to consider in a screening exercise:

Stage 1: Determining whether the plan/project is directly connected with or necessary to the management of the site;

Stage 2: Describing the plan/project and description of other plan/projects that have the potential for in-combination impacts;

Stage 3: Identifying potential effects on the European site(s); and

Stage 4: Assessing the significance of any effects

- 2.13** It can be determined that the Affordable Housing SPD is not directly connected with, or necessary to the management of a site.

Stage 2 to 4

- 2.14** Information about the scope of the SPD can be found in Section 2 of this document. The SPD supports SDLP policies, which are already subject to a full HRA, including of any in-combination effects with other plans and / or project. The SDLP HRA considered the potential effects on the following European sites:

- Calcareous grassland sites: Lewes Downs SAC, Castle Hill SAC and Butser Hill SAC
- Woodland sites: Duncton to Bignor Escarpment SAC, Kingley Vale SAC, East Hampshire Hangers SAC and Rook Cliff SAC
- Heathland bog sites: Thursley, Ash, Pirbright and Chobham SAC, Woolmer Forest SAC, Ashdown Forest and Shortheath Common SAC
- Bat sites: The Mens SAC, Singleton and Cocking Tunnels SAC, and Ebernoe Common SAC
- Heathland bird sites: Wealden Heaths Phase II SPA, Ashdown Forest SPA and Woolmer Forest SAC
- Riverine sites: River Itchen SAC, Arun Valley SAC/SPA/Ramsar
- Estuarine sites: Chichester and Langstone Harbours SPA / Ramsar, Solent Maritime SAC, Dorest and Solent potential SPA
- Wetland sites: Pevensey Levels SAC/ Ramsar site

- 2.15** The following impact pathways were identified as relevant to the SDLP HRA:

- Recreation pressure
- Air Quality
- Water quantity and changes in hydrological cycles
- Water quality
- Loss of supporting habitat
- Urbanisation

- 2.16** The SDLP HRA undertook a test of likely significant effects for policies and site allocations contained in the Local Plan. Policies / allocations assessed as having no potential impact pathways linking to European Designated Sites were screened out from further consideration. The following assessment was made of SDLP policies SD28 and SD29:

Policy	Description	HRA Implications
SD28 Affordable Homes	SD28 seeks to maximise the delivery of affordable homes across the National Park as part of market-led housing schemes. The policy sets out a sliding scale of requirement for developments to provide affordable housing.	“No HRA implications.  This is a development management policy relating to the provision of affordable housing.  There are no linking impact pathways present.”
SD29 Rural Exception Site	SD29 seeks to encourage the delivery of rural exception sites. These are sites which provide a critical source of affordable housing in perpetuity to meet local needs, which are not served by the market, on land that would not normally be used for housing.	“No HRA implications.  This is a policy that seeks to manage development rather than allocating development. Whilst it encourages new residential development, there are no specific locations or quantities mentioned. As such there are no linking impact pathways present.”

#### HRA screening conclusion

**2.17** The Affordable Housing SPD provides further guidance to support the implementation of policies SD28 and SD29. The SPD does not set the principle of development nor does it direct development to a specific location. Therefore, as with the assessment of SD28 and SD29 there are no linking impact pathways present and there are no HRA implications. A full appropriate assessment is not required.

**2.18** This determination was made on 28<sup>th</sup> August 2019.

**Agenda Item 12**  
**Report PC20/21-04**

Report to	<b>Planning Committee</b>
Date	<b>09 July 2020</b>
By	<b>Director of Planning</b>
Title of Report	<b>Enforcement Update</b>
Purpose of Report	<b>To update SDNPA Members on planning enforcement workload statistics including notices served</b>

**Recommendation: To note the update on enforcement action.**

**1. Overview**

- 1.1 The SDNPA planning enforcement team investigates alleged breaches of planning control within the recovered areas of the National Park: Adur & Worthing, Arun, Brighton & Hove, Eastbourne, Mid-Sussex, & Wealden. They also investigate any alleged breaches where the SDNPA “called-in” any original planning application post-October 2017 or any other investigations that we wish to “call-in”, plus any breaches relating to Minerals & Waste for the entirety of the Park. We also monitor the host authorities’ response to investigating enforcement for the non-recovered areas (Chichester, East Hampshire, Horsham, Lewes, & Winchester) with the SDNPA Link Officers.
- 1.2 The purpose of this report is to highlight the amount of investigations carried-out. This does not include the host authorities’ figures. The team is comprised of: DM Lead (Heather Lealan), Enforcement Officers (Andy George & Jack Trevelyan), & Monitoring & Compliance Officer (Sabrina Robinson).

**2. Figures**

	2018/19	2019/20	2020/21 (so far)
Current investigations	-	-	81
Cases Closed:	<b>251</b>	<b>194</b>	<b>16</b>
• Compliance	33	27	2
• Not Expedient	53	23	2
• No Breach	124	122	11
• Retrospective Application Approved	41	22	1
Enforcement Notices	9	6	0
Stop Notices (excluding Temporary Stop Notices)	1	2	0
Breach of Condition Notices	3	2	0
Tree Preservation Orders (TPOs)	2	2	0
Article 4 Directions	1	0	0

**TIM SLANEY**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices: None  
SDNPA Consultees: Director of Planning, Legal Services

Report to	<b>Planning Committee</b>
Date	<b>09 July 2020</b>
Title of Report	<b>Summary of appeal decisions received from 28 January 2020 – 23 June 2020</b>
Purpose of Report	<b>To update SDNPA Members on appeal decisions received</b>

**Recommendation: To note the outcome of appeal decisions.**

**I. Overview**

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers both those appeals dealt with by the host authorities and directly by the South Downs National Park Authority.
- I.2 From the 28 January to 23 June:
- 24 appeal decisions (some dealt with concurrently) were received, 16 of which were dismissed and 8 of which were allowed.
  - Three applications were made by appellants for an award of costs. Two of these were refused whilst one was partially allowed (the lessons from which have been distributed internally).
  - There were no judicial review judgements.
- I.3 The Authority's appeal performance in the last financial year (2019/20) had 69% of appeals being dismissed. This is a good performance in and of itself but especially so given that for the first quarter of the financial year the Local Plan had not been adopted and Inspectors were applying varying weight to its policies.
- I.4 All appeal decisions are individually important but one appeal of particular interest relates to lford Farm, lford and the continued use of the land for a shoot. The Inspector found that in this case the shoot would conserve tranquillity but not enhance it as required by Local Plan Policy SD7 and dismissed the appeal given this and the conflict with the first purpose of the National Park.

