

Ms. J. Holmes  
Assistant Chief Executive  
Development Management  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

03 October 2024

Our Ref: J004696

### Planning, Sustainability, and Design & Access Statement

Dear Ms. Holmes,

#### **PROPOSED CONVERSION OF BARN TO RESIDENTIAL USE AT LAND NORTH OF STAPLEFIELD ROAD, SLAUGHAM, HAYWARDS HEATH RH17 6AG**

I refer to the above. WS Planning & Architecture have been instructed by Mr. L. Nugent to submit a planning application seeking the conversion of a barn to residential use at Land North Of Staplefield Road, Slaugham, Haywards Heath RH17 6AG.

We enclose the following in support of the application:

- Completed Application Form
- Planning Portal Generated Site Location Plan
- Drawing no. DE1238-02 – Existing Floor & Elevations
- Drawing no. DE1238-03 - Existing Elevations
- Drawing no. DE1238-04 - Proposed Floor Plans
- Drawing no. DE1238-05 - Proposed Elevations
- Drawing no. DE1238-06 - Proposed Site plan
- Drawing no. DE1238-07 - Existing Site plan

This letter should be reviewed in conjunction with the above documents.

#### **Proposal**

The proposal seeks the conversion of an existing barn situated on the land to a residential use whilst also making provision for biodiversity enhancement within the wider site.

#### **WS Planning & Architecture**

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The proposal is for a conversion of a barn building, and as such, limited consideration can be given to design considerations given the constraints of the existing building. However, it is suitably sized such that a conversion and compliance with the Nationally Prescribed Space Standards can be achieved.

### **Pre-Application Consultation**

This application follows a request which sought the Council's position on the principle of the proposed conversion development at the application site.

The advice of the LPA was that, provided sufficient information is provided to show that the building is suitable for re-use together with the detailed design to demonstrate that the proposal would seek to retain the original character while also seeking to preserve both the character of the countryside and that of the High Weald Area of Outstanding Natural Beauty an application for this is invited.

### **Community Involvement**

Following receipt and review of the LPA's pre-application advice, the applicant, as recommended, engaged local parties to consider the scheme prior to submission. On 09 August 2024 a consultation was dispatched to Slaugham Parish Council, noting their involvement in prior proposals on the site.

A meeting was held on 05 September 2024, and the Parish Council resolved to sustain objection to the development. The key points raised were:

1. conflict with the intent of DPC1, which aims to conserve and enhance the natural beauty of the countryside,
2. isolated homes in the countryside should be avoided unless they meet specific criteria, such as agricultural necessity or exceptional design quality,
3. Effect on the National Landscape (AONB) designation,
4. not a sustainable location for new housing, which contradicts DPH2 of the District Plan,
5. The proposed development does not align with these objectives and would instead undermine the conservation efforts intended for this sensitive landscape,
6. Effect on the Slaugham Conservation Area, and contribution to the aesthetic value of the village,
7. Sustainable Development Measures,
8. Green infrastructure & designated habitats
9. Reservations about Applicant's intentions,

The above summarises the key points highlighted by the Parish, but does not repeat word for word the objection received.

Points 1 to 8 will be reviewed within this submission, but in regard to point 9, it is not a material planning consideration as to what an applicant's intentions are. That said, the applicant has no designs to further develop the site, and is in fact offering up the

remainder of the land for biodiversity improvements, which would need to be secured for a period of 30 years to have effect, even though the scheme is considered “*de minimis*” as no existing habitat is actually being affected, with new habitat being created through the removal of hardstanding proposed. Furthermore, it should go without saying that any future application will have to be assessed on its own merits.

The applicant is not denying the history of the site through this application, having regard to the dismissed appeal for new build residential development, but is directing the proposals on the site to appropriate, policy compliant, development, such as the conversion of a redundant rural building.

### **Application Site**

The site forms part of the former Slaugham Garden Nursery which has been vacant for a number of years.

The site is located west of the village of Slaugham. An aerial photograph of the application site is shown at **Figure 1**.



