



APPLICATIONS & APPEALS SERVICES

RESIDENTIAL USE OF LAND. RETENTION OF GREENHOUSE, SHED/WORKSHOP BUILDING, VEGETABLE PATCH, WILDLIFE MEADOW AND ORCHARD, RETENTION OF AND ALTERATION TO WILDLIFE POND AND RETENTION AND ALTERATION TO DECKED AREAS. REMOVAL OF OVEN/COOKING STATION AND LIGHTS.

2 FOXHOLE COTTAGES, BEDLAM STREET,
HURSTPIERPOINT, HASSOCKS, WEST SUSSEX,
BN6 9EL

PLANNING, DESIGN & ACCESS STATEMENT

NOVEMBER 2017



CONTENTS	PAGE	APPENDICES
1.0 INTRODUCTION	3	Appendix NJA/1 – Land Registry details for 2 Foxhole Cottages
2.0 PHYSICAL CONTEXT	5	
3.0 PROPOSAL AND BACKGROUND	7	
4.0 PLANNING HISTORY	9	Appendix NJA/2 – Site Layout Plan dated March 1988 submitted as evidence as part of application 07/03436/LDC
5.0 PLANNING POLICY	10	
6.0 DETAILS OF THE PROPOSAL: USE, AMOUNT & SCALE OF DEVELOPMENT	16	Appendix NJA/3 – Details of application DM/16/2196, Gretta Gate, Henfield Road, Albourne
7.0 LAYOUT, DESIGN & APPEARANCE	22	
8.0 CONCLUSIONS	25	

1.0 INTRODUCTION

1.1 Planning permission is sought for the following:

- Use of the land/confirmation of the land as residential, forming part of the curtilage of 2 Foxhole Cottages
- Retention of green house
- Retention of shed/workshop building
- Retention of vegetable patch
- Retention of wildlife meadow and orchard
- Alteration to and retention of wildlife pond
- Removal of oven/cooking station
- Removal of/alteration to decking areas
- Removal of lights

1.2 The above works have been carried out on land at 2 Foxhole Cottages and this application is submitted in response to the letter from the Council's Enforcement Officer, Mr Trevelyan (dated 02 May 2017) sent to the Applicant, Mr Melling (included at Appendix NJA/1).

1.3 The Applicant carried out the works believing them to be 'permitted development' as the land in question forms part of the residential curtilage of 2 Foxhole Cottages. It is noted that this is disputed by the Council's Enforcement Officer who considers the land to be agricultural (not residential) and that as a result, the works carried out require planning permission.

1.4 This Planning, Design and Access Statement confirms that the residential status of the land is lawful (and therefore immune from enforcement action) and this planning application seeks permission for the works described at paragraph 1.1.

1.5 This supporting Statement sets out the detail of the proposal which is described and appraised having regard to the following aspects:

- **Physical Context** – explains the physical context of the site and its surroundings;
- **Planning Context** – relevant planning history of the site and broad policy requirements;
- **Use** – the purpose of the proposed development;
- **Amount** – the extent of development on the site;

- **Scale** – details of the physical size of the proposed development;
- **Layout** – the relationship of the proposed development to the site and its setting;
- **Appearance** – details of materials, style and impact upon the existing and neighbouring properties;
- **Landscape** – impact of the proposal on the existing landscape and proposed planting and surfacing;
- **Access** – access to the proposed development and associated parking;

1.6 This Statement will demonstrate that the proposed development accords with the relevant planning policies and is acceptable in all respects.

2.0 PHYSICAL CONTEXT

2.1 2 Foxhole Cottages is a two storey semi detached dwelling located within South Downs National Park, very close to the settlement of Hurstpierpoint, located just over 1 mile away to the north.

2.2 The main garden area to the dwelling extends to the south and west of the cottage. The garden area to the far west is separated by a mature hedge that was planted by the previous owners, however, the use of the land remains as one forming part of the residential curtilage of 2 Foxhole Cottages. In particular, the garden areas are distinctively separate from the surrounding agricultural land and the residential curtilage (and ownership) boundary is mainly marked by hedgerows.