**TIM SLANEY**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Mike Hughes  
Tel: 01730 819325  
email: mike.hughes@southdowns.gov.uk  
Appendices: I. Summary of Appeal Decisions  
SDNPA Consultees: Director of Planning, Legal Services

Key to Appeals Reporting

**Method of decision** All are delegated decisions unless otherwise specified **Allowed** A  
**Appeal method** All are determined via written representations unless otherwise specified **Dismissed** D

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00564/HOUS APP/Y9507/D/19/3233129	East Hants	South Lodge, Annexe, Blackmoor Road, Blackmoor, Liss GU33 6BJ	The erection of a hobbies room and store	<b>D</b> 31 January 2020
<b>Inspector's Reasoning</b>				
<ul style="list-style-type: none"> <li>The proposed single-storey side extension would be attached to the south-east elevation of an annexe. Taking into account the scale and subordinate design of the extension and the set-back position of the annexe from the road compared to the adjoining South Lodge (a Grade II listed building), the development was not considered by the Inspector to significantly change the visual relationship between South Lodge and its annexe in local views from Blackmoor Road. The annexe would remain broadly subservient to South Lodge and for these reasons the Inspector considered that the setting of the listed building would be preserved.</li> <li>The Inspector noted that there was no compelling evidence that the proposed single storey extension would result in a new self-contained dwelling in the countryside.</li> <li>The property was granted permission (which had been implemented) to extend its floorspace by 48% in 2007. The proposal to extend the property even further would therefore not be in accordance with Local Plan Policy SD31 which applies to extensions to existing dwellings and which seeks to resist the increase in floorspace of existing dwellings by more than approximately 30% unless there are exceptional circumstances. The Inspector held that no exceptional circumstances had been presented to permit a greater increase in floorspace.</li> <li>Whilst the Inspector considered the proposal to preserve the setting of the listed building he noted it did not accord with the Authority's strategy for the extension of residential accommodation in the National Park, was contrary to the development plan and dismissed the appeal.</li> </ul>				



Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00007/LDP APP/Y9507/X/19/3227482	SDNPA	Newtimber Place, Stables Cottage, Newtimber Place Lane, Newtimber, BN6 9BU	The development for which a certificate of lawful use or development is sought is alterations and additions to roof (ref: SDNP/18/04919/HOUS)	<b>A</b> 12 February 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The application sought to establish that it was lawful to carry out alterations and additions to the roof for which planning permission was granted, without any further consent. The Authority refused the application on the basis that the building is within the curtilage of a listed building and therefore listed building consent would be required for the work quoting the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (LBCA) in the reason for refusal.</li> <li>The Inspector stated that the grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements, such as the LBCA. As a result, the Inspector said that whether or not the building is a curtilage listed building is not a question that stands to be answered.</li> <li>Since planning permission had been granted for the alterations and additions to the roof, it would clearly have been lawful at the date of the application, hence a certificate can be granted.</li> <li>The Inspector concluded, on the evidence available, that the Authority's refusal to grant a certificate of lawful use or development in respect of alterations and additions to roof in accordance with planning permission reference SDNP/18/04919/HOUS was not well-founded and that the appeal should succeed.</li> </ul> <p><b>Costs Decision: Refused</b></p> <ul style="list-style-type: none"> <li>In approving the original planning application (reference SDNP/18/04919/HOUS), the SDNPA added an informative note advising the appellant that listed building consent was required. The appellant stated that this informative note lacked any explanation or justification, and was tantamount to a pre-commencement condition. However, as it was not a condition, the appellant did not have the opportunity to lodge an appeal against it.</li> <li>Planning Practice Guidance advises that the use of informatives to remind applicants to obtain other consents may be appropriate. As the Authority followed this advice, they did not behave in a manner that caused the applicant to incur unnecessary or wasted expense and the application for costs was refused.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06579/HOUS Appeal A: APP/Y9507/W/19/3233350  SDNP/18/06580/LIS Appeal B: APP/Y9507/Y/19/3233355	Winchester  (Planning Committee Decision)	Ivy Cottage, Avington Road, Avington SO21 1DD	Extension to the rear of the site	<b>D</b> 12 February 2020

**Inspector's Reasoning**

- Appeal A relates to the refusal of planning permission whilst Appeal B relates to the refusal of listed building consent.
- The main issue was whether the proposed development would preserve the special architectural or historic interest of Ivy Cottage, a grade II listed building; and whether it would preserve or enhance the character or appearance of the Avington Conservation Area.
- The Inspector noted that the appeal site includes a small 18th century detached cottage. The property's simple form, detailing, historic fabric and internal arrangement, along with its relationship with the outbuildings to the rear, all contribute to its significance as a listed building.
- The appeal property is close to open fields, trees and planting and has a large garden. Those matters contribute to its rural and spacious setting. It is located within the Avington Conservation Area and significantly contributes to the character and appearance of the Conservation Area.
- The proposal would include an enlarged building, roughly in the place of the existing small outbuilding, along with a link to the main house. The resultant built form would be very large in relation to the existing building, such that it would appear out of scale with it. Even though the appeal proposal would be cut into the slope of the garden, it would still appear visually dominant in relation to the main house. When viewed from the side, it would represent a significant increase in bulk, such that it would compromise the simple compact form of the historic core. Further, by linking on to the main house in the manner proposed, its complex, linear form would fail to integrate successfully with the existing simple, compact form, including catslide roof, of the main house, particularly when viewed from the side.
- The proposed use of a mixture of materials, the Inspector held, would appear particularly out of place.
- The Inspector dismissed the appeals noting that the proposal would fail to preserve the special architectural and historic interest of this listed building and would fail to preserve or enhance the character or appearance of the Conservation Area.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/04837/HOUS APP/L3815/D/20/3245825	Chichester	Yew Tree Cottage, Fernhurst Road, Milland, Liphook GU30 7LU	Two storey side extension including new front dormer.	<b>A</b> 17 March 2020

**Inspector's Reasoning**

- The Authority was concerned that the proposed extension would dominate the existing building and negatively erode the space around the building, particularly the gap to the western boundary. However, the Inspector considered that the proposed increase of floor space of 28% does not suggest 'domination'.
- The Inspector set out that the width of the extended building, when seen from Fernhurst Road, would still be far less than the width of properties to the west and east. Any perception of additional mass and bulk would be reduced by the articulation of the extended front elevation and by the hipped roof. The legibility and functionality of the building would be enhanced through the creation of a new front entrance and porch. The extensions would result in the building being an improved architectural composition with enhanced family accommodation.
- The Inspector understood the Authority's point in respect of reducing the gap between Yew Tree Cottage and Durrants Cottages to the west. However the Inspector noted that between 2m and 2.5m would remain between the boundary and the side gable of the nearest of the pair of Durrants Cottages. Given this separation, and taking into account the fact that Yew Tree Cottage is positioned further back from the road than its

neighbours, and because the south and east of the house is a considerable distance from the site's boundaries it was determined that the proposal would not materially affect the spaciousness of the plot. The spaciousness of the plot would remain 'appropriate' and the rural character and appearance of the area would not be adversely affected.

- The proposal was not considered a contravention of Policy H.1 of the Milland Neighbourhood Plan which seeks to retain small dwellings as the Inspector determined that, at 145 sq m, the house is a large dwelling. The extension would be within the 30% limit set out in Local Plan Policy SD31.
- The Inspector concluded that the appeal scheme would not harm the existing building and its setting, or the rural character and appearance of the area and allowed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02284/FUL APP/Y9507/W/19/3243542	SDNPA	Admiral's Knock, Mill Lane, Rodmell, BN7 3HS	Replacement of existing dwelling.	<b>D</b> 20 March 2020

**Inspector's Reasoning**

- The appeal site is around 4 hectares in size and contains a modest one-and-a-half storey dwelling positioned roughly in the centre. As a result of the size of the site and the position of the proposed replacement dwelling within it, the development would not conflict with Local Plan Policy SD30 part b) which requires that the replacement dwelling is not detrimental to the amenity of nearby residents.
- The proposal would result in a net increase of considerably more than 30% compared with the gross internal area of the existing dwelling that existed in 2002. Thus, in the context of the purpose of Policy SD30, the proposal would result in the loss of the existing dwelling and replace it with one substantially larger.
- The Inspector noted that the site benefits from an extant planning permission for a replacement dwelling. The appellant set out that the extant planning permission negates the primary purpose of Policy SD30, in that the existing smaller home on the site is effectively lost, and that in their view this is a material consideration that outweighs this aspect of the policy. However, the extant planning permission allows a replacement dwelling to be positioned on the site with a gross internal floor area of 411 square metres. Consequently, whilst it would result in a dwelling with a gross internal floor area appreciably greater (by considerably more than 30%) than the existing dwelling, it would not result in a replacement dwelling with a gross internal floor area as large as the appeal proposal. Therefore, the Inspector considered that although the fallback position would result in a dwelling significantly larger than that permitted by policy, this would not amount to sufficient justification for a proposal substantially larger again.
- The appeal site is outside any settlement boundary and within the countryside. Within the vicinity are dispersed mainly detached properties of varying sizes set within mostly substantial plots with mature planting. The architectural characteristics of properties vary, however most are of traditional understated design.
- The appeal proposal was for a new dwelling in the style of a 'fortified house'. One half of the proposed building would be single storey and of relatively unassuming design; the other half of the building would be very different in design terms by virtue of its style as a 'fortified house'. It would be constructed using different materials, including large rubble stone and flint rubble walls, and would include a tower and parapet wall akin to a historic castle. Consequently, the Inspector considered that the design of the development would appear disjointed, resulting in overly complicated elevations that would result in a visually jarring building within the landscape.

