

**SDNP/22/05319/CND Delegated Decision
Sign Off Sheet**

Case No:	SDNP/22/05319/CND	Case Officer:	Katherine Pang
Application Type:	Removal or Variation of a Condition		
Proposal:	Variation of conditions 2, 3, 4, 6, 10, 15, 16 and 17 of SDNP/15/03809/FUL to allow the substitution of the approved plans - Internal configurations and minor external changes to The Folly; changes to the design and massing of Units 6 and 7; reconfigured parking and garden layout and erection of new vehicular and pedestrian gate (contamination and drainage report received)		
Site:	Massey's Folly Church Road Upper Farringdon Alton Hampshire GU34 3EG		
Valid Date:	15 November 2022	Overall Publicity Expiry Date:	25 April 2024
Recommendation:	Approved	Recommendation Date:	12 August 2025
Expiry Date:	10 January 2023	Recommending Officer Signature:	

Date Legal Agreement Completed (if applicable)	No. of Representations
	24

Signed & Agreed By	Date
	13 August 2025
Line Manager Comments	

Case Officer Details	Name:	Katherine Pang		
	Tel No:	Via Planning Information Officer 01730 234080		
	Email:	katherine.pang@easthants.gov.uk		
Application No:	SDNP/22/05319/CND			
Validation Date	15 November 2022	Determination Target Date:	27 December 2022	
Applicant:	Proseed Property Ltd			
Proposal:	Variation of conditions 2, 3, 4, 6, 10, 15, 16 and 17 of SDNP/15/03809/FUL to allow the substitution of the approved plans - Internal configurations and minor external changes to The Folly; changes to the design and massing of Units 6 and 7; reconfigured parking and garden layout and erection of new vehicular and pedestrian gate (contamination and drainage report received)			
Site Address	Masseys Folly Church Road Upper Farringdon Alton Hampshire GU34 3EG			

Recommendation: That the application is Approved.

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

I Site Description

Massey's Folly is a Grade II Listed building, one of the most distinct and unusual red brick buildings in Hampshire and is situated within the settlement policy boundary of Upper Farringdon, just south of the Lych Gate and All Saints Church. It was designed and funded by a local rector, Rev T Massey. The site also lies within the Upper Farringdon Conservation Area and South Downs National Park.

There is no cohesive form to the building which runs along the corner of Church Road and its original function/intended use has never been established hence it has been attributed the name "Massey's Folly." The building has unequal towers with a mix of arched and square openings' some with windows others with blind decorative detail panels. The underlying feature of the building is the extensive use of moulded and carved ornamental terracotta brickwork.

Since 1925 the building has accommodated the village hall together with, until 1987, the village school which is now closed. The southern part of the building, was subsequently used as rented office accommodation. The last tenants were the RIBA, who vacated the premises in March 2001, since then, the building has been vacant.

The building is in a state of disrepair and is officially on the Register of Buildings at Risk. In 2005 a resolution to grant Planning Permission and Listed Building Consent were given at Committee on 15th September 2005 to convert part of the building to form 6 residential units. The resolution allowed 9 months within which to complete a SI06, however since the committee,

the applicant at that time resolved not to proceed with the development.

Subsequently a further permission and Listed Building Consent was given in 2017 for the conversion and associated alterations of the listed building into five dwellings and erection of two cottages in the existing grounds, as part of an enabling development scheme. This permission was tied to a legal agreement which obligated the applicant to complete a schedule of repairs to the listed building within 6 months of grant of permission. This time frame was subsequently extended in 2019, having lapsed. In 2020 the then owner of the site proceeded to start works on the site without having complied with the legal agreement. Following further investigation, it was further found that the two proposed new dwellings had not been built in accordance with the proposed plans. The owners of the site (Massey's Folly Development Limited) have also since gone into administration and the current applicant (Evelyn Partners LLP) are managing the site on behalf of the Administrators and creditors.

2 Proposal

This application seeks permission for the variation of condition 2 of SDNP/15/03809/FUL to allow the substitution of the approved plans in order to partly regularise works and additionally seek amendments to the originally approved scheme. The proposed amendments therefore differ from the as built state.

Consequently permission is sought for the variation of conditions 3, 4, 6, 10, 15, 16 and 17 so that plans are updated accordingly. Condition 3 and 4 relates to the obscuring/etching and fixed shutting of windows; condition 6 relates to accordance with the submitted Arboricultural Method Statement; condition 10 relates to the construction method statement; condition 15 relates to energy saving measures; condition 15 relates to accordance with the submitted ecological mitigation, compensation and enhancement measures; and condition 17 relates to bin storage facilities.

The main differences from the approved scheme include:

Masseys Folly:

1. Internal configuration of the rooms within The Folly
2. Minor external changes to The Folly (single storey replacement element to unit 2 no longer being sought but just retained, central window serving ground floor study in unit 5 blocked up)

It was further initially proposed to install new double-glazed windows within The Folly, as opposed to the existing windows being repaired. This is no longer being pursued and the windows are to be repaired as per the original consent.

Units 6 and 7:

3. Ground level around each of the units increased by circa 0.5 metres
4. Increased main ridge height by some 0.2 metres to Unit 6
5. No change to main ridge height of Unit 7
6. 'Dutch style' gable ends with corbelled eaves, to be replaced with half hipped roof with bonnet tiles on both units
7. Higher gable end features to northern elevation on Unit 6 and western elevation on Unit 7 (by some 0.5 metre)
8. Changes/alterations to openings and fenestrations to both units

9. Ground floor window and door removed on northern elevation of Unit 6
10. Tiled roof porches to be replaced with simple timber framed porches for both units
11. Removal of side wall gate feature on both units
12. Removal of chimney on Unit 7
13. Marginally enlarged and repositioned footprint for both units

Site wide changes:

14. Minor reconfiguration of parking spaces and garden areas
15. Erection of new vehicular and pedestrian gate - in black wrought iron with Thomas H. Massey insignia to match the decorative tiling present in the external tiling on the Folly

3 Relevant Planning History

31068/006 Conversion of Part of Building to Form 6 Residential Units - Committee resolved to grant permission giving 9 months to complete S106, not proceeded with as no agreement received (2005)

31068/007 Conversion of Part of Building to Form 6 Residential Units (Listed Building Consent) - Committee resolved to grant permission giving 9 months to complete S106, not proceeded with as no agreement received (2005)

SDNP/15/03809/FUL Conversion and associated alterations of listed building into five dwellings and erection of two cottages in existing grounds, with alterations to existing vehicular access, parking arrangements and layout of associated grounds - Permission (2017)