**Figure 1** Aerial image of application Site

The site is accessed from the south via Staplefield Road. To the west of the access way into the site, is an area of land that formed the nursery area. There were some poly tunnels remaining on this land. To the north of the site is a field which has a number of trees within the site. On the southern boundary of this land is a shipping container. To the west and east of the site there is substantial tree screening along the boundaries, with fields beyond this.

The site is situated within the Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty. In addition, to the east of the site is an Ancient Woodland (Homestead Wood).

The application site is located in Flood Zone 1.

### **Relevant Planning History**

The application site itself has an array of history, extending from certificates of lawfulness to proposals for residential dwellings. The history of the site is set out below,

<b>01/01934/FUL</b>	Withdrawn
New security fencing to front of site.	
<b>01/01947/COU</b>	Withdrawn
Change of use from horticultural to mixed use horticultural and office use in association with applicant's business.	
<b>02/02623/COU</b>	Withdrawn
Change of use to mixed use for landscaping, agricultural and construction works, contractors using the premises.	
<b>03/02354/COU</b>	Withdrawn
Personal temporary planning permission for Woods and Baines Construction Ltd for change of use from agricultural to class B1 use ( business use), with ancillary storage, for a period of two years.	
<b>08/03044/COU</b>	Refused
Change of use of building to commercial uses falling within Use Classes B1 and B8. (Amended description and amended Site Plan received 17/11/08)	
<b>12/02876/LDC</b>	Refused
The use of land for the storage of plant equipment and materials by a ground work contractor. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account.	
<b>DM/16/4406</b>	Refused
Outline Planning Application for 9 Residential Units at the former site of Slaugham Garden Nursery.	
<b>DM/17/4326</b>	Refused & Appeal Dismissed
Proposed 3 No. four bedroom dwellings on land at Slaugham Garden Nursery.	
<b>DM/19/4269</b>	Refused & Appeal Dismissed
Existing Lawful Development Certificate sought for use of a Barn as a Dwellinghouse.	
<b>DM/22/2015</b>	Refused & Appeal Dismissed
Proposed change of use of land to a Transit Site for Gypsy/Traveller's comprising the formation of 6 Touring Caravan Pitches for nomadic use only, and the erection of 6 utility buildings, as well as the formation of a children's play area	

A point which was established within the appeal proceedings for DM/22/2015 was that for the purposes of the National Planning Policy Framework, and indeed the Planning Policy for Traveller Sites, is that the site is most certainly an “unity / derelict” site.

Below, I set out the enforcement history of the site,

- 16th April 1996 - Enforcement Notice issued for change of use from horticulture to groundwork business and siting of portakabins - Notice complied with to date but remains in effect and extant.
- 16th April 1996 - Enforcement Notice issued for construction of hardstanding - Notice complied with but remains in effect and extant.
- EF/03/0134 - 16th July 2003 - Enforcement Notice issued for erection of a fence in excess of 2m in height. - Notice complied with but remains extant.
- EF/08/0355 - Unauthorised COU Nursery to storage B2 + builders yard sui generis – Breach recorded as having ceased in 2014 without recourse to Enforcement Notice.
- EF/17/0469 - Unauthorised waste imports – Breach recorded but LPA notes set out that there was no substantiated evidence of a breach of planning control. Case closed as not expedient to pursue further.

Important to record in respect of the above enforcement activities is that under section 57(4) of the 1990 Act, reversion to the previous lawful use of land is allowed where a later use has been successfully enforced against. Specifically, it is stated that,

*Where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.*

In this respect, the April 1996 Notice's are important to be considered. There has been no further *successful* enforcement action recorded, and so planning permission is not required to revert the use of the land to that of Horticulture. For the purposes of this submission, and so without prejudice to any further consideration of any other matters or possible claims of lawful use, this is the baseline context in which the site is considered for the purposes of this proposal, also accounting for the Inspector's comments in the prior appeal proceedings relating to the Transit Site proposal.

As such, the site is treated as a redundant horticultural unit for the purposes of this proposal.

### **National Planning Policy Framework (NPPF) December 2023**

The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's most up-to date vision for future growth. The document introduces a presumption in favour of sustainable development. The Ministerial Foreword highlights that **“sustainable development is about positive growth – making economic, environmental and social progress for this and**

**future generations".** The opening statement goes on to state that "**development that is sustainable should go ahead, without delay".**

Paragraph 38 highlights that "**local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible".**

Paragraph 47 states that,

**"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."**

Paragraph 73 makes it clear that LPA's need to identify and update annually a supply of specific sites to provide a minimum of 5 years supply.