- The evidence indicates that the landscape at this location is not characterised by a long history of settlement. Hence, the proposal for a new dwelling in the style of a ‘fortified house’ within this context, notwithstanding the medieval origins of Rodmell, would not respect the local character nor adopt a landscape-led approach.
- The Inspector stated that the relatively limited views of the proposal from the public domain did not obviate the need to achieve good design.
- The Inspector concluded that the proposed development would be significantly harmful to the character and appearance of the area and dismissed the appeal.

Planning Application No	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/19/3220029	Chichester	Land at Lithersgate Common, Bedham Lane, Fittleworth,	The breach of planning control as alleged in the enforcement notice is: Without planning permission, change of use of the land to a BMX cycle track.	<b>D</b> 23 March 2020

**Inspector’s Reasoning**

- The appellant stated that no material change of use had occurred and described the use as the private riding of BMX bikes on 10 – 15 days a year by a small group of riders. However, the Inspector noted that there is permanent operational development facilitating the change of use, in particular the presence of earth mounds.
- The enforcement notice identifies that the use and the scale and extent of engineering work (the tracks and jumps) results in unacceptable impacts on the landscape and its relative tranquillity. The Inspector found that a material change of use had occurred with a significant difference in planning terms in the character of the land and the activity now on it.
- The General Permitted Development Order grants planning permission for the use of any land for any purpose for not more than 28 days in total in any calendar year. However, the Inspector stated that it is clear that operational development which constitutes part of the use alleged is not moveable. Therefore, the use is not permitted development.
- The enforcement notice in this case requires the use to cease as well as the removal of the operational development which facilitates the use. The appellant considers that the notice should only require the use to cease as it is only the use which is identified in the breach of planning control. The Inspector disagreed noting that if removal of the operational development had not been required, the land would be left with unauthorised development on it.
- The notice requires removal of the earth mounds by hand tools. The Authority stated this was to prevent damage to trees and their roots as well as to ecology and wildlife in this location. The Inspector was satisfied that this did not exceed what was necessary.
- The appellant sought a period of 12 months to comply with the requirements of the enforcement notice. The Inspector considered that the 6 months specified in the notice is adequate to cease the use of the land and remove the wooded structures and plastic sheeting. However, given the constrained and wooded nature of the site and the requirement for the earth mounds to be removed by hand tools, the Inspector varied the enforcement notice to allow for 12 months to comply with this aspect.

Planning Application No	Authority	Site	Description of Development	Decision
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SDNP/18/06553/FUL  W/4000237	SDNPA  (Planning Committee decision)	The Beacon Nurseries, Ditchling, BN6 8XB	Demolition of existing stables and erection of new single storey dwelling with associated landscaping.	<b>D</b>  25 March 2020
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**Inspector’s Reasoning**

- The appeal site is outside of the defined settlement boundary of Ditchling. It is a paddock with a stable type building located within a cluster of residential dwellings that are generally set within spacious grounds and are interspersed with open or undeveloped equestrian land. The appeal site contributes to this rural character by providing a significant break in residential development and reinforces the openness and undeveloped nature of the wider national park.
- The proposal would replace the existing stable block with a single storey dwelling. The size of the proposed dwelling would be significant in comparison to the existing structure, the erection of which would not only drastically increase the level of built form on the site, but also introduce a more formal residential character to the lane. The Inspector considered that this would severely diminish the current rural qualities and be harmful to the sporadic and open character of the wider area.
- It was considered that the scheme cannot be made acceptable through the use of landscape mitigation as identified in the LVIA submitted by the appellant. Whilst long reaching views of the proposal would be minimal, the very character and nature of site and the specific quality that it contributes to as a rural environment would be extinguished, and this would result in considerable harm to the immediate environment.
- It was acknowledged that care had been taken in designing the proposal but this did not overcome the fact that the significant increase in development on the plot and the associated residential paraphernalia would be harmful to the character of the area and would fail to conserve the landscape character.
- The appeal site is not located within a settlement. Both the Local Plan and the Neighbourhood Plan identify that development outside of the settlement, on previously developed land, is only acceptable in exceptional circumstances and in cases where the development is demonstrably necessary to meet the wider objectives of the Local Plan. The stables appear to be a permanent structure that have been on the site for a considerable period of time. Equestrian uses are not excluded from the definition of previously developed land and the Inspector considered that the site would fall within previously developed land as set out in the NPPF. However, the fact that there has been an historic use of the site is not in itself an exceptional circumstance. The wider objectives of the Local Plan are to direct housing towards defined settlements to cater for a medium level of dispersed growth. A single open market dwelling in this location would not be necessary to meet these wider objectives and, further, the site is not easily accessible other than by private vehicle.
- The proposal would not result in harm to living conditions of neighbouring occupiers, it would provide adequate off street parking and would not have a detrimental impact on highway safety. It would preserve dark skies and would not result in harm to biodiversity. The use of an integrated eco-system approach to green roof and rain water harvesting would also be a benefit of the scheme. However, the Inspector judged that these considerations did not outweigh the fundamental conflict and harm identified and the appeal was dismissed.

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/19/3227436	Chichester	Land north west of Upton Farm House, Chilgrove Road, West Dean, Chichester, PO18 9JA	The breach of planning control as alleged in the notice is: The engineering of an inert material bund with imported materials around three sides of a field.	<b>D</b> 27 March 2020

**Inspector’s Reasoning**

- The Inspector noted that the bund is a lengthy U-shaped feature, bounding the field and with its main stretch running parallel to the roadside. Its height fluctuates between 1.6m and 2m along this section which covers a significant expanse. The appellant stated that it was built up over a period of some 9 months.
- The bund is largely covered in vegetation. It is in the main positioned behind trees which run along the boundary with the road beyond. However, no form of landscape appraisal has been submitted and the proposed retention of the bund does not address the nature of its constituent materials, for which the appellant has submitted no evidence. Photographs provided by the Authority show a significant amount of hard-core deposited, and the Inspector considered the term “earth bund”, as used by the appellant, something of a misnomer.
- The Authority noted that, as the constituent materials had not been verified, a risk of contaminants was possible. The Authority also had concerns that it had not been demonstrated that the “waste” cannot practicably be reused, recycled or recovered, nor had it been demonstrated that there were no adverse impacts on the immediate area’s biodiversity. These concerns were shared by the Inspector.
- The Inspector stated that whilst the visual impact of the development may have been tempered due to its vegetative covering, the bund is not a naturally formed feature and its height and extent cannot be considered as insignificant in the contextual setting. The Inspector concluded that the development is harmful to the character and appearance of the area, and is in conflict with the aims and requirements of Local Plan policies.
- The notice requires that the material is removed from the site. The appellant considered that this exceeds what is necessary and that it could be redistributed across agricultural land. However, the Inspector did not agree considering that there is no evidence providing certainty as to the type of materials deposited at the site and that a proper assessment was not possible in this regard.
- The appellant considered the three month period specified in the enforcement notice to remove the bund to be insufficient. Under normal conditions the Inspector found it to be adequate. However the Inspector determined, in relation to the Covid 19 outbreak, that there was consequent uncertainty as to when normal business might resume. The Inspector adjudged that rather than him speculate as to when it might be practicably possible for the remedial works to be undertaken the period of compliance remain as stated in the enforcement notice and that, instead, the Authority used its legislative powers to extend the period of compliance as it sees fit, depending on how matters develop.
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Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04431/HOUS APP/Y9507/W/19/3224690	East Hants	22A Stable Cottage, High Street, Petersfield GU32 3JL	Extension to existing outbuilding to form a single garage	<b>D</b> 02 April 2020