SDNP/15/03810/LIS Application for Listed Building Consent for: The conversion and associated alterations of listed building into five dwellings and erection of two cottages in existing grounds, with alterations to existing vehicular access, parking arrangements and layout of associated grounds - Consent (2017)

SDNP/17/02961/DCOND Discharge of Condition 10 for Planning Consent 15/03809/FUL - Consent (2017)

SDNP/19/01566/DCOND Discharge of Condition 3, 4, & 5 for Planning Permission 15/03810/LIS - Consent (2019)

SDNP/19/00228/MPO Deed of variation of unilateral undertaking dated 12.12.2016 to vary the commencement of schedule 1 works to 'no later than 31 July 2019' - Approved (2019)

SDNP/21/02492/NMA 15/03809/FUL Amendment to height of the 2 houses both built within the height permitted by planning consent granted 10.1.17. Amendment to the depth of the dormer windows without changes to height. Removal of the porches to both houses because they conflict with vehicle movement around site. Revised car parking layout. - Withdrawn

4 Consultations

Parish Council Consultee

No comment - please see previous comments for changes to original application - queries still

not answered.

HCC - Chief Fire Officer
Standing Advice applies.

HCC - Archaeology Section
No objection.

EH - Arboricultural Officer - North
No objection.

HCC - East Hants Highways
No objection, subject to securing a construction method statement, hard surface materials provision, parking provision and gate set back provision.

EH - Environmental Health - Pollution
No objection.

EH - Environmental Health - Contaminated Land
No objection, subject to securing a contamination verification report prior to occupation.

HCC - Arboriculturalist
No comment.

EH - Landscape Officer
Require the submission of detailed hard and soft landscaping plans.

HCC - Ecology Group
No objection, subject to securing ecological mitigation measures.

EH - Conservation Section
The conversion is largely well conceived. The dwellings as proposed have an undoubtedly suburban character and when considering their overall height and bulk result in less than substantial harm to the setting of Masseys Folly, the nearby listed buildings and the conservation area. The magnitude of the harm is at the medium end of the scale in relation to the former and at the lower end of the scale in relation to the latter harm.

Parish Council Consultee
The parish council object to this application and would like further clarification of what contamination exists. In regard to the proposed drainage plan, more information is also required and what effect this will have on neighbouring properties.
The PC would like it noted that they still object to the other planning applications associated with this site previously recorded.

Parish Council Consultee
The Parish Council unanimously object to the application

Reasons for Objection to the Variation Applications

As one of the statutory consultees on planning applications, the role of the Parish Council is to

reflect local views on applications and to provide information that will assist the planning authority to decide applications fairly. A meeting was held on 4th January 2023 where 40 plus residents attended to discuss the application.

A number of residents have reported that a substantial quantity of material was introduced in lorryloads onto the site by the previous developer or by builders/contractors working on the site during the previous development work.

A high level of concern has been expressed that hazardous or contaminated waste was included in the introduced material in particular asbestos, electrical items and motor oil. A formal referral to the local Environmental Health Department is understood to have been made. The result of the referral is unknown but is clearly relevant to the instant application. Due to the nature of the hazards consideration should be given to referring the matter to the Environment Agency. The residents wish to receive confirmation of the findings of any report.

Houses 6 and 7 appear to dominate the site and its environs and are out of keeping with the scale of the Folly building. The houses have not been built in accordance with the approved plans, particularly in relation to the height of the ground floor levels and roof levels. The applicant's surveyor has given measurements of the ground level and this accords with what residents and the parish council say. It is noted that the ground levels for house number 7 have not been measured but can be clearly seen by reason of a mound of earth surrounding the building.

Heaped broken bricks and other material (including contaminated material) were introduced by the lorryload after the building work. This may have affected the appearance of the houses (made them appear smaller in scale) but has done nothing to reduce overlooking of neighbouring properties including potentially numbers 1 - 5 Massey's Folly, Cruck Cottage and The Thatched Cottage both listed buildings. The houses remain too big, too dominant.

Although the documents supporting the application are lengthy and detailed no reference could be found to these issues and until they are addressed Farringdon Parish Council cannot see how the variation sought could properly be granted. The comparison should not be with the 'as built' houses but with the original planning permission.

The western boundary is said to be shown incorrectly on the documentation in support of the variation applications. At least one resident states that this affects access to the site. This question needs to be revisited by the planning authority as proper rights of access to the properties would be essential.

Lack of proper drainage is a real concern. This has and is currently affecting neighbouring properties. Drainage experts should be instructed.

The Grade II listed building which apart from its historical importance to the village is also unique and is visited by many users of the South Downs National Park is in a fragile condition and the changes to the curtilage of the building proposed are not in keeping and as highlighted alteration to boundaries, levels and drainage may have a significant detrimental effect on the listed building as well as neighbouring properties.

The car parking arrangements have been altered so that the elevation is now up against the garage of The Thatched Cottage whereas the previous planning permission left a significant

space. The application results in the parking area being higher and abutting the garage of the Thatched Cottage causing more problems.

Strong views were widely expressed at the meeting that there should be no variations permitted; but that the original planning permission and conditions should be enforced.

The section 106 agreement has been breached. The parish council has no knowledge of action taken on this, or whether the breaches have been rectified. Residents are concerned that the Folly is rapidly deteriorating and may become unsafe.

The whole project has been implemented without adherence to the original planning agreement and these variation applications do not address the many problems with the site at Massey's Folly.

EH - Drainage

No objection, subject to works being carried out in accordance with the approved drainage details.

