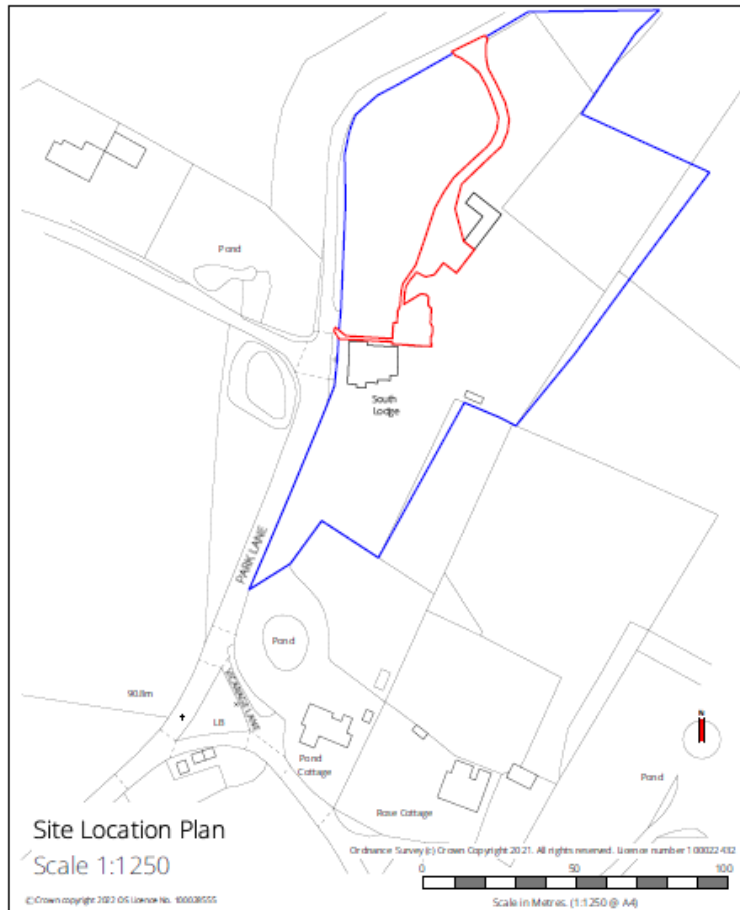


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: SDNP/22/02939/FUL
Proposal Description: Change of use of annex to holiday let and ancillary residential accommodation
Address: South Lodge, Annex
Park Lane
Swanmore
SO32 2QQ
Parish, or Ward if within Winchester City: Central Meon Valley Ward
Swanmore Parish Council
Applicants Name: Ms G Oakley
Case Officer: Lisa Booth
Date Valid: 21.06.2022
Recommendation: Permit
Pre Application Advice No



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will have minimal impact on the character and setting of the National Park in accordance with policies SD23, SD4 and SD5 of the South Downs Local Plan (2014-33). Material planning considerations do not indicate that an alternative approach should be taken.

General Comments

The application is reported to Committee due to the number of objections to the proposal contrary to the recommendation.

Amendments to Plans Negotiated

None.

Site Description

South Lodge is a detached two storey dwelling constructed of brick with a clay tile roof. The property is located close to the road, within large grounds which extend to the north, on rising land.

There is an existing one and a half storey annex building adjacent to the dwelling, partially cut into the bank, which is the subject of this application. The building is timber clad above a brick plinth with a clay tile roof.

Vehicular access and drive, and parking is to the north of the dwelling and annexe.

Proposal

Change of use of annex to holiday let and ancillary residential accommodation

Relevant Planning History

- **98/02168/FUL** - (AMENDED DESCRIPTION) Erection of stable block and detached double garage with tool room. PER 4th March 1999.
- **03/01967/FUL** - Conversion of detached garage roofspace into one bedroom annex with 2 no. rooflights in south elevation (RETROSPECTIVE). PER 2nd October 2003.
- **04/00407/FUL** - (AMENDED DESCRIPTION) Convert existing detached garage to ancillary living accommodation including construction of single storey extension. PER 31st March 2004.
- **04/02691/FUL** - New access, gates and fence (RETROSPECTIVE). PER 21st January 2005.
- **SDNP/21/01619/CND** - Variation of conditions 2 and 4 in relation to Application SDNP/17/02645/HOUS STATUS: WDN 29th June 2021.
- **SDNP/21/03430/FUL** - Change of use of annex to holiday let (retrospective) STATUS: WDN 1st December 2021.

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- **SDNP/22/01416/LDE** - Swapping of French door with window on south elevation and replacement of middle window with French door on east elevation STATUS: APP 28th November 2022.

Consultations

Parish Council Consultee - Swanmore

Comment - The Parish Council would request that a condition be imposed that the annex shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling and the annex shall not be used as an independent unit of living accommodation, or be able to be sold as a singular dwelling in its own right. In addition, if holiday letting is considered appropriate, that the property must not be occupied for over eleven months in a calendar year.