**Inspector’s Reasoning**

- Located to the rear of 22 High Street within Petersfield town centre, the appeal site comprises part of an outbuilding, Stable Cottage, and part of a 12th Century burgage plot. No.22 is a Grade II Listed building and Stable Cottage is a curtilage listed building which has been converted to a dwelling. The appeal site is also within the Petersfield Conservation Area.
- The Authority’s Conservation Area Character Appraisal and Management Plan identifies the historic layout of the 12th century burgage plots as a key positive feature of the Conservation Area. The appeal site is part of one of the last two such plots in the area.
- Due to the projecting nature of the garage extension and its higher eaves height than the host outbuilding, the Inspector held that it would appear incongruous in views from the burgage plot. This would be compounded by the proposed Hazel Coppice fencing which would contrast starkly with the traditional walled enclosure of the burgage plot. Together these elements would detract from the appearance of the existing outbuildings to the rear of No 22.
- The combination of an additional physical structure and associated fencing would result in the permanent erosion and subdivision of the burgage plot whilst the installation of the proposed clay brick paving would contrast with the existing gravelled surface, thereby further highlighting the subdivision.
- The Inspector considered that the proposal represented poor quality design which would be harmful to the setting of the listed buildings and the historical significance of the burgage plot. It would also fail to preserve or enhance the character and appearance of the Conservation Area.
- The appellant stated that there is currently an unsightly prefabricated garage building on site so the proposed building would not only provide secure garaging but there would remain less scope for further unsightly paraphernalia within the garden area. However, the Inspector referenced paragraph 191 of the NPPF and that the deteriorated state of a heritage asset should not be taken into account in any decision. Meanwhile the provision of covered parking for Stable Cottage would be a personal benefit. Consequently, the Inspector considered that there were no public benefits which outweighed the harm identified and dismissed the appeal.

Planning Application No	Authority	Site	Enforcement Appeal	Decision
SDNP/18/04431/HOUS SDNP/19/02605/FUL  Appeal A Ref: APP/Y9507/C/19/3228664  Appeal B Ref: APP/Y9507/C/19/3228665  Appeal C Ref: APP/Y9507/W/19/3237085	SDNPA	Appeals A and B: Land to the South of the A27 known as The Ranch, Water Lane, Angmering  Appeal C: Fairhaven, Water Lane, Angmering	Appeals A and B: The breach of planning control as alleged in the enforcement notice is: Without planning permission and within the last 10 years the material change of use of Land to residential and the construction of a structure for the purposes of human habitation.  Appeal C: The replacement of a mobile home consented under SDNP/14/06164/FUL. The applicant is replacing the development with a mobile home with an agricultural occupancy restriction.	<b>D</b>  07 April 2020
<ul style="list-style-type: none"> <li>• Based on the information provided, the Inspector was not satisfied that the development on site complies with the definition of a mobile home, set out in section 13 of the Caravan Sites Act 1968. Therefore, it cannot be a ‘like for like’ replacement of a mobile home which previously existed on</li> </ul>				

site with planning permission.

- The appeal site is outside of any settlement boundary and is therefore within open countryside where development is only acceptable in the exceptional circumstances specified in Local Plan Policy SD25. With reference to paragraph 79 of the NPPF the Inspector considered that the appeal development was an isolated home in the countryside.
- The appellant stated that the appeal development is for a rural workers dwelling and that they are happy to have an agricultural occupancy restriction placed on the property.
- Local Plan Policy SD32 contains a number of tests which must be met, in addition to requiring a demonstration that the nature and demand of agricultural work make it essential for the worker to live at or close to the site of their work. Of particular relevance to this case SD32 e) requires the proposed agricultural or forestry dwelling to be well-related in terms of siting to existing buildings or dwellings within the enterprise, result in and remain as a total habitable floor space not exceeding 120m<sup>2</sup> (gross internal area) and be sensitively designed.
- The Inspector stated that no evidence had been provided which satisfied them that all of the tests in Policy SD32 had been met, particularly given the scale of the structure which has been built and which is proposed in Appeal C.
- The Inspector was not satisfied that it was necessary for the appellant to live in the structure which has been erected on the appeal site nor the development proposed in Appeal C and that the appeals failed to comply with development plan requirements and the NPPF.
- The Inspector noted that at the time of their visit the structure on site was not complete but that regardless its scale was obvious. The structure on site is clearly seen when travelling west on the A280 Water Lane from its nearby junction with the A27. In this open and otherwise undeveloped countryside location, it was considered that the structure appears as a substantial and incongruous feature within the National Park landscape.
- The appellant said that they will plant trees and hedges and let roadside hedges grow to block views of the development from the A280, but no further detail was provided. Based on the information available, the Inspector was not satisfied the plant growth proposals described by the appellant would mitigate the effect of the development on the character and appearance of the area.
- The Inspector concluded that the development would harm the character and appearance of the area, contrary to Local Plan and Neighbourhood Plan Policy and contrary to paragraph 172 of the NPPF which gives great weight to conserving and enhancing landscape and scenic beauty in National Parks.
- Were the development to have been acceptable the Inspector stated that a planning condition could ensure the proposal would be sustainable in respect of climate change mitigation and adaptation and water and energy efficiency to comply with policy SD48 of the Local Plan. But in the absence of a response to the specific requirements of Policy SD2 the proposal would not be sustainable in respect of ecosystem services and would not comply with Policy SD2 of the Local Plan in this regard.
- The enforcement notice was issued on 9 May 2019 and gave a period for compliance of 2 months. Given the Covid 19 public health emergency the Authority stated that 6 months was reasonable. The Inspector agreed and amended the period for compliance accordingly.



Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03009/FUL  APP/Y9507/W/19/3235127	East Hants	Blacknest Golf and Country Club, Frith End Road, Blacknest, Alton, GU34 4QL	Erection of 3 linked tipis, associated facilities building and pavilion, change of use and conversion of first floor gym, function room and multi-use rooms in clubhouse to 7 hotel rooms, alterations to first floor gym changing room to form open plan gym, conversion of first floor offices over pro-shop into security staff flat associated with proposed hotel rooms, change of use and conversion of part of driving range to 3 hotel rooms (2 x Part M compliant) with associated raised access path.	<b>A</b>  15 April 2020