5 Representations

1 letter of support and 23 letters of objection have been received raising the following concerns:

- a) site boundary incorrect
- b) no local support for the proposal
- c) support the parish council's reasons for objection
- d) units 6 and 7 have not been built in line with the original permissions
- e) Section 106 requirements for repair have not been complied with
- f) comparisons of Units 6 and 7 should be made to the original plan, not their as-built status
- g) overlooking implications upon numbers 1 - 5, Massey's Folly, Cruck Cottage and The Thatched Cottage
- h) loss of light
- i) parking spaces now in too close proximity to neighbouring properties
- j) units 6 and 7 have been poorly built, unfit for human habitation, do not comply with building regulations and damaged by the elements due to delays in the build process
- k) units 6 and 7 should be demolished and only The Folly converted
- l) units 6 and 7 out of keeping with character of area and surrounding listed buildings - visually intrusive as built higher and design bulkier
- m) units 6 and 7 out of keeping by reason of their proximity harm the surrounding listed buildings
- n) units 6 and 7 appear to be surrounded by contaminated materials
- o) site is unsuitable for the increased vehicles, poor and dangerous access visibility
- p) lack of parking
- q) lack of access for lorries
- r) flooding implications caused by additional materials being put on site which has raised ground levels - increased run off has resulted in the flooding to adjacent properties, causing harm to listed building
- s) ground levels now above DCP of neighbouring garage
- t) tree works undertaken by neighbours never reimbursed by the developer, as agreed (not a material consideration)

Following reconsultation the following addition concerns were raised:

- u) insignificant changes made to the property adjacent to Cruck Cottage
- v) proposed electronic gates will result in a queue whilst the gates open
- w) the bin collection point further narrows the driveway
- x) no usable garden space
- y) query whether all the gardens will now to be put to lawns
- z) constant use of Cruck Cottage land to access Massey's Folly entrance area will cause damage to the surface at the top of Cruck Cottage drive

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) , updated December 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF04 - Decision-making

- NPPF05 - Delivering a sufficient supply of homes infrastructure
- NPPF09 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed and beautiful places
- NPPF14- Meeting the challenge of climate change, flooding and coastal change
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

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

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD16 - Archaeology
- Strategic Policy SD17 - Protection of the Water Environment
- Strategic Policy SD19 - Transport and Accessibility

- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD50 - Sustainable Drainage Systems
- Development Management Policy SD54 - Pollution and Air Quality
- Development Management Policy SD55 - Contaminated Land

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 2
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 9

8 Planning Assessment

Determining Issues:

1. Principle of development
2. Impact upon the character of the Conservation Area and the historic and architectural interest of listed buildings
3. Impact on the amenity of neighbouring properties
4. Future residential amenities
5. Impact on the South Downs National Park
6. Loss of community facility
7. Highway implications
8. Arboricultural implications
9. Sustainable construction
10. Drainage implications

- 11. Ecological implications
- 12. Archaeological implications
- 13. Affordable housing
- 14. Contamination implications
- 15. Contributions

Planning Considerations:

1. Principle of development

The previous permission was assessed under East Hampshire District Councils Joint Core Strategy and saved policies of the Second Review. Since, the South Downs Local Plan has been adopted and now applies. The principle of development on site has nevertheless already been established by the previous permission, the site being within the Settlement Policy Boundary and within a reasonably sustainable location.

Third party objectors noted that the original red line boundary plan was inaccurate as it included land owing to Cruck Cottage at the access point; this has now been corrected.

2. Impact upon the character of the Conservation Area and the historic and architectural interest of listed buildings

The LPA as a duty under Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to Conservation Areas, listed buildings and their settings. Policy SD12, SD13 and SD15 of the South Downs National Park Local Plan support this aim and seeks to protect the historic environment.

Policy SD4 and SD5 of the South Downs National Park Local Plan seeks to protect local distinctiveness and sense of place, and ensure that development is of an appropriate scale, height, massing and density.

The building is listed (grade II), situated within the Upper Farringdon Conservation Area and by virtue of its scale, design and position, is a dominant element in the local townscape. In heritage terms there are three aspects to the scheme:

- A. The suitability of the conversion to residential and its resulting impact on the building's special architectural/historic interest.
- B. The impact of the proposed development, in particular the new housing within the grounds, on the setting provided for the listed building.
- C. The impact of the development on the wider conservation area.

These points are considered below:

- A. The conversion, set across three floors is largely well conceived. As per the previous

applications the principle of splitting the listed building into 5 units can be achieved without causing undue harm to the listed building.

The proposed alterations to the Folly in this application are principally focused on the internal configuration of the rooms; only limited changes are proposed externally compared with the previous approval, whose changes were minimal in the first instance. In terms of the internal alterations, these would ensure the logical and purposeful configuration of each room for their intended function and would not lead to harm to the architectural or historic significance of the building. In the main, the internal proposals have been designed to fit the natural building grain. Where a conflict arises, the Conservation Officer is satisfied that any loss of significance is limited, and more than outweighed by the benefit of bringing the building into full use and creating the environment for investment to secure its long-term future.

It was further initially proposed to install new double-glazed windows within The Folly, as opposed to the existing windows being repaired. This is no longer being pursued; the existing windows within the building are to be retained and repaired rather than replaced, as per the previous permission. This amendment is welcomed and no further harm is therefore identified to this part of the proposal.

B. The property is a longstanding entry on the Council's buildings at risk register. This is due to a combination of only partial use, and inherent design issues, in particular the complex roof arrangement, which makes the rainwater outlets vulnerable to blockage, resulting in water entry.

Ordinarily, new dwellings within the setting of listed buildings would be prohibited since they usually correlate to harm upon the host listed buildings and its setting. The previous permission was however given on the premise of enabling development. Enabling development is development that would not be in compliance with local and/or national planning policies, and would not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. Whilst the best and preferred development of the site would have been to solely convert the listed building, in this case the previous permission allowed the addition of 2 dwellings within the grounds in order to fund repairs to Masseys Folly and hence secure the future conservation of this heritage asset, which would have otherwise not have happened. The case for enabling development rests on there being a conservation deficit. Simply put, this is the amount by which the cost of repair (and conversion to optimum viable use) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs. The previous application was supported by a viability report that had been independently assessed. It confirmed that 2 units would be required within the curtilage of the site to make the scheme feasible. This position remains unchanged and 2 units (Units 6 and 7) continue to be proposed. Unit 6 is located to the east of the site and Unit 7 is located on the west of the site and forms a focal point upon entrance into the site.

Notwithstanding the above, well-designed enabling development will minimise potential adverse effects, thus whilst the principle of 2 units within the grounds are accepted, their design remains an important aspect for consideration. The granted dwellings were at the very maximum of what

should have been allowed. The overall design approach of the dwellings on the previous application was considered to be sympathetic to the setting of Massey's Folly and allowed for this setting and the setting of neighbouring listed buildings to be substantially maintained. The size, form, location and design of the dwellings and the proposed materials all combined to minimise any visual impact.

The 'as built' dwellings are materially bigger in what is an extremely sensitive site in heritage terms. The workmanship and design of dwellings is also questioned. The applicants have tried to work hard to visually make the dwelling less intrusive without demolishing the units completely. Notwithstanding this, the dwellings as now proposed have an undoubtedly suburban character that could sit reasonably within any urban or rural situation. Whilst it is noted that the brick built dwellings have a quasi-traditional style with pitched tiled roof, half hips, exposed rafter feet and some fish scale tile hanging, their overall scale, height, and rather bland design is not particularly reflective of the distinctiveness of the area. Also, the dwellings, by virtue of their overall height and bulk, impact on the setting of the nearby listed buildings.