2.3 A former detached garage building is located to the west of the dwelling. This has been converted to an office and well-being centre following the grant of planning permission under application reference SDNP/14/01922/HOUSE. Also

permitted under this application was the conversion of a detached workshop (adjacent to the main dwelling) to a bedroom.

2.4 The following are photographs of the application site relating to the area of land that is the subject of this planning application:





3.0 PROPOSAL AND BACKGROUND

- 3.1 Planning permission is sought for the retention of or alteration to a number of structures and works carried out at 2 Foxhole Cottages, as described at paragraph 1.1.
- 3.2 When the applicant purchased 2 Foxhole Cottages he understood that the land to the south west of the dwelling fell within its residential curtilage and therefore the works carried out would be permitted development. In support of the proposal, the Applicant confirms the following:

'I (Phillip Melling) purchased 2 Foxhole Cottages, Bedlam Street, Hurstpierpoint on the 5th October 2014 from Christopher and Pamela Stepto who also own the neighbouring property, Foxhole Barn, Bedlam Street, Hurstpierpoint.

Mr and Mrs Stepto purchased 2 Foxhole Cottages on the 19th February 1985, the demise of the property and garden can be seen below marked as "Plan A". The surrounding

land was largely open and most of the existing hedgerows and fences are relatively new editions added for privacy and to act as wind breaks. As can be seen on "Plan A" at the time of purchase in 1985 the parcel of land in question was not separated from the rest of the garden surrounding the property. The hedgerow and fence that exist now to the north and east of the land in question were introduced by Mr and Mrs Stepto and this appears to be causing some confusion.

Mr and Mrs Stepto have always regarded the land as recreational. Neither Mr and Mrs Stepto, Mr Melling or the solicitor advising Mr Melling during the purchase were aware of any restrictions regarding land use. As a result all work which has been carried out to date has been undertaken in good faith not knowing that consent was needed for any of the alterations made'.

- 3.3 Further assessment regarding the use of the land and the works carried out is set out at Sections 5 and 6 below. Figures 1 and 2 show the existing and proposed site layout.

Figure 1: Existing site layout



Figure 2: Proposed site layout



4.0 PLANNING HISTORY

4.1 The relevant planning history is set out as follows:

- SDNP/14/01922/HOUSE – Conversion of existing garage to a bedroom/annexe and convert the garage into a home office/well being centre. Planning permission granted.
- 07/03436/LDC – Lawful Development Certificate application to confirm the use of barn as a single dwellinghouse. Permission/Lawful.
- HP/062/92 – Use of part of existing barn for accommodation ancillary to existing dwelling. Planning permission granted.
- HP/003/83 – Alterations and extensions to convert 2 cottages and outbuildings into 1 x 4 bedroom dwelling and 1 x 2 bedroom dwelling together with garaging accommodation. Permitted. There is a condition on this

permission that restricts the use of the garage and states that any other use will require planning permission.

5.0 PLANNING POLICY

National Planning Policy Framework (NPPF)

5.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development (paragraph 14). For decision taking, the NPPF states that this means approving development that accords with the development plan without delay.

5.2 The NPPF (paragraph 7) sets out the following three dimensions of sustainable development:

- ***‘an economic role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;***

- ***a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and***
- ***an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy’.***

5.3 Paragraph 17 sets out the core planning principles and states that planning should (inter alia) recognise the intrinsic character and beauty of the countryside and should support thriving rural communities within it.

- 5.4 Paragraph 39 of the Framework states that if setting local parking standards, local planning authorities should take into account the accessibility of the development, its type, mix or use, the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high emission vehicles.
- 5.5 Paragraph 56 states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 57 sets out that it is important to plan for the achievement of high quality design and inclusive design for all developments.
- 5.6 The NPPF continues at paragraph 60 that: ***‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’.***
- 5.7 Paragraph 115 of the NPPF states that ***‘Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty’.***
- 5.8 Paragraph 117 of the NPPF seeks to minimise the impacts upon biodiversity and geodiversity and when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.
- English National Parks and the Broads: UK Government Vision and Circular 2010**
- 5.9 National planning policy relating to the protection of National Parks is set out in the English National Parks and Broads: UK Government Vision and Circular 2010. This Circular is also given weight in conjunction with the NPPF.
- 5.10 In this regard, the South Downs National Park has two statutory purposes that comprise:

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

5.11 The Circular continues by stating that if a conflict arises between the two purposes then conservation takes precedence. The South Downs National Park Authority (SDNPA) additionally has a duty to foster the economic and social well-being of the local community in pursuit of the statutory purposes.