**Inspector’s Reasoning**

- The permanent tipis, along with an associated facilities building, would enable events such as weddings to be carried out on this part of the golf course.
- The Inspector considered that the proposal would increase the spread of built form across the golf course but that the proposed development is of modest size, rising only to a single storey in height. The development would be set well away from the external boundaries of the golf course and in a setting which is heavily obscured by mature trees. The function of the tipis would be consistent with the existing longstanding use of this land as an area for recreation and leisure. The Inspector considered the appearance of the tipis would be similar to that of a marquee, a feature often found in the English countryside. It was found that the proposal would complement the landscape and would not detract from its character.
- Conditions were imposed to ensure that the new buildings remain ancillary to the golf course and do not become a destination or attraction in their own right.
- In relation to noise and impact on neighbouring residents the Inspector set out the importance of the sound system within the tipis having a limit on the noise emitted. A noise management plan, required by condition, would set out these limits together with measures to ensure that they were adhered to.
- Several residential properties have reported noise disturbance from similar, temporary structures on site. The Inspector considered that if the appeal fails it is likely that the temporary structures would continue to be erected with continued noise disturbance.
- The zone array sound system that would be installed within the venue directs music from the ceiling to the dancefloor, rather than conventional amplification systems which are less directional. This would be subject to strict noise limits, enforced through a noise management plan. The exact noise limits for different times of the day would be subject to the agreement of the Authority, this would ensure that noise does not unreasonably impact on neighbouring residents the Inspector stated.
- Whilst noting the appeal proposal is a permanent form of development, it was found by the Inspector likely to represent a significant improvement over the existing situation in terms of the local noise environment, at the times when the venue is in use. In conclusion the Inspector judged that the evidence before him indicated that noise could be limited to acceptable levels through the use of planning conditions.
- In respect of tranquillity the appeal site’s location, whilst being predominantly rural, was proximate to housing and traffic along the Frith End Road giving it, in the Inspector’s opinion, a medium level of tranquillity. There were concerns that the approval of a permanent structure could result in regular events occurring at the site. This, the Inspector agreed, would have the potential to lead to an urbanising effect and in response to this a

<p>condition was imposed limiting the use of amplified sound at the venue to 30 days within each calendar year. Subject to this limitation, additional noise arising from the tipis would occur on such an infrequent basis that it would not materially affect the prevailing relative tranquillity of this area.</p> <ul style="list-style-type: none"> <li>• The Inspector considered that the modest works to this existing rural business were likely to support its ongoing viability as a sports venue and community meeting place.</li> <li>• Dark night skies matters were addressed by planning condition.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/04166/LDE  APP/Y9507/X/18/3200665	Chichester	Buriton Barn, Buriton Farm Lane, Treyford GU29 0LF	The use for which a certificate of lawful use or development was sought is C3 residential use for the site area and buildings	<b>A</b>  In part 17 April 2020 (public inquiry)
<p><b>Inspector’s Reasoning</b></p> <ul style="list-style-type: none"> <li>• The main issues in the case were what the planning unit was and how the land has been used, including considering occupation of the land, physical separation and functional use of the land, past and present, and also the effect of previous planning permissions. To be lawful the residential use had to have been used as such for more than 4 years before the application date. This is determined on the balance of probability.</li> <li>• In the appeal the Inspector gave little weight to the intentions of the Authority to limit the area of land for curtilage in previous applications, or to the appellant’s reliance on the red line of the previous permissions. The Inspector noted that the appeal does not relate to planning impacts, but rather what has occurred in terms of the use.</li> <li>• Subsequent to the inquiry the Authority had agreed on information provided by the appellant that the residential use of the buildings is lawful and on the lawful development certificate had drawn the red line closely around the group of buildings. This appeal therefore concentrates on the land beyond the buildings. The Inspector considered the use of the disputed land in three parts; i) the land to the front of the dwelling, ii) the hardstanding immediately to the rear of the dwelling and, iii) the land to the rear of the site.</li> <li>• It was noted that the land to the front of the building has always been directly associated with the dwelling. When it was constructed it had the drainage and septic tank for the dwelling installed in the land and doors from the dwelling open directly out to the land. The previous owner notes that he maintained the land. The drainage and door way do not necessarily mean that the land is used in association with the house, but given that the land is intimate to the door way and that the septic tank will need maintenance and the land is in the appellant’s ownership, the Inspector concluded on the balance of probability that it was so used (for residential use).</li> <li>• The hard standing land to the rear of the garage had the hard standing added at an early date after the land had the underground array of pipework serving the heating system installed for the house. The area of hard standing has been used for parking by the occupants of the house and this is clear in the photographs provided by the Authority. On the balance of probability the parking use has continued as has the use of heat array pipes. It has continued to be used by the appellant in association with his house and has been in that use for in excess of 4 years (and thus was lawful).</li> <li>• With regard to the land to the rear of the site the Inspector accepted that any agricultural use had ceased for quite some time but that the land is more akin to a meadow than residential use. The heaps of stored materials are relatively small and not a residential use. The small shed is de minimis and again not sufficient to establish a residential use. The aerial photographs provided by the Authority suggest that there has been no specific use of the land. In the Inspector’s view, at present, and on the balance of probability the land is in a nil use. It is not in the same planning unit</li> </ul>				

as the residential use.

- For these reasons the appeal was allowed in part and a certificate of lawfulness issued for residential use that included the dwelling, the land to the front of the dwelling and for the hardstanding immediately to the rear of the dwelling. The certificate of lawfulness for residential use did not include the land to the rear of the site as its use for residential purposes for more than 4 years before the application date had not been established.

**Costs Decision: Refused**

- The Inspector considered that the Authority had acted in a reasonable manner in relation to this appeal. It had provided relevant information at the appropriate times, including its statement and proofs of evidence and agreed the statement of common ground. It had considered the use of the house and with the later submission of appropriate additional material had confirmed the use of the house ensuring that matter did not have to be considered in this appeal. There had not been a lack of cooperation, but a disagreement.
- The Inspector noted that it is up to the appellant to produce the evidence of a use (it is for the appellant to prove their case) and not for the planning authority to direct what is required.
- It was accepted by the Inspector that there had been some interchangeable use of terminology in relation to curtilage and use by the Authority but that it had not made a material difference in relation to the case and in any case did not amount to unreasonable behaviour. The application for an award of costs was refused.