The limitations placed on the applicants due to what has previously been built is acknowledged and it is accepted that they have tried to reduce the height. Nonetheless, having regard to the above there is identified harm arising from the bulk and incongruity of the dwellings, which diminishes the setting of Massey's Folly and the neighbouring Cruck Cottage and The Thatched Cottage, which are also grade II listed and situated 17 and 16 metres away respectively. As such there is conflict with Policy SD12 and SD13 of the South Downs National Park Local Plan, Section 66(1) of the Act and the National Planning Policy Framework. The Conservation Officer considers that this amounts to less than substantial harm on the setting of the listed buildings, and the magnitude of the harm is at the medium end of the scale.

C. The site is located within Upper Farringdon Conservation Area, designated in 1976. The Character Appraisal for the Conservation Area notes that 'the village is dominated by two buildings which are focal points in the Conservation Area: All Saints Church....and the most notable feature of the village, ...Massey's Folly is one of Hampshire's most extraordinary buildings.' Massey Folly is therefore a key factor which determines the character of the Conservation Area. The Character Appraisal states that new development 'will need to respect the details, overall form and materials within the Conservation Area, together with the trees which make a major contribution to its setting. Development should blend in with and complement the surroundings rather than impose itself upon it.' It is essential therefore the proposed development does not affect the positive contribution that Massey's Folly currently makes to the Conservation Area.

Massey's Folly's primary impact on the conservation area is its strong presence on the primary street frontage. This will change little with the conversion scheme as currently conceived, given that the application does not make a significant number of changes to the buildings external appearance. The Folly's conversion would in fact offer benefits through a more vibrant street frontage through the building being in active use.

However, due to the design of the new dwellings and increase in height/bulk they would intrude in the visual gaps when viewed from Church Road. As such there would be harm to the character

of the conservation area and conflict with Policy SD4, SD5 and SD15 of the South Downs National Park Local Plan, Section 72 of the Act and the National Planning Policy Framework. The Conservation Officer again considers that this amounts to less than substantial harm, but on the lower end of the scale.

Less than substantial harm:

Paragraph 214 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this should be weighed against the public benefits, including where appropriate, securing its optimum viable use. The applicants have tried to work hard to visually make the dwelling less intrusive without demolishing the units completely. The alternative to the amended scheme would be a reversion back to the originally approved plans. The applicants submit that this would impact upon the viability of the scheme further, given they have inherited a poor financial position as a result of the mismanagement of the previous owner. It is on this basis that a case for poorer design is made and why demolition of the two units is not considered to be an option. Any further revision to the design of the new dwellings (or indeed reversion to the permitted scheme) would effectively amount to total demolition of the dwellings and the cost of total rebuild would be prohibitive to the applicants. Whilst not ideal, the LPA will need to realistically consider the consequences of this scenario and the further impact this would have on the listed building. In considering the above regard is had to the importance and significance of the heritage asset, the nature of the planning policies that would be breached and the severity of the breaches, which in this case is less than substantial.

Significant weight is given to the asset's conservation; from a heritage perspective there are benefits arising from the conversion of the Folly building and getting it back into a viable use. The untidy nature of the site will also be greatly improved should this scheme be approved. Without further approval there is risk that the site would be mothballed and it is considered better to accept the less than substantial harm than risk further decay or loss of the heritage asset until circumstances change. The less than substantial harm to the setting of the listed buildings and conservation area is therefore on balance justified and securing the future conservation of the heritage asset would outweigh the disbenefits of departing from Policy. The Council's Regeneration Team and Economic Development Team concur with this assessment.

The previously approved permission was tied to a legal agreement relating to the accompanying listed building consent, which obligated the applicant to complete a schedule of repairs to the listed building within 6 months of grant of permission. This time frame was subsequently extended in 2019, having lapsed. In 2020 the then owner of the site proceeded to start works on the site without having complied with the legal agreement. In the event permission is granted, a further deed of variation would need to be entered into to extend the time frame further and ensure the applicants complete the schedule of repairs to the listed building within 6 months of grant of the new permission. Works to the new dwellings would not be able to recommence without the repairs having been undertaken.

3. Impact on the amenity of neighbouring properties

Policy SD5 and SD54 of the South Downs National Park Local Plan seeks to protect the amenities of neighbours. Paragraph 17 of the NPPF also requires, amongst other core principles, that development should provide a good level of amenity for all new and existing occupants of land and buildings.

There are five residential properties within the immediate vicinity of the application site, those being Cruck Cottage, located south east and south west of the application site, Rose Cottage, located north west of the application site and on the opposite side of the road, Angerton, located north west of the application site and on the opposite side of the road, Church Green Cottage, located north of the application site and on the opposite side of the road and finally The Thatched Cottage located east of the application site.

The previous permission found no significant harm to any of these neighbouring properties and the proposed changes does not result in any further significant implications upon Rose Cottage, Angerton and Church Green Cottage.

Both dwellings at Rose Cottage and Church Green Cottage are set back from the road with their front elevations being 13.8 metres and 18 metres respectively at their closest point from the front elevation of Masseys Folly. The distances retained have not changed from the previous permission and remain sufficient to ensure that the proposed residential use would not harm the residential amenities of those properties by reason of overlooking, overshadowing, loss of light, noise or in any other respect.

The front elevation of Angerton immediately abuts Church Road and as such there is a distance of 8.8 metres between their front elevation and the front elevation of Masseys Folly. The closest windows in Masseys Folly facing Angerton relates to those on Unit 2. Noting the degree of separation, 8.8 metres, the previous permission considered that despite the change of use, the actual degree of direct and harmful overlooking from these windows would not be to an extent that could be considered harmful, and this position remains unchanged. This distance between opposing front elevations is not an uncommon feature of more modern development in this district or within the country as a whole, for example No's. 11 and 14 Shirnal Meadow, located south west of the application site, has a distance of 6.6 metres between front elevations.

Nevertheless, the previous permissions introduced etched glass to these windows (condition 4) to restrict the extent of views but at the same time enable the future occupants to retain a degree of outlook from the front elevation windows. This was previously secured by way of condition and would continue to do so, albeit the windows at the first floor on Unit 2 would now serve a landing and only entrance way to a bedroom as opposed to the previously approved main bedroom area, due to the proposed internal reconfigurations. This would in fact lead to a betterment to both occupants, since a landing would be not a habitable room, where occupants would significantly dwell or require more light or a better outlook and the entrance way to the bedroom would be similar.