Reason: To accord with the terms of the application, as the site lies within an area where additional residential properties would not normally be permitted under the Swanmore Village Design Statement, and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

Natural England

No objection - With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Nutrient Neutrality- Grampian Condition

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Representations:

The application has received the following letters of representations:

8 letters of objections.

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The grounds for objection are as follows:

- Right of access only for South Lodge, not other persons
- Increased noise and disturbance
- Increase in unfamiliar vehicles and pedestrians using private access drive
- Loss of privacy – cars, people, service vehicles and dogs using private drive and passing over gardens.
- Loss of tranquillity – anti-social behaviour (people walking through private gardens/aggressive when challenged)
- Reduction in security – unknown faces and safety (children and vulnerable adults) – leads to stress
- Wouldn't object if conditioned only to use Park Lane for access

Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs National Park Local Plan Adopted 2 July 2019 (2014-33)** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was 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.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

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Paragraph 2 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

The following policies of the **South Downs National Park Local Plan Adopted 2 July 2019 (2014-33)** are relevant to this application:

- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5: Design
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 – Biodiversity and Geodiversity
- Strategic Policy SD10 – International Sites
- Development Management Policy SD22: Parking Provision
- Strategic Policy SD23 – Sustainable Tourism
- Strategic Policy SD25 – Development Strategy

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 3
- General Policy 43

Planning Assessment

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The main policy for the proposal is SD23 - Sustainable Tourism.

1. Development proposals for visitor accommodation, visitor attractions and recreation facilities will be permitted where it is demonstrated that:

a) The proposals will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities;

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- b) The design and location of the development minimises the need for travel by private car and encourages access and/or subsequent travel by sustainable means, including public transport, walking, cycling or horse riding;
 - c) Development proposals will not detract from the experience of visitors or adversely affect the character, historical significance, appearance or amenity of the area;
 - d) Development proposals make use of existing buildings, and, if no suitable existing buildings are available, the design of any new buildings are sensitive to the character and setting;
 - e) Ancillary facilities are not disproportionately large in relation to the rest of the visitor facilities;
 - f) Any proposal does not have an adverse impact on the vitality and viability of town or village centres or assets of community value; and
 - g) Where proposals are located outside settlement policy boundaries as defined on the Policies Map, they:
 - i. Positively contribute to the natural beauty, wildlife and cultural heritage of the National Park; and
 - ii. Are closely associated with other attractions/established tourism uses, including the public rights of way network; or
 - iii. Are part of farm diversification schemes or endorsed Whole Estate Plans.
3. The Authority will support a year-round visitor economy, while ensuring the facility remains for visitor use only.
4. Development proposals, on their own or cumulatively with other development uses, must not prejudice or disadvantage people's enjoyment of other existing and appropriate tourism and recreation activities. Development proposals that generate significant additional pressure upon the surrounding rights of way network will be required to mitigate these impacts.

The site has good connection with a number of PROW networks in accordance with SD23(g)(ii). There are several footpaths within a 3-minute walk of the site. The footpath to the west of Park Lane provides a direct link to Bishops Waltham, while the footpath to the south off the site along Green Lane provides a direct route to Droxford. Beyond this, the walking and cycling opportunities are endless with links to the South Downs Way, Wayfarers Way and the Pilgrims Trail. The proposals would provide a holiday let which allows exploring of the area on foot, by bike or by horseback, reducing the reliance on travel by private car. The site for tourism is considered to be very good for introducing users to what the South Downs National Park has to offer.

Users of the site will be provided with the opportunity to use cycling for their onward journeys to different local points of interest and cycles will be made available as part of the holiday package. (SD23 1.(b)).

The site is not in a totally isolated area, with some residential development along the surrounding roads and the centre of Swanmore is less than a mile away.

A statement to satisfy the above requirements of Policy SD23 was submitted with the application (within the Planning Statement) and it is considered that the principle of providing tourist accommodation on the site is acceptable and in accordance with the aims of the policy.

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The existing building has extant permission to be used as an annexe (ref: 04/00407/FUL) and this change of use seeks to use it as both an annexe and for tourist accommodation. Conditions 3 and 4 have been attached to ensure that it is used within these limitations.

Policies SD4 and SD5 apply. The purpose of these policies is to ensure that all development is of the highest possible quality which will be expected to conserve and enhance landscape character in the National Park and utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational, and where relevant, vernacular detailing. Regard should be had to avoiding harmful impact upon, or from, any surrounding uses and amenities.

Design, scale and impact on the character of the area

The annexe building is existing and there will be no physical changes to the building or surroundings. The surrounding area is well established. Apart from minimal additional vehicle movements from either friends or family (as is already established under the extant annexe permission) or occupiers of the tourist accommodation, there will be no additional impact on the character or setting of the area.