Planning Application No	Authority	Site	Enforcement Appeal	Decision
<p>SDNP/18/00679/FUL</p> <p>Appeal A Ref: APP/Y9507/C/19/3237773</p> <p>SDNP/19/01331/CND</p> <p>Appeal B Ref: APP/Y9507/W/19/3232344</p>	<p>Winchester</p>	<p>Land at Abbots Worth House, Abbots Worthy, Winchester SO21 1DR</p>	<p>Appeal A The breach of planning control as alleged in the enforcement notice is the failure to comply with Condition 2 of planning permission SDNP/18/00679/FUL by failing to carry out the development in accordance with the approved plans by: Increasing the height of the roof; Relocating and resizing of the second floor windows to the north elevation; Inserting a window to the second floor east elevation and extending the roof; Relocation of the skylights; The relocation and resizing of the second floor windows to the south elevation; and Insertion of doors to the main dormer to south elevation.</p> <p>Appeal B The application sought planning permission for the partial change of nursery (Use Class D1) at Abbots Worthy House back to residential dwelling (Use Class C3) and extension to the roof to create additional habitable accommodation, without complying with condition 2 attached to planning permission Ref SDNP/18/00679/FUL, dated 18 April 2018.</p>	<p><b>A</b></p> <p>24 April 2020</p>
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The two appeals were dealt with by the Inspector together. In these combined appeals, the common main issue was the effect of the development on the architectural character of the existing building.</li> <li>• The roof of the building has been increased in height by 0.4 metres and this has resulted in an increase in both the height of the roof and the roof pitch and that this results in the building being slightly more visible from outside the site.</li> <li>• The overall design of the roof was considered to remain similar to that previously approved. The additional height and pitch is different, but the roof is set back behind a low parapet wall and roof walkway, which reduces the overall scale and visual impact of the roof. When viewed in the context of the scale and design of the existing building, the roof as built, was considered to remain subservient to the building as a whole. Consequently, the small increase in the pitch and height of the roof was not held by the Inspector to cause any discernible visual harm to the proportions and architectural design of the existing building.</li> <li>• Changes to the windows in the front elevation and the enlargement and repositioning of the dormer window were considered to overall enhance the symmetry of this elevation. The other changes in fenestration detail were considered to be minor and to have no adverse impact on the original building, when viewed as a whole. In conclusion the Inspector determined that the changes were respectful of the design proportions and architectural character of the host building and the appeal was allowed.</li> </ul>				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00334/FUL APP/Y9507/W/19/3239742	East Hants	71A Station Road, Liss GU33 7AD	Retrospective change of use from retail A1 use to 1 bed residential flat.	<b>D</b> 27 April 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The appeal property is wholly located within Flood Zone 3a and as such has a high probability of flooding. The Inspector noted that the appeal development introduces a more vulnerable use within this flood zone.</li> <li>• The Flood Risk Assessment (FRA) accompanying the application identified that both the finished floor level of the appeal site and the access fall below the Environment Agency's 1 in 100 year modelled flood event plus climate change. Accordingly, the Inspector determined, the occupants of the appeal development would be at demonstrably unacceptable risk during the modelled flood event with no flood free or safe access from the site. The single storey nature of the development also provides no opportunity for safe on-site refuge.</li> <li>• The appellant had erected a permanent wall (1.2m in height) within the rear courtyard, outside of the identified appeal site, to serve as a flood barrier along the boundary adjoining the River Rother. This wall was not identified as a recommended mitigation measure within the submitted FRA. As such the FRA did not assess the consequence that this wall would have upon flood storage capacity and the residual flood risk to other properties in the catchment. Significantly, the height of the constructed wall would still be below the 1:100 year modelled flood event plus climate change, and as such could potentially introduce a dangerous surge of flood water from overtopping of this wall and result in prolonged flooding of the property. Conversely, the erected wall could also have a negative effect on the natural function of the River Rother as a watercourse and ecosystem service.</li> <li>• The Inspector noted that the appellant had attempted to occupy the appeal site as a retail and office use with little long term success but that this did not justify the introduction of a more vulnerable land use within an area at high probability of flood risk. Whilst the FRA includes a list of generalised mitigation measures, it is unclear how these physical design measures can be practically implemented given the retrospective nature of the development, and whether the suggested flood warning and evacuation plans are appropriate. Furthermore, the erection of a rear boundary wall to serve as a flood barrier potentially introduces greater risk to both occupants and the property, as well as potentially effecting flood storage capacity, other properties in the catchment and the natural characteristics of the watercourse. The Inspector judged that the appeal development would be at an unacceptable risk of flooding.</li> <li>• In relation to living conditions the London to Portsmouth railway line is closely located to the appeal site. Nonetheless that Inspector noted that it was clear the Authority had approved other residential development in similar proximity to the railway line and that the Authority had not provided any substantive evidence or cogent reasoning as to why this appeal development differs to those approved schemes. Consequently the Inspector determined that it had not been adequately demonstrated that the railway line would harm the living conditions of occupiers.</li> </ul>				

Planning Application No	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/18/3209964	Lewes	Land at Iford Farm, The Street, Iford BN7 3EU	<p>The breach of planning control as alleged in the enforcement notice is without planning permission, the material change of use of the Land from agriculture to a mixed use of the land for agriculture and for the shooting of game birds (including partridge and pheasant) for sport in the shooting season (1 September – 1 February), with the shooting of game birds for sport in the shooting season taking place in excess of that permitted under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This order permits the temporary use of Land for no more than 28 days in total in any calendar year.</p> <p>The requirements of the notice are to cease the use of the Land or any part of the Land for the shooting of game birds for sporting purposes in excess of that permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p> <p>The period for compliance with the requirements is two months.</p>	<p><b>D</b></p> <p>29 April 2020</p> <p>(Informal hearing)</p>
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• Shooting occurred at the Iford Downs Shoot on either 52 or 57 days in the 2017-18 season and has been operating commercially since 2010. It generally consists of 4 drives of up to around 30 minutes over a 6 hour day. The shooting season is from 1 September to 1 February. No shooting currently takes place on a Sunday.</li> <li>• The South Downs Way crosses the area of the Shoot whilst a bridleway forms the boundary of the area use for shooting and there is nearby open access land. As a result, walkers, horse riders and other users of the South Downs Way, bridleway and open access land could be in close proximity to the shoot while it is operating.</li> <li>• The number of people involved in a shoot, including guns, beaters and shoot staff, can be substantial. According to the Noise Impact Assessment, the sound of guns raises the ambient noise at locations around the shooting areas while it is taking place. The shoot could affect a substantial number of people on the paths through and around the shoot were it to operate on an unrestricted basis through the shooting season, albeit it was accepted that the open access land is rarely used by the public.</li> <li>• Some representations suggested that members of the public have found operation of the shoot intimidating when using the public footpaths and bridleway around the area but the Inspector noted that shooting is a traditional pastime in the countryside such that the noise of guns would not be unusual in an area such as this.</li> </ul>				

- Conditions to mitigate the effects of the shoot were discussed during the hearing and included:
  - Limiting the number of guns on the shoot to 9
  - Limiting the hours of operation of the shoot
  - A Management Plan for the shoot with regard to other users of the National Park
  - No shooting or beating over public rights of way
  - Limiting the number of days shooting per year
- The Inspector noted that to comply with Local Plan SD7 development needs to *positively* enhance tranquillity. The Inspector was satisfied that the suggested conditions would reduce the amount of noise and disturbance on days when the shoot operates and that they would also significantly limit the effect on other users of public rights of way, such that the shoot would not have a material effect on the behaviour or attitude of users of public rights of way in the area. Nevertheless whilst the Inspector considered that overall the shoot would *conserve* the relative tranquillity of the area there would not be an *enhancement* of the conditions of users of the public rights of way relating to noise and disturbance as required by Policy SD7 and would therefore be contrary to development plan policy. On this issue the Inspector concluded that the use does not conserve and enhance the natural beauty of the SDNP, with particular regard to the tranquillity of the area.
- Turning to ecology and biodiversity part of the site is within a SSSI. On the basis of the evidence submitted the Inspector considered that the shoot does not affect protected species nor the condition of the SSSI. In terms of bird species the Inspector considered the shoot to enhance biodiversity but noted that there may be negative impacts on the natural environment such as through the disturbance of flora and fauna, deposition of lead shot and displacement of native bird species. However, it was noted that these were presented as assertions with limited evidence to back them up and therefore there was a lack of certainty as to the nature and extent of these effects on biodiversity. On balance, and on the basis of the evidence available, the Inspector considered that the shoot conserved and enhanced ecology and biodiversity.
- The Inspector noted that the Estate had an endorsed Whole Estate Plan that provided details of the activities undertaken on the Estate, including the shoot. The shoot contributes toward the income of the Estate and toward the vision for the estate set out in the Whole Estate Plan. As a result, the mixed use for agriculture and for shooting of game birds complies with Local Plan Policy SD40 that supports farm diversification.
- The Inspector also noted that the shoot provides open air recreation and that is also provides employment. These factors carried moderate weight the Inspector determined.
- The appeal was dismissed as the Inspector judged the use, with particular regard to the tranquillity of the area, would not enhance the natural beauty of the SDNP, contrary to Local Plan Policy SD7 and conflicting with the first purpose of the SDNP to which the Inspector attached great weight in the planning balance.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02109/FUL APP/Y9507/W/19/3239471	Chichester	Arundel House, Rumbolds Hill, Midhurst GU29 9ND	Conversion of two upper floors to two flats (1x1 bed and 1x2bed). Minor external works at ground floor level to facilitate access to the proposed residential flats.	<b>A</b> 7 May 2020

**Inspector’s Reasoning**

- The appeal site is a three storey building wholly used for retail purposes and comprised of two retail units which are separated at ground floor

level. The retail unit subject of the appeal occupies part of the ground floor and the full extent of the first and second floors of the building. The appeal site is in Midhurst Town Centre and within a Primary Shopping Frontage defined by the Local Plan.