Local Planning Policy

The Mid Sussex Local Plan (2004) (Saved Policies)

- 5.12 The relevant saved policies of the Mid Sussex Local Plan are summarised as follows:
- 5.13 Policy G1 – Development will be permitted where it would not cause damage or loss of significant natural, created or social assets. Development should not cause environmental

damage or cause unacceptable disturbance or nuisance or be inefficient in its use of resources.

5.14 Policy C1 – Development within the countryside will be restricted to the following:

- ‘proposals reasonably necessary for the purposes of agriculture or forestry;***
- proposals for new uses in rural buildings of a scale consistent with the building’s location;***
- in appropriate cases, proposals for the extraction of minerals and the disposal of waste;***
- in appropriate cases, proposals for quiet informal recreation and/or tourism related developments;***
- proposals for facilities which are essential to meet the needs of local communities, and which cannot be accommodated satisfactorily within the built-up areas;***
- proposals for which a specific policy reference s made elsewhere in the plan; and***
- proposals which significantly contribute to a sense of local identity and regional diversity’.***

- 5.15 Policy C4 – Within the Sussex Downs and High Weald Areas of Outstanding Natural Beauty, the aim is to conserve and enhance natural beauty. Development in such areas will be permitted, subject to criteria.
- 5.16 Policy C6 – Development resulting in the loss of woodlands, hedgerows and trees that are important in the landscape will be resisted.
- 5.17 Policy C9 – States that proposal involving the incorporation of agricultural land or other open land into residential curtilages will not be permitted where it is considered that such a change would result in a reduction in the character of the locality.
- 5.18 Policy B1 – A high standard of design, construction and layout will be expected in new buildings, including alterations and extensions. Development will be required to respect the character of the area and use materials of quality, appropriate to the site and surroundings. Consideration should be made to landscape features and provide suitable new planting. Where appropriate, existing wildlife habitats including green corridors and river courses should be protected and preserved.
- 5.19 Policy B3 – Proposals for new development (including extensions and changes of use) will be permitted if significant harm to the amenities of nearby residents will be created.
- 5.20 Policy B7 – Development resulting in the loss of trees that are of significant amenity value will be resisted.
- 5.21 Policy H13 – Within the countryside, the extension of dwellings will be permitted if;
- a. 'the building and site are physically suitable;**
 - b. the proposal does not result in the loss of a small dwelling;**
 - c. highway, access and parking requirements can be met;**
 - d. the proposal is appropriate to its setting and not obtrusive in the landscape, particularly in an Area of Outstanding Natural Beauty; and**

- e. the proposal is appropriate to the scale of the existing dwelling and its built and natural setting'.*

Mid Sussex District Plan

- 5.22 The District Plan will be the main planning document used by the Council when considering planning applications and it will cover the period up until 2031.
- 5.23 The District Plan was submitted to the Planning Inspectorate in August 2016. After a number of hearings (the most recent being in July 2017), the Inspector recommended that the Plan could proceed to adoption subject to a number of modifications.
- 5.24 The Council is now undertaking a public consultation on the Main Modifications that are proposed (2nd October to 13th November) however at this stage, the District Plan remains an unadopted document. The Council's website states that adoption is anticipated in Spring 2018. The relevant unadopted policies are listed below:

- Policy DP1 – Sustainable Development in Mid Sussex
- Policy DP10 – Protection and Enhancement of Countryside
- Policy DP20 – Rights of Way and other Recreational Routes
- Policy DP24 – Character and Design
- Policy DP36 – Trees, Woodland and Hedgerows

Draft South Downs National Park (SDNP) Local Plan Preferred Options 2015

- 5.25 The Preferred Options document was approved for public consultation by the National Park Authority in July 2015 – the consultation was subsequently carried out between September and October 2015. Further consultation on the pre submission Local Plan is presently being carried out (26th September to 21th November 2017) with submission to the Government for examination anticipated in Spring 2018.
- 5.26 The draft Local Plan (pre-submission version, September 2017) at this stage has only been through one public

consultation exercise and with adoption not anticipated for until next year. It is therefore considered that at this stage, the policies of the draft Local Plan carry limited weight.