The proposal meets SD23 1.(d) in that it makes use of an existing building and SD23 1.(c) the proposed development will have minimal adverse impact on character, appearance or amenity of the area.

Neighbouring amenity

Policy SD5 applies. The purpose of Policy SD5 is to ensure that there is no impact on adjoining uses, amongst other criteria.

The existing building is set away from other neighbouring properties, so they are not considered to have any detrimental impact, with the nearest property being 95m to the west (Cruckwell House) and Swanmore Park House being 250m to the north. The site is accessed from a private drive serving Swanmore Park House, with the existing access for South Lodge being located approximately 100m from the entrance piers of the private drive. It is understood (through evidence provided) that the applicant has a right of access over the private drive. Objections have cited that this is only for the applicants and not for visitors, however, this would be a civil matter between the two parties to come to an agreement on and is not something that would warrant a reason for refusal.

Objections concerning potential noise and disruption from users of the accommodation have been expressed and have been considered as part of this assessment. There is a good distance from both Swanmore Park House residents and Cruckwell House. The annexe/tourist accommodation is directly next to South Lodge, so should there be any unwanted noise or disturbance it will be dealt with quickly. The accommodation is considered to be far enough away from neighbouring properties to not cause detrimental impact on amenities. However, if issues of noise did arise, then this would be a matter to be dealt with under Environmental Health Legislation.

Concerns have been raised regarding visitors accessing the site from the north and driving through Swanmore Park grounds instead of using the southern access, and regarding future occupiers walking through the private park grounds and with dogs and children. It is
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confirmed that the management of the site will ensure that future occupiers are fully informed about how to access the site and areas that are for use and those of which are off site and private. This is considered to be a responsible solution to the neighbour issues that have been cited, it would be a civil matter between the two parties and given the level of impact it is not considered that a condition is needed regarding a management plan which is cannot be enforced in respect of third parties.

Dark Night Skies

The South Downs National Park was awarded International Dark Sky status in May 2016. The SDNP have taken action to ensure the protection of the Dark Night Skies from artificial light pollution by applying Policy SD8 of the SDNP Local Plan and General Policy 3 of the Partnership Management Plan. No external lighting has been proposed however a condition will be placed on the decision notice to ensure all future lighting must comply with Policy SD8 of the SDNP Local Plan and General Policy 3 of the Partnership Management Plan to ensure the Dark Night Skies are protected from artificial light emission.(6)

Trees

There are no trees affected by the proposed change of use.

Highways

Access is via the existing access and it is not considered that the proposal will result in a detrimental number of additional vehicle movements. (Policies SD19, SD22)

Nitrates

All applications for new dwellings and overnight accommodation are required to demonstrate that they are nitrate neutral, in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed holiday let would generate additional nitrates that will need to be mitigated. The applicant has confirmed that they would accept the imposition of a Grampian condition to ensure that a mitigation strategy is submitted for prior approval before the development is occupied. (Policies SD10) (5)

Conclusion

Based on the evidence submitted and the consultation responses, the application is considered to be acceptable and in accordance with the Development Plan and is recommended for approval.

Reason for Recommendation and Conditions

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

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

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

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Holiday occupancy:

(i) the tourist accommodation shall be occupied for holiday purposes only.

(ii) the tourist accommodation shall not be occupied as a person's sole or main place of residence

(iii) The tourist 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.

(iiii) the owners shall maintain an up-to-date register of the names of all occupiers of the tourist accommodation on the site, their arrival and departure dates and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

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

4. The converted annexe hereby permitted shall not be occupied at any other time other than for purposes ancillary to the residential use of the existing dwelling and/or tourist accommodation. The dwellinghouse extended as hereby permitted shall only be used as a single unit of accommodation and shall not be sub-divided, separated or altered in any way so as to create two or more separate units of accommodation.

Reason: To accord with the terms of the application since the site lies within an area where additional residential properties would not normally be permitted.

5. The development hereby permitted shall NOT BE OCCUPIED until:

a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority

b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy SD1, SD2, and SD9 of the South Downs Local Plan (2014-33).

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6. Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme should be in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and protected species from light pollution.

Informative:

1. Crime and Disorder Implications

It is considered that the proposal does not raise any crime and disorder implications.

2. Human Rights Implications

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.

3. Equality Act 2010

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

4. Proactive Working

In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of an onsite meeting to add additional value as identified by SDNPA Officers and consultees.

Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date Received	Status
Plans -	SDNP-WIN-AD-350.01 F SITE LOCATION PLAN		20.06.2022	Approved
Plans -	SDNP-WIN-AD-350.02 A BLOCK PLAN		20.06.2022	Approved
Plans -	SDNP-WIN-AD-350.03.A EXISTING ANNEXE		20.06.2022	Approved

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	PLANS			
Plans -	SDNP-WIN-AD-350.04 EXISTING ANNEXE ELEVATIONS		20.06.2022	Approved

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