Paragraph 85 of the NPPF acknowledges that some residential development will be located beyond the settlement boundary and not well served by public transport.

Paragraph 105 states that "**the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making".** This paragraph acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

### **Mid Sussex District Plan 2014-2031**

The District Plan is the main planning document used by the Council when considering planning applications. It includes the strategy, proposed level of development and a number of planning policies.

Mid Sussex District Council adopted its District Plan on 28th March 2018. In accordance with National Policy, legislation, and a commitment in the adopted District Plan, the District Council have commenced a review of the District Plan.

The following policies are identified as being relevant to considerations on this proposal,

- Policy DP4 (Housing)
- Policy DP6 (Settlement Hierarchy)
- Policy DP12 (Protection and Enhancement of Countryside)

- Policy DP15 (New Homes in the Countryside)
- Policy DP16 (High Weald Area of Outstanding Natural Beauty)
- Policy DP17 (Ashdown Forest)
- Policy DP21 (Transport),
- Policy DP26 (Character and Design)
- Policy DP27 (Dwelling Space Standards)
- Policy DP29 (Noise Air and Light Pollution)
- Policy DP37 (Trees, Woodlands and Hedgerows)
- Policy DP38 (Biodiversity)
- Policy DP39 (Sustainable Design and Construction)
- Policy DP41 (Flood Risk and Drainage)
- Policy DP42 (Water Infrastructure and the Water Environment)

Policy DP6 sets out the Settlement Hierarchy in the District. It identifies Slaugham as a Category 4 settlement with limited services, often only serving the settlement itself.

Policy DP12 regards protection and enhancement of the countryside. The policy sets out that,

**The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:**

- **it is necessary for the purposes of agriculture; or**
- **it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.**

Policy DP15 regards new homes in the countryside of the District, and contains a part specific to the re-use and adaptation of rural buildings for residential use. This part of the policy states:

#### **Re-use of rural buildings for residential use**

**The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed\* agricultural building which has not been or has been little used for its original purpose and:**

- **the re-use would secure the future of a heritage asset; or**
- **the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.**

**\*For the purposes of this policy, the term ‘recently constructed’ will generally be held to apply to buildings constructed within about two/three years of a planning application for their re-use or adaptation.**

Policy DP16 regards the High Weald National Landscape. The policy requires development within the National Landscape to conserve or enhance natural beauty, and have regard:

- the identified landscape features or components of natural beauty and to their setting;
- the traditional interaction of people with nature, and appropriate land management;
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
- the conservation of wildlife and cultural heritage

The policy also states that “*Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported*” and “*Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB…*”.

Policy DP26 regards Character and Design, and requires all development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside.

Policy DP38 regards Biodiversity and sets out that Biodiversity will be protected and enhanced, by requiring development contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure; Protects existing biodiversity; Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; Promotes the restoration, management and expansion of priority habitats in the District; and Avoids damage to, protects and enhances the special characteristics of valued ecological land.

### **Slaugham Neighbourhood Plan**

The Slaugham Neighbourhood Plan (SNP) was ‘made’ in September 2019 and covers the Plan period 2014-2031. The Slaugham Neighbourhood Development Plan 2014 - 2031 is part of the Development Plan of the Mid Sussex District Council Local Planning Authority Area as defined at Area Designation by Mid Sussex District Council on 9th July 2012. This means that the policies in the Neighbourhood Plan are now given full weight when decision makers assess Planning applications in the parish of Slaugham.

Policy 1 regards the protection of the Area of Outstanding Natural Beauty, and reflects Policy DP16 of the Mid Sussex Development Plan.

Policy 3 of the document regards Green Infrastructure and reflects the intention of Policy DP38 of the Mid Sussex Development Plan insofar as setting out that

development which conserves, enhances, and maintains Green Infrastructure will be supported.