5.27 Nevertheless the following policies are considered to be relevant to the proposal:

- Policy SD1: Sustainable Development
- Policy SD4: Landscape Character
- Policy SD5: Design
- Policy SD6: Safeguarding Views
- Policy SD7: Relative Tranquillity
- Policy SD8: Dark Night Skies
- Policy SD11: Trees, Woodland and Hedgerows

South Downs National Park Authority Partnership Management Plan (2014-2019)

5.28 The Partnership Management Plan (PMP) sets out a five-year strategy for the South Downs National Park. The PMP does not contain planning policies but it provides a framework for the emerging park wide Local Plan.

6.0 DETAILS OF THE PROPOSAL: USE, AMOUNT & SCALE OF DEVELOPMENT

Use of the Land

- 6.1 As set out, the Applicant maintains that the area of land to the west of 2 Foxhole Cottages forms part of its residential curtilage. Included at Appendix NJA/1 are the Land Registry details for the property, which include a site plan showing that the garden areas to the south and west of the dwelling fall within one large parcel of land.
- 6.2 Also included at Appendix NJA/2 is a site plan dated March 1988 that was submitted to the Council as part of the former owners evidence in respect of application 07/03436/LDC (Lawful Development Certificate application to confirm the use of a barn as a single dwellinghouse). This site plan is consistent with the Land Registry details as it shows one large area of land surrounding the south and west of 2 Foxhole Cottages with no separation shown between the two garden areas.

- 6.3 The Council's letter from the Enforcement Officer dated 02 May 2017 refers to the land as a 'field' in agricultural use. However, to the Applicants knowledge, this area of land was not farmed by the previous owners (who owned the property since 1985) nor more recently by the Applicant. The land has not therefore been used for agricultural purposes and it is clearly distinct from the large field to the south.
- 6.4 It is reiterated that the area of land to the west of the cottage was not separated until the previous owners planted the existing hedge as a windbreak. The two areas of garden however remained in used as such, albeit that they appeared more physically separated by the hedge. The existence of the hedge is therefore misleading as it has not altered the actual (residential) use of both garden areas. Furthermore, there has for many years been a garage sited on this part of the curtilage (now an office/well-being centre) thereby further indicating the domestic/residential use of the land, in conjunction with 2 Foxhole Cottages.
- 6.5 In particular, when planning permission was granted for the re-use of the garage on this part of the curtilage in 2014, the

Council applied a condition requiring the building to be occupied solely for the purposes incidental to the enjoyment of 2 Foxhole Cottages. Such a condition would not be valid if this land was at that time considered by the Council to be separate agricultural land. If this were to be the case, such a building or use may not be considered as incidental to 2 Foxholes Cottages. The planning application was also submitted to the Council and registered as a 'householder' planning application forms. It is therefore clear that this building has been considered to form part of the residential use of the wider curtilage, which in turn would indicate that the land upon which it is sited also forms part of the same residential use.

6.6 The Council's letter from the Enforcement Officer states that the land is considered to be used for agricultural purposes because there is no evidence of any garden use in historic imagery from 2013. There does not however need to have been the existence of domestic paraphernalia to confirm that an area of land is in residential use. It may equally be enjoyed as garden land without the need for any structures or domestic items. Therefore the previous absence of any

domestic paraphernalia or structures (other than the office/well being centre) does not confirm any lack of domestic/residential use.

6.7 Furthermore, it is clear that the land is mainly laid to lawn (with an area designated as a wildlife meadow and orchard), which has been maintained as such over the years. There is no evidence of any crops having been grown on the land or any other agricultural use such as the keeping or breeding of animals in association with an agricultural business. The land been used as a garden area for many years (well in excess of 10 years) and as part of the curtilage of 2 Foxhole Cottages. The use is therefore considered to be lawful and immune from enforcement action, having regard to the provisions of section 171B of the Town and Country Planning Act 1990.