Cruck Cottage would sit adjacent to Unit 7, whose overall scale and massing would be materially larger when compared to the previous approved permission. Whilst the main ridge height would be reduced by some 0.6 metres, the perceived massing would still be larger given the increase in ground levels here by some 0.5 metres and the incorporation of a half hipped roof as opposed to 'Dutch style' gable ends with corbelled eaves. In particular the gable end feature on the western elevation would be some 0.5 metres higher. The footprint of Unit 7 would also be repositioned, such that it would be marginally closer to the shared boundary.

Cruck Cottage has detached annexe located to its side, which is the closest part of the dwelling to the application site. The land between the annexe and the side boundary to the site is used as a driveway and parking area. At present the side boundary comprises a wall of mature vegetation and trees. The two storey building would be visible from Cruck Cottage above between the vegetation and trees. There would however, continue to be no windows at first floor level on the western elevation. As such there would be no harmful overlooking as per the previously approved permission.

In respect of the impact of built form as viewed from this property, the land within the grounds of Cruck Cottage immediately adjacent to Unit 7, and from which the unit would be most notably viewed, is used as a driveway and parking area and does not provide a significant amenity value to the occupants relative to the other garden areas within its grounds. As such, although Unit 7 would be positioned marginally closer to the shared side boundary of Cruck Cottage, would be clearly visible in parts through trees and vegetation and would be materially larger in scale and massing, the impact is not considered to harm the outlook from this property. This is particularly so when noting that the annexe at Cruck Cottage is located a distance of approximately 13 metres from the side boundary wall, which is a sufficient distance to ensure that the outlook from within the dwelling is not harmfully affected.

Unit 7 would also be located approximately 3 metres from the rear boundary to the site, which also forms a second boundary to Cruck Cottage. The unit would again be marginally closer to this boundary when compared with the previously approved plans. This boundary continues to comprise of mature vegetation and trees, which continues to provide a dense screen to the application site and restrict views between the application site and Cruck Cottage. Beyond this boundary and within the grounds of Cruck Cottage is also a large single storey double garage, which is fairly substantial, which also limits views between the two sites. In essence these two factors are such that views of Unit 7 as proposed would be significantly limited or potentially views of the unit being totally screened from this aspect, despite Unit 7 being materially larger in scale and marginally closer to Cruck Cottage.

The amended reconfigured parking now makes, full use of the southern corner as car parking. Whilst this now fully abuts the shared boundary with Cruck Cottage and Thatched Cottage, this reconfiguration is not considered to impact significantly on the amenity of Cruck Cottage or The Thatched Cottage, given the nature of the use and lack of built form.

The Thatched Cottage is located east of the application site and would be closest to Unit 6.

Similarly to Unit 7, Unit 6's overall scale and massing would be materially larger when compared to the previous approved permission and equally the footprint of the unit would also be repositioned, such that it would be marginally closer to the shared boundary with The Thatched Cottage.

Where one first floor window and rooflight was previously proposed on the eastern elevation of Unit 6 facing towards The Thatched Cottage, now only a first floor window is proposed which as per the previously approved permission would serve a bedroom. The window and eastern elevation would be some 7.8 metres from the shared boundary delineated by a circa 1.5 metre high wall and 16 metres from the side elevation of Thatched Cottage which has a number of ground and first floor windows in its side elevation. The distances are not too dissimilar to the previous permission and taking into account also the level changes, it is not considered that any undue overlooking or harmful impact upon the outlook/privacy of The Thatched Cottage would result, over and above the previous permission. The land immediately adjacent is also used as a driveway and there is an intervening single storey outbuilding between the proposed unit and The Thatched Cottage. There is also a further 2 metre high boundary wall enclosing the garden area of Thatched Cottage creating a further separation between its own garden and drive.

The Council's Environmental Health Officer has raised no objections with regard to noise or air quality. Overall therefore, despite Units 6 and 7 being materially larger, the impact of the proposed development upon neighbouring residential amenity is not considered to be harmful and would be in keeping with Policy SD5 and SD54 of the South Downs National Park Local Plan.

4. Future residential amenities

The nature of this proposal is such that the two detached dwellings would be located to the rear of the converted residential units within Massey Folly. As such it is important to ensure that the relationship between all the proposed residential units is such that it offers a suitable standard of amenity for the future residents.

In respect of Unit 7, located opposite the access into the site and orientated facing Unit 1, where the unit itself would be at an angle. Whilst the unit would be materially larger in scale and marginally closer to Unit 1 when compared to the previously approved plan, distances of 9.7 metres would still be retained between the two units, which is considered to be sufficient to ensure the outlook and privacy of the respective units would not be harmfully affected.

Unit 6 is located to the rear of units 4 and 5, whose overall scale and massing would again be materially larger when compared to the previous permission. The footprint would also be marginally closer to these units, the gable end feature on the northern elevation in particular has been built closer to Massey's Folly. This feature is now proposed to be set back again from the as built position, although it would still be closer than the previous approved permission.

The gable end feature on the northern elevation however, as per the previous approved permission would still be angled away from Unit 4. At its closest point the corner of the gable end

would be some 5.6 metres away from the rear of Unit 4 as opposed to the previously approved 5.8 metres. It is noted that the first floor of Massey Folly at this point also steps back in a further 2 metres. The main elevation of Unit 6 would be some 7.2 metres from the rear of Unit 4 and the main roof on the northern elevation would still slope away from Unit 4. Despite Unit 6 being larger and slightly closer to the rear garden of unit 4, the overall outlook of Unit 4 and as viewed from their rear garden would not be significantly worse than that approved and would continue to be an acceptable relationship. In addition, the first floor windows of Unit 4 would be located approximately 9.5 metres from the roof lights of Unit 6. These rooflights would serve an ensuite and stairwell so it would be reasonable to condition these as obscured glazed and fixed shut to prevent any harmful overlooking between the two units.

The first floor windows of Unit 5 serving bedroom 2 would face into the garden of Unit 6, distances of 5.2 metres would be maintained here, which is slightly more than the approved (5 metres), given the garden reconfiguration. The previous permission found that this would result in a direct and harmful degree of overlooking from Unit 5's first floor bedroom window into the ground floor windows on the northern elevation of Unit 6. It was however agreed to etch the glass within the window of bedroom 2 of Unit 5 to limit the extent and degree of overlooking without entirely removing the outlook from the room. Whilst this was not an ideal solution this was counterbalanced by the need to attach significant weight to allow enabling development and facilitate the repair of the listed building, it was on this basis that this solution was considered to be acceptable and would continue to be so.