## **Principle of Development**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan for this part of Mid Sussex consists of the District Plan, Slaugham Neighbourhood Plan and Site Allocation DPD.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

The NPPF (December 2023) paragraph 77 requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing. Paragraph 226 states that, for decision making, a minimum four years' worth of housing is required for authorities with an emerging local plan that has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need. This is applicable for

Mid Sussex District Council. The Council's publish land supply position, supported during an appeal in Albourne determined in October 2023 (reference DM/22/2416), is that it can demonstrate **5.04 years supply**. The tilted balance is therefore not engaged in this respect.

As the site is within the countryside the starting point is Policy DP12 of the Mid Sussex District Plan which states:

*'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

While Policy DP15 of the Mid Sussex District Plan goes on to say:

*'Re-use of rural buildings for residential use*

*The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:*

- *the re-use would secure the future of a heritage asset; or*
- *the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.'*

In addition, Paragraph 84 of the NPPF states:

*'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- (a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- (b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- (c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- (d) *the development would involve the subdivision of an existing residential building; or*
- (e) *the design is of exceptional quality, in that it:*
  - o is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

- o *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'*

As such provided the proposal is for the re-use of an existing rural building and would lead to an enhancement of the immediate setting the proposal would be considered acceptable in principle.

However, as part of the application a structural survey of the existing barn must be provided to demonstrate it is capable of re-use. Accordingly, subject to it being demonstrated that the building is of sound construction and capable of conversion, there should be no inherent objection to the building being repurposed.

### **The Application Proposal**

The building related to this proposal is a metal framed barn which lies to the southern end of the site. It is of single skin metal construction with only one small external window.

The building itself remains structurally sound, with the single skin metal frame construction remaining in relatively good condition. The proposal of conversion would see this exterior built up internally from brick and timber construction materials to provide the necessary insulation of the building, and a more sympathetic façade (timber cladding). The converted building would retain its scale and form, remaining single storey in nature. As such, whilst it is noted the pre-application advice recommended a structural survey, given the works proposed would strip the external single skin, down to the steel frame of the building, one is not produced.

However, the building itself, were this a class Q conversion, would be capable of conversion. This is evident by the Pre-app submission details, which are attached at **Annex A** showing the proposal retaining the existing façade's external appearance (corrugated metal). Indeed, whilst the prior LDC was refused, it is evident that the building **has** been used for a residential purpose in the past, albeit this use ceased.

That said, the policy (DP15) does not recuse the proposal. The policy does state it is appropriate for re-use and adaptation of rural buildings for residential use. It is considered that is what is proposed in this instance. It is the re-use and adaptation of an existing rural building to provide a single residential unit.

Policy DP15 sets out that the re-use of rural buildings for residential use is generally acceptable in principle, provided that the building is not of recent construction. This is not the case on the development site, given that this structure has been in-situ since pre-2000, and was originally a part of the Horticultural Nurseries use.

The policy also requires that such proposals secure the future of a heritage asset, which in this case is not relevant as the site is not a heritage asset and does not form part of the conservation area, but I would note that the development could lead to an enhancement of the Conservation Area's setting. This is achieved through the removal of the palisade gates fronting the site to a more sympathetic five bar gate and post & rail proposal. This would result in passers-by heading into the village not having their perception of the area altered by the relatively industrial style of the site at present. Additionally, whilst views into the site are restricted by vegetation, the proposal would

also secure removal of the commercial paraphernalia on the site. Heading away from the village, views of the site are limited to the gates and access way, which have both been a longstanding feature of the character of the site. It is submitted the change would be more sympathetic to the character of the area, and the setting of the conservation area, and thus overall a beneficial aspect of the development.

The policy also requires any re-use to lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area. This is as discussed above.

For clarity, the applicant is content that this can be achieved through the use of planning conditions requiring the tidying of the site, landscaping, and requiring compliance with such a scheme for the duration of the development, thus resulting in the derelict and untidy nature of the site being improved, and it restored to a less semi-developed nature, with a more in-character roadside frontage.

The proposal would utilise the existing access infrastructure, and so the impact of the development would not change from that of the existing, given that the barn is tucked to the right of the access road. It is not visually prominent, especially so when in-leaf. As such, it is considered that whilst the proposal would result in the building becoming more domestic in nature, the impact would be severely limited to views from the public realm. What views can be achieved from the public realm would remain limited, and the scheme has been adjusted following the pre-application to have less intrusive features on its southwestern elevation.