6.8 Local Plan Policy C1 seeks to restrict new development within the countryside. However, certain development may be acceptable and in particular, Local Plan Policy C9 states that '**Proposals involving the incorporation of agricultural land or other open land into residential curtilages will not**

be permitted where it is considered that such a change would result in a reduction in the character of the locality’.

6.9 The wording of Policy C9 indicates that there may be cases where the change of use of agricultural land to residential curtilage will be acceptable. In this case, the proposal does not in fact include the change of use of the land as the existing residential use is established as having existed for many years. Nevertheless, and for the reasons described in more detail at Section 7 below, it is not considered that the residential use of the land has any negative impact upon the character and appearance of the surrounding countryside or the special landscape qualities of the South Downs National Park.

6.10 Relevant to this proposal is an application (reference 16/2196) for the retrospective change of use from agricultural land to land within the residential curtilage of Gretta Gate, Henfield Road, Hassocks. The relevant details are included at Appendix NJA/3 however the Council granted planning permission with the Case Officer’s report stating the following:

‘The application site comprises a flat rectangular piece of land measuring 26 metres by 43 metres. The applicant states that the land has been subject to domestic garden use in association with Gretta Gate dwellinghouse for approximately 7 years. There is a permanent swimming pool, shed and play equipment all located towards the rear (west) of the site and the land is maintained as part of the grassed garden. There is no physical boundary between the site’s northern boundary and the lawful garden curtilage of the house. Fencing and hedges are situated to the west, south and east side elevations. There is an existing vehicular access from the site onto the lane’

‘The development would almost double the size of the dwelling’s domestic curtilage and the concerns of the Parish are noted. However, given the moderate size of the area of land concerned, its well-established clear and close association with the dwellinghouse and the presence of boundary screening, it is not considered that formal recognition of this as domestic curtilage will result in a reduction in the rural character of the locality or quality of the landscape. This would not be an intrusion

into open countryside and there would appear to be little prospect of the land being put to an alternative agricultural use, given the limited dimensions of the area and its physical relationship with the dwellinghouse. Each application is to be considered on its own merits and it is not therefore considered that an approval would set a harmful precedent in the Parish'.

6.11 Like Gretta Gate, the application already has a long established residential use but in this case well in excess of 10 years. The application site also has a connection with the main dwelling, via a gap in the hedge and it also accommodates the former garage, now converted to an office and well-being centre. This building is in use for purposes incidental to the occupation and enjoyment of 2 Foxhole Cottages. The residential use of the surrounding land is logical given the siting of this building, the land's close proximity and connection with the main dwelling together with its historic use as garden land within its curtilage.

6.12 The Council's Enforcement Officer in his letter dated 02 May 2017 requests the land ***'is returned to its agricultural purpose and condition'*** and that it is considered that ***'managed grassland would be more in keeping with the area. The soil is likely to be acidic but quite fertile'***.

6.13 As set out, the land has been in residential use for many years and therefore it is not reasonable to require the use to cease and for an agricultural use to commence. Furthermore, the land is small in size and the site does not form part of an agricultural holding, it is therefore unlikely that this small area of land (which also shares its access with the main dwelling) would serve any realistic or valuable agricultural purpose. The land comprises approximately half an acre and it is therefore far too small to be sustained as an agricultural plot. The highest yield would be from intensively farmed fruit using poly-tunnels or as a solar panel field but neither of these options would be visually very pleasing.