- Local Plan Policy SD37 seeks to support the vitality and viability of the retail function of market towns. The policy emphasises that development proposals within the town centre must not harm the retail function of the town centre and that the loss of retail units within the Primary Shopping Frontage will not be permitted.
- The Inspector noted that the appeal proposal sought to convert the first and second floors of the appeal site to residential flats, with a reconfigured retail unit retained at ground floor level. Policy SD37 explicitly describes the loss of a retail unit as not being permissible, so although the retail unit would be of a reduced size it would not equate to the complete loss of a retail unit and would therefore satisfy this clause of the policy, provided it remains viable for retail purposes.
- It was considered that the appeal proposal would maintain the predominantly retail interface at ground floor level whilst facilitating residential development on the floors above, which it was noted was characteristic of the mix of uses along this part of Rumbold Hill. The introduction of a residential use would support the vitality and retail function of the centre, it was considered, by providing greater access to local businesses and services as recognised by Paragraph 85 of the NPPF.
- The Authority had expressed concerns about the significant reduction in size of the retail unit, reduced shop front width, irregular configuration and lack of staff facilities (i.e. toilet and kitchenette). In response the Inspector considered that the size of the retail unit remaining was similar to other retail units in the town centre and that it would remain a viable prospect for both the short and long term prosperity of the town centre. In relation to staff facilities the Inspector noted that there are public conveniences and food outlets within walking distance if no onsite facilities are provided.
- The minor nature of the external works were considered to have a neutral impact on the Conservation Area and the appeal was allowed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01904/FUL APP/Y9507/W/19/3235150	Arun	Fox Wood Charcoal Fox Rough Selden Lane Patching	The erection of a forestry building to incorporate forestry equipment and machinery store at ground level with permanent forestry workers accommodation and office at first floor level.	<b>A</b> 05 June 2020

**Inspector’s Reasoning**

- The appeal site is outside of any settlement boundary. The appellant has been living in temporary accommodation on the site for a number of years. Fox Wood Charcoal operates from the site, with the first kiln being used in 2014. However the appellant has worked with the forestry commission since 2011 to assist in bringing the woodland back into viable production. Timber which is felled is processed in the on-site saw mill whilst waste timber and general timber extraction and production is dried and utilised for charcoal burning.
- The appeal site is also permitted to be used for a maximum of 30 camping pitches on up to 60 nights a year between 1 April and 31 October. In addition the site can be used to provide environmental education events.



- The Inspector considered that due to the charcoal burning process a full-time presence on site is required to supervise the two kilns. Furthermore, the Inspector stated, during the months for which camping is permitted, an on-site presence is necessary to ensure that the site is run properly and safely. The Inspector therefore considered that there was an essential need for a rural worker to be on site in accordance with Local Plan Policy SD32 (1) which advises that development will be permitted where it has been demonstrated that it is essential for one or more person engaged in forestry enterprises to live at the site of their work.
- The Inspector noted that the evolution of the business to incorporate camping and educational facilities are reflective of the appellant's aim for this site to be one that supports a more sustainable lifestyle whilst providing an income and encouraging others to enjoy this very special area.
- The Inspector considered that the appellant had demonstrated that the enterprise is viable when considered in its totality and in the context of the aim of the enterprise. As such it was held that the proposal would comply with the principle of policy SD32(2)(a) which requires a business to demonstrate that it is financially sound and viable and capable of providing a reasonable return.
- There were considered to be no other existing buildings on site which could be satisfactorily converted to use as a dwelling.
- The Inspector considered that aesthetically the new building would reflect a large agricultural building, which would not be uncommon within the immediate and wider context. The building would sit as part of a pair when viewed from the public footpath to the front of the site, against a backdrop of mature and dense woodland. The sawmill which already exists would appear as the more dominant building due to its larger mass and slightly elevated position. The proposed building would be slightly more modest and sit nestled within part of the existing woodland. Other views of the building would be obscured by the existing sawmill shed and the existing established boundary hedgerows. The buildings (existing sawmill and new building) would be grouped together and placed to best perform their specific tasks, which would accurately reflect a rural enterprise. The materials to be used were considered acceptable and the new building was held to sit harmoniously within the site and wider location.
- For the reasons given above the Inspector allowed the appeal and granted planning permission. Conditions were attached, including relating to materials, landscaping, biodiversity and external lighting. A condition was also attached limiting the occupation of the dwelling to a person solely working, or last working, in the locality in agriculture, or in forestry, or a widow or widower of such a person, and to any resident dependents.
- Officers have some concern with elements of the Inspector's assessment of this application against Policy SD32 and are considering raising this directly with the Planning Inspectorate. In particular:
  - Policy SD32 applies to new agricultural and forestry workers' dwellings. In this case income from tourism (camping) was acknowledged as the dominant source of income. However SD32 is solely to address the need of agricultural and forestry workers.
  - Despite the dominant source of income being from a non forestry use (camping) the Inspector attached a condition stating that the occupation of the new dwelling shall be limited to a person *solely working*, or last working, in the locality in agriculture or in forestry.
  - The Inspector concludes that the forestry and camping elements are entwined and it is on this basis that the Inspector goes on to identify that the enterprise is viable in accordance with the requirements of policy SD32(2)(a). However, camping does not constitute a forestry business. In officers' view, the assessment in this case should have been carried out against the forestry element alone and on the basis of the business accounts provided in support of the appeal which demonstrate that despite the diversification which has taken place (camping) this has not made the forestry enterprise viable as the business still cannot cover the cost of labour associated with the production of charcoal and the appellants are entirely reliant upon the non-forestry uses to demonstrate the viability of the business.
  - This could, potentially, set a precedent as it could enable the creation of agricultural/forestry dwellings outside of settlement boundaries where the viability is solely established by non-agricultural/forestry operations.

- As farms and forestry enterprises become more diversified this policy area is perhaps likely to be increasingly explored with planning applications.

Planning Application No	Authority	Site	Description of Development	Decision
APP/Y9507/C/19/3241584	SDNPA	The Ranch, Water Lane, Angmering	The breach of planning control as alleged in the enforcement notice is, without planning permission and within the last four years, the creation of an acoustic barrier in the form of a tyre wall.	<b>D</b> 11 June 2020