The fronting doors are considered to be a feature of the rural nature of the building itself, and so these are retained and sought to be enhanced as a clear indicator of the buildings history, as a rural barn structure.

The proposal also seeks to tidy the remainder of the site, through removal of commercial paraphernalia and stored items, as well as the reduction of hardstanding. The LPA, in their Pre-app response, recognised that this aspect, coupled with the fact the proposal was to convert an existing building, would conserve the character of the character of the wider High Weald AONB.

The proposal would deliver two parking areas, as required by local policy, and no conflict would arise from this matter.

The existing building measures some 105.72sqm in its footprint, and internally, post conversion, this would be reduced to approximately 89.6sqm, which is suitably sized and adhering to the nationally prescribed space standards for at least a two bedroom 4 person single storey dwelling.

Accordingly, it is submitted that the development is acceptable in principle, and largely compliant with the policies of the Local Plan. More detailed consideration will be given to specific matters hereon.

### **Biodiversity Net Gain**

Technically speaking, as the proposal does not impact any on-site habitat of more than 25sqm, or 5 linear metres. Thus, it qualifies for a *de minimis* exemption. For clarity, the guidance does make clear that a development “impacts” a habitat if it **decreases** the

biodiversity value. Hardstanding however does not hold any biodiversity value in the metric, and this is the only qualifying area affected.

What would be proposed is to reduce the extent of the hardstanding, and replant. This would serve to both improve views into the site, and enhance biodiversity given that sealed urban surfaces, and unsealed urban surfaces, have a value of 0 in the DEFRA Metric.

On a provisional basis the following detail is recorded when the values are inputted to the Metric:

Pre-Development Habitat Type	Area (sqm)	Pre-Development Habitat Value	Area Retained (sqm)	Area Changed (sqm)	Post-Development Habitat Type	Post-Development Habitat Value
Artificial unvegetated, unsealed surface	2150.07	0.00	980.19	1169.88	Modified Grassland (Moderate Condition)	0.4508

In short, the proposal to remove the hardstanding and replace with planting would result in a demonstrable net gain over the zero baseline which exists presently. If, within this area 20 medium sized trees (diameter at breast height of 30 to 90cm) the net gains would increase to 2.6542 habitat units.

What the application can seek to establish is that the baseline habitat value of the site, excluding those areas which are vegetated but are also not affected by the proposal, is nil. A notable extent of hardstanding is to be removed, and even if this entire area were treated as “bare ground” habitat, the proposals would still secure an overall net gain (200+%).

The details of any enhancement scheme can be secured by condition, but what is clear is that the development proposed, with the specific inclusion of regenerating a part of the site for biodiversity purposes, **will** result in an overall net gain being achieved, and there being vast improvement to what is present.

Recent appeal decisions regarding BNG have set out that achieving an excess to the minimum BNG required is an additional planning gain to be given weight in the balance. It is considered that any asserted conflict should be weighed against this matter.

Additionally, whilst not relevant to the decision maker, a point of note for interested parties is that through securing such BNG enhancement, the applicant, and any future landowner were the site to be sold albeit this is not the intention, would be engaged with the requirement to fulfil the net gains, and maintain them to actually achieve said net gains, for a period of at least 30 years to see the effective results. As such, any fears of prospective future developments should be set aside in light of the fact that such future developments would become handicapped by the enhancement scheme and would need to not infringe upon the scheme, or demonstrate a net gain beyond what may be achievable on the land within this proposal.

Given how the existing structure is located on the site, the extent of residential curtilage and amenity space would be most appropriately located within its immediate setting.

However, any “amenity space”, such as a grassed garden, would sit within the confines of the “free” space identified by the previous Tree Survey (attached at **Annex B**).

With regards to Policy DP38, as is indicated, a notable extent of enhancement is capable of being achieved, and it is considered from a broad overview that this could achieve more than the required 10% Net Gain, and if so, would represent an added “benefit” of the proposal.