Retention of Buildings/Works and Alterations

- 6.14 In terms of structures, the proposal includes the retention of a timber shed/workshop building together with a timber framed greenhouse. The amount of this development is very small in scale – for instance the shed/workshop building is a narrow structure designed with a narrow shallow pitched roof. It is set against a mature hedge and it is as such a non-intrusive structure. Similarly, the green house (and vegetable patch) is also set against the mature boundary hedge and it is small in scale. Both structures are of a low height and the materials are wholly appropriate to the rural location of the application site.
- 6.15 In order to address the comments of the Enforcement Officer in his letter dated 02 May 2017, it is proposed that some of the decked areas will either be removed or reduced in size. This will reduce the amount of development on the land and the visual impact upon the countryside/SDNP. Furthermore the low level lighting that has been installed will also be removed in accordance with draft SDNP Policy SD8 (Dark Night Skies).
- 6.16 The oven/cooking station that has been partially constructed will be removed from the site. The wildlife pond will be altered by the removal of decking and an extension to the shallow reed bed to soften its shape and appearance.
- 6.17 The Enforcement Officer’s letter requests that the tree planting carried out is removed. The planting of trees does not however require planning permission, regardless of the use of the land. It is therefore not proposed to remove any of the new trees that have been planted by the Applicant.
- 6.18 Local Plan Policy H13 refers to residential extensions within the countryside although it does not specifically relate to domestic outbuildings and structures. Nevertheless, this Policy was cited as being relevant in the Case Officer’s report for permitted application reference 14/01922/HOUSE (conversion of existing garage to a bedroom/annex and conversion of garage to a home office/well being centre).
- 6.19 Having regard to the last two criteria of Policy H13 (‘d’ and ‘e’), the development carried out is small in scale and the changes proposed will ensure that the development is

appropriate to the setting of the site and it does not appear obtrusive within the surrounding landscape, including to the adjoining public right of way. In this respect, the development is all low level and the majority is screened by mature hedgerows to three boundaries. The southern boundary of the site is more open, however, there is a low level hedge (presently at approximately 1.5m in height) that runs along the length of this boundary and in time, this will grow to provide further screening from wider countryside views. The proposal does not therefore conflict with the overall aims of Local Plan Policy H13.

6.20 Draft District Plan Policy DP10 seeks the protection and enhancement of the countryside. Development within the countryside will be permitted where it maintains and where possible enhances the quality of the rural landscape and where development is either necessary for the purposes of agriculture or where it is supported by a specific policy reference elsewhere in the plan, a Neighbourhood Plan or a Development Plan Document.

6.21 The proposed development is not necessary for the purposes of agriculture but it is simply small scale domestic development that is incidental to 2 Foxhole Cottages. For the reasons set out, the proposal does not harm the quality of the rural landscape and as such there is no overall conflict with draft District Plan Policy DP10.

7.0 LAYOUT, DESIGN & APPEARANCE

7.1 paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment stating that - ***‘Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’***. Paragraph 58 states that planning decisions should ensure that developments ***‘respond to local character and history, and reflect the identity of local surroundings and materials’***.

7.2 Local Plan Policy B1 states that a high standard of design, construction and layout will be expected in new buildings, including alterations and extensions. Proposals should also (inter alia):

- Demonstrate a sensitive approach to urban design by respecting the character of the locality. Factors to be taken into consideration include scale, massing, siting, density, views, height and orientation of new buildings.

- Use materials of a quality, type and colour appropriate to the site and its surroundings, which conform to the general range in the vicinity, and which enhance the distinctiveness of traditional building materials and styles.
- Show that adequate consideration has been given to the spaces between and around buildings, and that effective use has been made of any existing landscape features.
- Provide suitable new planting of trees and shrubs appropriate to the site and its location. Where appropriate, existing wildlife habitats including green corridors and river courses should be protected and enhanced.

7.3 The works carried out and those to be retained are sensitive to and in keeping with the character of the rural location and countryside setting. As set out, the workshop building and green house are both small in scale and are constructed of timber, which is appropriate to this location. The buildings are also set against a mature hedge and are mainly well screened from countryside views. Even with the southern

boundary being more open at present, in time the hedge will mature thereby almost completely screening these structures from outside of the application site.

- 7.4 Furthermore, the buildings are viewed in combination with the existing domestic building (the office/well-being centre) and as such, they do not appear out of keeping with the residential context of the site.
- 7.5 In terms of the decking, this is to be reduced and the partially constructed outdoor oven will be removed together with the lighting. With some additional changes to the landscaping around the pond (and removal of decking), the Applicant has sought to address the comments of the Council's Enforcement Officer and overall the proposal is considered to comply with the requirements of Local Plan Policy B1. For the same reasons, the proposal also complies with draft District Plan Policy DP24.
- 7.6 In respect of National Parks, paragraph 115 of the NPPF states that great weight should be given to conserving the

landscape and scenic beauty of National Parks and conserving wildlife and cultural heritage.