The first floor windows of Unit 5 serving bedroom 1 would face the gable end feature on the northern elevation of Unit 6, which has now been brought closer to Massey's Folly. The ground floor openings as previously approved on the northern elevation of Unit 6 however, have now been removed, now negating an overlooking issue here. The kitchen would still receive sunlight from the windows from the southern elevation and the eastern elevation openings.

Consideration will also need to be given as to whether the gable end feature on the northern elevation of Unit 6 would cause any undue overbearing implications upon the first floor bedroom (2) of Unit 5. As with Unit 4, the first floor of Massey Folly at this point steps back in a further 2 metres, such that there would be a distance of some 8 metres between the first floor window and gable end of Unit 6. The previous approved permission conveyed a distance of some 8.4 metres. Whilst the gable end would be higher, the distance is still considered to be sufficient to ensure no undue overbearing is caused.

The proposals only result in a minor reconfiguration of the garden areas and would not significantly change the size of the gardens for future occupiers. The previous permission acknowledged that whilst the new garden areas were small, this was justified on the basis of enabling development and acknowledging the constraints of the site.

5. Impact on the South Downs National Park

The proposal is within the South Downs National Park and proposals within this area would not

be permitted if they would harm the tranquillity and appearance of the landscape and any development must meet the purposes of the National Park.

Since the introduction of the SDNP Local Plan, policies pertaining to tranquillity and dark night skies have been adopted.

Given the proposed residential use which is a relatively quiet use, it is not considered that the tranquillity of the area would be significantly affected.

The site is within the E1a Intrinsic Rural Darkness zone. The extent of additional glazing proposed on Units 6 and 7 when compared with the previous approved permission would be similar if not a reduction given that a small number of openings are to be removed or altered from full height to half height. As such there would be no more significant harm to the dark night skies than the previous approved position.

Section 245 of the LURA 2023 amends and strengthens the Section 11A (2) duty of the National Parks and Access to the Countryside Act 1949 upon relevant authorities, which includes the National Park Authority itself, to “seek to further the specified purposes of Protected Landscapes.”

The Government’s ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’, published 16 December 2024, sets out that this duty is active not passive and that, as far as is reasonably practicable, ‘relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes.’ It is therefore incumbent on the National Park Authority, as the Local Planning Authority, to give significant weight to the S.245 duty when determining applications.

The proposals further the above purposes in so far as of bringing an at risk listed building into full use and creating the environment for investment to secure its long-term future.

6. Loss of community facility

Policy SD43 of the South Downs National Park Local Plan seeks to protect the loss of community facilities and is akin to Policy CPI 6 of the East Hampshire District Local Plan: Joint Core Strategy in which the previous permission were assessed under.

The principle of loss of the community use on site has already been established by the previous permission. Material to the consideration to the previous permission was the state of repair of the existing building, it being in such a poor state of repair that the building has, for some years, been on the 'at risk' register of listed buildings. The state of repair of the building is such that it does not offer a safe environment for the community to meet. Moreover, the costs involved in the repair of the building are so substantial that they far exceed what could reasonably be made by the Parish. In light of this the Parish resolved to sell the building some years ago. The building

has not therefore been used as a community facility for some time and the loss of the community facility was voluntary, in as much as the facility was not closed as a result of pressure to develop.

The Parish Council currently meet at East Tisted Village Hall, located within the neighbouring parish and planning meetings are held in the church. Local community groups, such as the horticultural society, are making their own arrangements locally as best suits their needs. The Parish have commenced work to establish public support, and the requirement, for a replacement village hall and how this may be funded and sustained in the long-term.

In respect of Policy SD43, the facility at Massey's Folly is no longer required in that it is not fit for purpose in its current state of repair and, as noted above, there are other facilities within reach of the community that are currently being used by the Parish. The building would further not be able to be returned to a community use without considerable funding, which is not available. Noting the building is on the 'At Risk' register, the only possible future use of the building is one which, through its redevelopment, can finance the repair of the listed building. A community use would not achieve this and the most likely use that would is a residential one. As such there are significant material reasons in this respect that the loss of the community use is acceptable.

7. Highway implications

Policy SD19 of the South Downs National Park Local Plan requires that regard is had to any impact on the safety and convenience of the public highway.

The proposed housing mix remains as per the previous permissions (2 x 2 bed, 4 x 3 bed, 1 x 4 bed), The two detached units are both 3 bed units. The application does not vary the quantum of development previously approved, nor does it seek to alter the means of access into the site from Church Road.

The existing vehicular access would continue to be used to access the parking to the rear. The existing access is fairly wide where it meets Church Road and relies in part upon the vehicular access to Cruck Cottage, immediately adjacent to the access into the application site. The width of the access then drops down to a pinch point of approximately 4 metres.

The County Highway Authority previously held concerns over the restricted visibility at the junction of the site access with Church Road, particularly to the right on exit. Although there is no recorded road traffic injury accidents here, it would seem likely that this related to cautious drivers with slower speeds rather than the adequacy of the junction. However, with no significant increase in trips resulting from the proposed development when compared to the previous village hall use, the County Highway Authority were satisfied that a reason for refusal could not be substantiated in relation to the inadequacy of the access. This remains the case, acknowledging the new bin collection point adjacent to the access. A further review of the latest available 10 years of Personal Injury Collision Data confirms no recorded incidents at the access or on Church Lane itself.

The application does however proposed new a vehicular gate at the access. These would be set back from the highway by more than 6 metres and therefore would not interfere with visibility or the local highway network.

The previous application secured a construction method statement prior to development starting and this was satisfactorily discharged under SDNP/17/02961/DCOND. The approved details would be carried forward to any new permission.

15 car parking spaces were previously approved and continue to be provided, largely in the same locations although slightly reconfigured. The previous provision for parking was considered to accord with EHDC's Parking Standards Guidance note (July 2008) which applied at the time. This allowed maximum parking limits of 2 spaces per 2-3 bed unit and 3 spaces per 3 bed unit. It provided no guidance on visitor spaces.

The SDNPA's Parking Supplementary Planning Document (SPD) would now apply and now raises a requirement of 16 spaces. In light of the previous permission, constraints of the site and the need to ensure a landscape led approach, where additional hardstanding may not be desirable in this setting, the quantum of parking remains acceptable.