## **Protected Species**

An Ecological Impact Assessment (EIA) was prepared and issued August 2023. Whilst for a different proposal, the conclusions of this report, in terms of protected species, are considered to remain relevant, with the exception of Great Crested Newts impact being resolved due to the proposal being conversion, and not impacting any potential existing habitat.

In short, one of the issues previously taken on GCN was that works which affect them or their habitats must be undertaken under licence. As is clear from the submissions, no works would be undertaken that affect the potential habitats present, and this is to be retained.

However, reference to the document is specifically with regard to Para 5.49, where it is stated,

*The buildings on site were assessed as having negligible suitability to support roosting bats due to their lack of suitable roosting features. Trees likely to be impacted by the proposals were also found to have negligible suitability for roosting bats.*

In this regard, the applicant would confirm that no objection is raised to adherence with the recommendations and mitigation measures set out within Section 6.0 for Bats, Reptiles, Nesting Birds, Invertebrates, Badgers, as well as the proposed faunal enhancements recommended to be provided on site.

For completeness, the report is attached at **Annex C**.

## **Sustainability**

Turning to issues previously identified by local residents, given that it is submitted to be compliant with DP15 and DP38, I do consider that subject to further details being secured through the use of conditions, the proposed development could be made to be compliant with the development plan as a whole.

The Parish Council have made reference to isolated homes in their response, however, the site is not isolated for the purpose of this para of the NPPF. Case law has established that in determining whether a particular proposal was for “*isolated homes in the countryside*”, the decision-maker had to consider whether the development would be physically isolated, in the sense of being isolated from a settlement. What constituted a “settlement” and whether the development would be “isolated” from it were both matters of planning judgement for the decision-maker on the facts of each case. In this case, it is submitted that the conversion proposal would not result in an

isolated home, and it is in this regard, that I refer to the Inspector's decision for DM/22/2015, and in particular Para 25.

The Inspector highlighted that she was not bound by those conclusions of a previous Inspector, as the proposal before her was for a different form of development. The same is true in this instance, as whilst it is for a residential dwellinghouse, it is **not** a *new build* proposal, but a conversion. Paragraph 109 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and proposals which comply with Policy DP15 are most likely to be located within such constraints, as a rural building is characterised by a rural location. As such, whilst the site may be deemed to be not ideally located for such a residential use, in that future occupants of the scheme would likely not be able to access services and facilities by walking, cycling or public transport, they would only be a short drive from services and facilities that are available in the wider area, and any conflict which arises is tempered by the context in which the proposal is set, as a proposal for the conversion of an existing rural building.

I do not consider the site to be isolated, such that reliance on Paragraph 84 of the NPPF could be used, as it is in good proximity to an existing settlement, albeit one with limited services and facilities. Indeed, this same Paragraph acknowledges that the re-use of redundant or disused buildings is an appropriate circumstance to allow isolated development provided it also enhances the immediate setting, and it is ultimately for the decision maker to consider.

### **Planning Balance & Conclusion**

The proposal seeks the conversion, through re-use and adaptation, of an existing rural building, comprised of a single skin steel frame structure, to create a 2 bedroom residential dwelling.

In conclusion, it is considered that the proposal should be considered acceptable in principle, and would be a modest scale development, which would also serve to provide potential enhancements to the character of the area, as well as the landscape of the AONB itself.

The proposal is considered to comply with Policy DP15, and can, through appropriate use of conditions, secure a demonstrable gain in biodiversity, which has the added benefit of enhancing the character of the site, which is in all frankness, a derelict and untidy site.

The proposal constitutes the redevelopment of previously developed land, by virtue of the re-use of an existing building, and is a policy compliant development supported by the Local Plan, the Neighbourhood Plan, and the NPPF.

As has been evidenced throughout this covering letter, the proposal would be considered acceptable in principle. The proposal, despite only creating a single two bedroom dwelling, would also contribute to the Districts Housing Supply Need, albeit in a very limited scale. This is a matter which weighs very limited in favour.

Having regard to the foregoing it is requested that officers look favourably on the application, and a recommend a grant of planning permission.

I look forward to progressing the application with you, and if you have any queries regarding the above, please do not hesitate to get in contact.

Yours sincerely,



**Peter Brownjohn**  
**Senior Planner**