**Inspector's Reasoning**

- 3 other appeals at this site (relating to a mobile home) were determined on 7 April and are covered above.
- There was no dispute that the acoustic barrier in the form of a tyre wall constituted development for which planning permission is required.
- The appellant suggested that the tyre wall benefitted from the planning permission available within Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This relates to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. In order to constitute permitted development under this section any wall would have to, the Inspector noted, have some function of enclosure.
- The Inspector considered that the tyre wall did not enclose land and that the tyres had not been placed with the intention of enclosing land, but rather for other purposes. Given this the proposal did not represent permitted development, was a breach of planning control and the appeal was dismissed.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/01763/CND  APP/Y9507/W/19/3243634	Winchester	Joinery & Boxwood, Scandors Yard, Baybridge Lane, Owslebury	<p>The application sought planning permission for change of use of joinery workshop to 'holiday lets' accommodation without complying with a condition attached to planning permission reference 12/00378/FUL, dated 30 April 2012.</p> <ul style="list-style-type: none"> <li>• The condition in dispute is No 3 which states that: "The proposed accommodation shall not be used other than for holiday purposes and shall not be used for any individual's main or sole residential dwelling. The holiday accommodation shall not be occupied for a period exceeding 4 weeks for any single letting, shall not be occupied for more than 5 times per year by the same occupier, and there shall be no return within 4 weeks by the same occupier. 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 officers of the Council."</li> <li>• The reason given for the condition is: "To ensure that the accommodation is only used as holiday / tourist accommodation."</li> </ul>	<p style="text-align: center;"><b>D</b></p> <p style="text-align: center;">17 June 2020</p>
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>• The appeal site comprises two residential units for which occupancy is restricted to holiday accommodation by condition. The appeal sought the removal of the disputed condition in order that the units could be used as permanent residential dwellings rather than as holiday accommodation.</li> <li>• The Inspector noted that Local Plan Policy SD23 resists the loss of visitor accommodation unless specific criteria are met. The supporting text to this Policy sets out that the National Park is a major resource for recreation and tourism, which play a significant role in the local economy. Furthermore, it identifies a need to increase capacity and potential growth in demand for visitor accommodation; and sets out that due to the availability of new sites for new development, any loss of visitor accommodation can be difficult to replace. Therefore, the Inspector held, the need for visitor accommodation and the economic implications of its loss are material planning issues in the National Park.</li> <li>• The Inspector states that there was no substantive evidence demonstrating that the existing holiday accommodation is financially unviable, that any marketing has taken place, nor that the use as holiday accommodation harms the special qualities of the National Park. As such, removal of the disputed condition would result in the loss of visitor accommodation without justification, in conflict with Local Plan Policy SD23.</li> <li>• The appeal site is outside of a settlement boundary and is not allocated for development or safeguarded in the Local Plan for the use proposed, nor is it community infrastructure. The Inspector noted that was also no substantive evidence that there is an essential need for two unrestricted dwellings in this countryside location and as such the proposal was contrary to Local Plan Policy SD25.</li> <li>• The use of the units as permanent dwellings would also, it was found, reduce opportunities for people to visit and stay in the National Park, and therefore to discover, enjoy, understand and value it and its special qualities. As such, the proposal would conflict the statutory purpose of the</li> </ul>				

<p>National Park to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.</p> <ul style="list-style-type: none"> <li>In conclusion the Inspector considered the disputed condition to be necessary, reasonable and relevant to planning and dismissed the appeal.</li> </ul>				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00732/FUL  APP/Y9507/W/19/3239911	SDNPA	Old Coach House, Hill Brow, Liss	Proposed replacement dwelling	<b>D</b>  22 June 2020
<p><b>Inspector's Reasoning</b></p> <ul style="list-style-type: none"> <li>The appeal site is located outside of any defined settlement boundary and is thus within open countryside. Planning permission exists to convert the site to a residential dwelling (this has been commenced and therefore remains extant in perpetuity.) This planning permission has therefore established the residential use of the site for the purposes of Policy SD30.</li> <li>The appeal proposal seeks to demolish the existing building on site, along with three other outbuildings, to establish a replacement dwelling generally in the same location.</li> <li>The proposed replacement dwelling was not considered to amount to an overbearing built form, or to cause any harmful loss of light or privacy to neighbouring residents, by virtue of the low lying and visually obscured position of the appeal proposal in relation to neighbouring residential dwellings. In these respects the proposal complied with Policy SD30 (which overall seeks to reduce the loss of small homes through replacement by substantially larger homes).</li> <li>However, the Inspector identified that the primary consideration here in relation to Policy SD30 was the proposed increase in floorspace. On this point the Inspector considered that the appeal proposal would amount to a substantially larger home than permitted under the extant planning permission, excessively increasing the floorspace on site contrary to the objectives of Policy SD30 and which would then conflict with Policy SD25 (Development Strategy) and the exceptional circumstances under which development in the open countryside may occur. The increase in floorspace was found to be exacerbated when considering the significant increase in floorspace the appeal proposal represents compared to the existing building on site.</li> <li>The proposal was held to be inappropriately located within the open countryside and contrary to Policies SD25 and SD30.</li> <li>In terms of historic environment the appeal site and adjoining property, Arawai House, were found by the Inspector to collectively define the historic character and appearance of the two sites and to positively contribute towards the cultural heritage of the National Park, which attracts great weight under paragraph 172 of the NPPF. It was noted that the proposal would come at the expense of the existing building (i.e. it would be demolished under the appeal proposal) whereas it could be more appropriately utilised for the efficient reuse of existing building stock, conserving and enhancing the special qualities of the National Park.</li> <li>The historic context of scale and function shared between the appeal property and Arawai House presents, the Inspector set out, an overall significant character which contributes positively towards the historic environment and cultural heritage of the National Park. Compared to the otherwise homogenous pattern of large dwellings in the area, the distinct character and appearance of the scaled relationship between the appeal property Old Coach House and Arawai House elevates these properties and warrants preservation. No public benefits were identified that would</li> </ul>				

outweigh this harm.

- The appellant argued that the extant planning permission is unable to be implemented due to the approved internal layout not being capable of achieving Building Regulation standards. The Inspector was not convinced that the suggested deficiencies in accommodation space could not be overcome, nor that the only way to achieve an acceptable standard of accommodation would be to demolish the existing building.

**Costs Decision: Refused**

- The appellant sought costs from the Authority on three grounds:
  - i) That the NPA had not adequately demonstrated, by way of supporting objective evidence, that the appeal site or adjacent Arawai House should be appropriately deemed non-designated heritage assets.
  - ii) Relating to paragraph 197 of the NPPF and the need to carry out a balanced assessment having regard to the identified harm and significance of a heritage asset (i.e. they argued this was not done)
  - iii) The NPA did not carry out an assessment against Policy SD30 bringing into question whether the proposal was correctly assessed.
- In respect of ground i) the Inspector noted that the NPA carried out an appropriate assessment (using evidence available) for the identified significance of the non-designated heritage assets and had not acted unreasonably.
- In respect of ground ii) the Inspector determined that a balanced assessment was carried out that identified the significance of the non-designated heritage assets, the harm it was considered would result from the appeal proposal, and the weight identified to be given to such harm under the Framework. The Authority also outlined that there were no public benefits identified that it considered would outweigh the identified harm. The Inspector held that the Authority had not acted unreasonably in this respect.
- In relation to ground iii) it was noted that:
  - The NPA confirmed that its omission of Policy SD30 from their assessment was deliberate, and was done on the basis that they disputed the description of the proposed development as a replacement dwelling. The NPA contested that as the necessary works under the existing planning permission to convert Old Coach House into a habitable dwelling had not been carried out, that there is no existing residential dwelling for the proposed development to replace.
  - The Inspector considered that whilst in practical terms a habitable dwelling had not been established on the appeal site, the planning permission which granted the residential conversion and use of the appeal property has been commenced and therefore remains extant in perpetuity as set out in the applicant's submitted legal opinion. The permission has therefore 'legally established' the residential use of the site for the purposes of Policy SD30. Given this it was therefore necessary for the NPA to carry out an assessment against Policy SD30 to inform their final decision on the proposed development, and as such this equates to unreasonable behaviour.
  - The applicant advised that they obtained legal opinion clarifying the relevance of Policy SD30 to the assessment of the appeal proposal following the NPA's decision. Should, the Inspector stated, the NPA have assessed this policy in the first place this expense would likely not have been incurred by the applicant.
  - The Inspector therefore found that unreasonable behaviour resulting in unnecessary expense had been demonstrated and that a partial award of costs was justified for the costs incurred in obtaining legal opinion pertaining to the relevance of Policy SD30.
- A partial award of costs was therefore made solely on ground iii).

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