Cycle provision is detailed allowing 2 spaces for each unit which is considered to be appropriate. Bin storage and refuse collection were to be previously conditioned but is now detailed and sufficient to allow a roadside collection.

8. Arboricultural implications

Policy SD11 of the South Downs National Park Local Plan seeks to conserve and enhance trees.

There were previously a number of Ash trees located along the rear boundary to the south in Cruck Cottages ownership. The previously approved layout showed a car park within the Root Protection Area of these trees but was approved given they were slightly set away from the boundary and did not cover more than 20% of the currently uncovered surface within the Root Protection Areas of this group. A Cellweb System was also to be used for the car parking areas. The trees have all since died and been removed by the owners, following liaison with the Council's Arboricultural Officer and thus there is no longer any reason for the parking to be set away from the boundary or the need to use a Cellweb System here. The amended scheme has therefore now made full use of the southern corner as car parking, hence the slight reconfiguration of the car park.

No additional trees on site are to be lost when compared to the previous permission, which consented the removal of three trees on site, these being T12, T13 (category C) and T16 (category A). T16 was located within a central position of the car park to the rear of the site and as such was considered to constrain the layout of the development. There were very limited views of the tree from the public realm and therefore its contribution to public amenity was limited. The significant weight of the critical need to repair the listed building and the necessity of providing

two units to enable the repairs was considered more substantial in this instance than the weight associated with the need to retain T16 or replace it, particularly in light of its limited impact upon public amenity. This position remains unchanged. 3 No. additional flowering cherry trees are proposed as part of the landscaping scheme and would partly compensate for this loss. The Council's Arboricultural Officer has raised no objection.

9. Sustainable construction

Policy CP24 of the East Hampshire District Local Plan: Joint Core Strategy previously applied, where there was a requirement to secure 10% of energy demand from decentralised and renewable or low carbon energy sources unless it is proven that this is not feasible or viable. This was secured by way of condition.

Policy SD48 of the South Downs Local Plan has now been adopted and necessitates higher standards in sustainable construction.

Policy SD48 of the South Downs Local Plan promotes sustainable construction and requires development to secure 19% carbon dioxide reduction improvement against Part L (2013) through the energy efficiency of the building; 20% on-site green energy CO2 reductions; EV charge points where feasible; as well as achieve a total water consumption of no more than 110 litres per person per day. In relation to the conversion of the Folly, all development will still also be required to demonstrate, proportionately, how the development addresses climate change mitigation and adaptation through the on-site use of zero and/or low carbon technologies, sustainable design and construction, and low carbon materials.

It would be reasonable in this instance to request that the development meet these new higher standards for the new dwellings, but on the caveat of only where this is feasible, acknowledging the position of the previous permission which only required a 10% improvement. As per the previous permission, no energy improvements were required to the listed building itself, acknowledging that any improvements to the listed building itself may be limited due to the need to consider retention of its historic significance.

10. Drainage implications

Policy SD50 of the South Downs National Park Local Plan seeks to ensure that there is no net increase in surface water run-off, taking account of climate change.

Whilst the site is located in flood zone 1 (low probability of flooding), since the approval of the previous permission, materials have been brought on site which have raised and altered ground levels on site which could result in potential flooding implications to adjacent property and the highway. In addition, this may have drainage implications due to the use of inappropriate material.

The application is now accompanied by a Drainage Assessment Report dated 23/3/2024. This sets out the current drainage situation and proposals to provide satisfactory systems for both foul and

surface water drainage. Due to historic contamination, run-off will not be infiltrated to ground, but will be attenuated on site and discharged to the public foul sewer at 2 l/s subject to a Section 106 Agreement with Thames Water. Foul drainage will be discharged to the existing public foul sewer and a Building Over Agreement will be required due to the close proximity of the new development. Units 6 and 7 do not require to be demolished to achieve a satisfactory drainage solution. Subject to all drainage work being constructed in accordance with the Drainage Assessment Report dated 23/3/2024 and Thames Water Agreements, the Council's Drainage Officer has raised no objections.

Objectors also noted that the land levels particularly within the car park would result in the land being higher than the DCP of the neighbouring garage. This would be regulated by other legislation and any resultant third party damage would be a civil matter.

11. Ecological implications

Policy SD9 of the South Downs National Park Local Plan requires development to maintain, enhance and protect the District's biodiversity and its surrounding environment.

The site had been subject to bat survey works in 2016 which have been updated. As per the previous application the site had potential for bats. Detailed bat surveys carried out in 2022 recorded a small number of Common Pipistrelles, Soprano Pipistrelles and Brown Long-eared Bats within the building. In addition, droppings recorded within the building were attributed to Brown Long-eared Bat (confirmed by DNA) and Serotine bat. These are considered to be non-breeding roosts of low conservation status, with no evidence recorded of substantial numbers of bats suggesting a breeding roost.

An assessment of the proposal against the three derogation tests must therefore be applied in this instance to determine the likelihood of a protected species license being granted for the proposed development as without it, the development as proposed would likely lead to disturbance of protected bat species within the building. These tests are:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

In this instance, the proposal would result in a significant social benefit to any future occupants and significant weight is attached to the need to allow enabling development to facilitate the repair of the listed building. The only alternative to the second test is that the dwelling are not built and The Folly is not converted which is not an option for the proposed development. As possible mitigation measures could be put in place it would seem unreasonable to deny the applicant on this point.

In order to assess the development against the third test, sufficient detail must be available to

show how killing/injury/disturbance of bats will be avoided and how the loss or damage to bat habitat will be compensated. The County Ecologist is content that the bat mitigation, compensation and enhancement measures proposed are appropriate and should ensure that impacts to the identified roosts are minimised, allowing the LPA to have confidence that the third test is met. Mitigation will comprise a mix of in-situ retention of existing roosting features and the provision of new features. These along with the proposed landscape enhancements and use of permeable surfacing for the car park would also ensure that the scheme complies with Policy SD2 of the South Downs National Park Local Plan in relation to ecosystems services. The measures would be appropriate and proportionate for the scheme in this instance, given the constraints of the site.

Therefore in conclusion, noting the County Ecologist's comments that ecological impacts are capable of satisfactory mitigation, it is considered that the proposal is in accordance with Policy SD9 and Policy SD2 of the South Downs National Park Local Plan.

12. Archaeological implications

Policy SD16 of the South Downs National Park Local Plan requires that development do not cause harm to archaeological heritage assets.