- 7.7 The application site is located within the boundary of the South Downs National Park however it is not considered to be situated in an unduly prominent location or within isolated countryside as it is approximately 1 mile from the settlement of Hurstpierpoint.
- 7.8 The development carried out/to be altered is all small in scale and given the long established residential use of the site, the works are not out of keeping with the immediate residential context. Furthermore, 2 Foxhole Cottages is one of a small cluster of dwellings and so the use of the site is compatible with the surrounding development.
- 7.9 Consideration is given to the relevant policies of the draft SDNP Local Plan and in particular Policies SD1, SD4, SD5, SD6, SD7 and SD8. The domestic use of the land and the works carried out (with proposed changes) do not interfere with any far reaching views. In particular, the field to the

south of the application site is itself well screened to its southern boundary and to the far north and east is dense woodland. The A23 is located beyond the field to the west of the application site and there are as such physical barriers not only surrounding the application site itself (i.e. the mature hedgerows) but also within the wider countryside area surrounding the cluster of residential development at and next to 2 Foxhole Cottages.

7.10 The domestic use is a quite, low key one which is long established and which has no adverse impact upon the tranquility of the SDNP. Furthermore, and for the reasons set out there is no conflict with local design policies and overall it is considered that the proposal conserves the landscape and scenic beauty of the SDNP, in accordance with paragraph 115 of the NPPF.

7.11 Local Plan Policy B3 states that ***'Proposals for new development, including extensions to existing buildings and changes of use, will not be permitted if significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance; loss of privacy;***

overlooking; reduction in sunlight and daylight; and reduction in outlook'.

7.12 The application site is well screened from the nearby properties and given it's long established but quiet residential use, no harm will result to neighbouring residential amenities. The proposal has also improved the biodiversity of the site with the introduction on the pond, wildflower meadow, fruit trees and parkland trees. This is all beneficial to the goal of protecting and enhancing the natural beauty of the SDNP.

7.13 In terms of landscaping, it is proposed to plant four more semi mature parkland trees. Any further details can be secured by condition however it is considered that the existing planting is complementary of the characteristics of the site and area although such planting does not require planning permission.

7.14 There are no implications in respect of vehicle access or car parking provision.

8.0 CONCLUSIONS

8.1 This Statement confirms that the use of the land to the west of 2 Foxhole Cottages forms part of its residential curtilage and has been used by the Applicant and former owners as residential garden land in association with the rest of the land to the south of the cottage for many years. The previous owners planted a hedge/tree screen dividing the southern and western garden areas from each other however the two areas remain connected and the residential use of both parts has not changed.

8.2 The Applicant considers that the existence of the hedge/tree screen is misleading and evidence is provided with this Statement, including Land Registry details, which confirm that the land was previously one large garden area and part of the residential curtilage of 2 Foxhole Cottages. The existence of the garage (now an office and well-being centre) on the western section of the land is also a clear indication that this area has and is part of the overall residential use. Furthermore, there is no evidence that this

land has been used for agricultural purposes since it was purchased by the previous owners in 1985 and more recently by the Applicant. The land would serve no real agricultural purpose as it does not form part of an agricultural holding and it is small in size for such a use. Furthermore, this area of land, together with the rest of the curtilage at 2 Foxhole Cottages is physically very distinct from the surrounding farmland. It clearly relates to 2 Foxhole Cottages and not to any adjoining agricultural land.

8.3 In terms of the structures to be retained and the alterations proposed to reduce the amount of decking and to alter the appearance of the wildlife pond, these works are all small in scale and no harm has resulted to/will result to the special landscape qualities of the SDNP. In particular, the majority of the site is well screened to the boundaries and the present low-level hedge to the southern boundary will in time mature to further screen the site from surrounding countryside views.

8.4 In conclusion, this Statement confirms that the proposal accords with the relevant policies of not only the adopted

Local Plan and the NPPF, but also emerging (unadopted) policy set out within the draft District Plan and the draft SDNP Local Plan. It is therefore hoped that planning permission will be granted.