The site is located within the historic core of Upper Farringdon, which has been designated as an Area of High Archaeological Potential (AHAP) due to its good archaeological potential. As such it is possible that the construction of the proposed new dwellings at the rear of the site may encounter archaeological remains relating to the origins and development of the town. Although the principle archaeological remains of the town will be on the street frontage, the rear plots could include wells, rubbish pits and latrine pits. These fill with rubbish and domestic detritus which would shed light on the date at which these plots were occupied and something of the trades and industries practised and the status of the households in this part of the town.

As such, conditions pertaining to the submission of a Written Scheme of Investigation (WSI), programme of archaeological mitigation and recording were imposed to the previous permission and were complied with. The amendments do not alter these discharge of conditions. Nothing of archaeological significance was revealed in the watching briefs. The County Archaeologist has raised no objections.

13. Affordable housing

The previous approved permission did not provide any affordable housing provision where there was a technical requirement to provide 2.8 units. This was on the basis the listed building would not be suitable to provide affordable accommodation. It was also acknowledged that the detached units were to be provided in order to enable the repair of the listed building, their provision as affordable housing would therefore significantly compromise this and therefore the whole development. The provision of affordable housing was therefore considered to be unviable for the scheme. Whilst there is a similar affordable housing requirement under Policy SD28 of the

South Downs National Park Local Plan (2 units), the same justifications against this provision apply and continues to be a significant material consideration which would justify the non provision of affordable housing on or off site and non compliance with Policy SD28 of the South Downs National Park Local Plan.

14. Contamination implications

Policy SD55 of the South Downs National Park Local Plan seeks to safeguard sites from either known or suspected contamination.

Since the approval of the previous permission, identified materials have been imported on site and it was unclear whether these materials posed an unacceptable risk to human health or the health of the environment. This therefore trigger a need for a site investigation and the application is now accompanied by a Contamination Risk Assessment.

It concludes that soil analyses conducted from 4 trial pits excavated on site showed contaminants of concern in exceedance of levels compatible with Residential with Home Grown Produce. Exceedances related to lead, TPH and PAH as detailed in the report. The contaminants however appear to be the result of historical contamination rather than due to the imported material. Further investigations are necessary particularly with reference to the proposed garden areas of the new dwellings. It is likely that remediation will consist of soil replacement in garden areas and protection with a no dig membrane however a detailed remediation strategy will be necessary in order to protect future occupants of the new homes and will therefore be conditioned accordingly. It would not however necessarily necessitate the demolition of the dwellings themselves. Subject to the above, the Council's Environmental Health Officer (Contamination) has raised no objections, subject to securing a verification report, which would be conditioned.

15. Contributions

The previous permission made clear within the Viability Report that no contributions could be made without compromising the development of the site and repair of the listed building on the 'At Risk' register, in addition any level of contributions did not meet the tests of necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. As such no contributions were sought in this respect and this continues to be the case.

9 Conclusion

The loss of the community facility has already been established under the previous permission and the proposed amendments would not result in any further significant harm in relation to the amenity of neighbouring properties and future occupiers. Nor are any significant changes proposed to the highway access from the previous permission, which remains acceptable, as would the scheme in relation to ecological implications. Trees are also no longer a constraint for the site, given the Ashes on the adjacent neighbouring site have since been agreed to be removed. Conditions relating to archaeology were also already satisfactorily discharged and are

no longer a constraint. The previous permission also made clear within the Viability Report that no contributions, including affordable housing could be made without compromising the development of the site and repair of the listed building and this position remains unchanged. This application is also accompanied by satisfactory drainage and contamination reports, which have assessed the condition of the new materials that have since been imported on the site.

Minor changes are proposed to the Folly itself and the sub-division of the listed building is generally well considered. The proposed amendments to the design of Units 6 and 7 depart from the sympathetic approach that was previously approved and undoubtedly take on a more suburban character, which when combined with their increased scale and massing amounts to less than substantial harm on the setting of the listed buildings and conservation area.

The public benefit of securing the future conservation of Masseys Folly, which is a significant heritage asset, however outweigh the disbenefits of departing local and national policies, which identify the above harm. Whilst the applicants financial position is not ideal, total demolition of the dwellings would result in further viability implications that would be prohibitive to the scheme and it is considered better to accept the less than substantial harm than risk further decay or loss of the heritage asset until circumstances change.

10 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 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.

2. Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) prior to the first occupation of the development hereby approved the first floor rooflights in the northern elevation of Unit 6 serving an ensuite and stairwell, shall be permanently,
(i) glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and
(ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

3. Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) prior to the first occupation of the development hereby approved the ground and first floor windows of Unit 2 serving the kitchen/dining room, hall, bedroom 2 and landing in the front (north west) elevation of the

development and the first floor windows of unit 5 serving bedroom 2 in the rear (south east) elevation of the development hereby permitted shall be permanently:

- (i) glazed with etched glass, and
- (ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no first floor window or rooflight openings on the northern elevation of Unit 6 shall be created at any time, without the prior written consent of the Local Planning Authority.

Reason: It is considered that further openings on this elevation could result in an adverse effect upon the adjacent properties.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions or outbuildings otherwise permitted under Schedule 2, Part 1, Classes A, B, C, D, or E of said Order shall be carried out on the dwellinghouses hereby permitted or within their curtilage without the prior written consent of the Local Planning Authority.

Reason: It is considered that further extension/alteration of the dwellings could result in an adverse effect upon the adjacent properties, the visual character of the area and impact upon the listed building.

6. The development hereby permitted shall be carried out in strict accordance with the submitted Arboricultural Method Statement (AMS), section 5.0 - 5.18 of the Arboricultural Report - Revision B dated 29 June 2016 and Tree Protection Plan (TPP) ATC/2015/314/B Rev B as approved under SDNP/15/03809/FUL and in relation to T14 and T15 only, unless an alternative Arboricultural Method Statement and Tree Protection Plan has first been submitted to and approved in writing by the Local Planning Authority, in which case the works shall be carried out in accordance with the approved details. There must be no deviation from these documents other than those approved. As per section 5.12, if any services are to be installed within the Root Protection Area of retained trees, on or adjacent to the site, an addendum to the AMS and TPP shall be submitted and approved by the LPA prior to commencement of installation. Once approved, installation will strictly adhere to the addendum.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

7. Demolition and construction work shall only take place in accordance with the approved Construction Method Statement For Massey's Folly Sutton Management Services Limited 22 June 2017 as approved under SDNP/17/02961/DCOND, unless details of another suitable construction method statement is submitted to, and approved in writing by, the Local Planning Authority, in which case works shall be carried out in accordance with the approved details.

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

8. The proposed hard surface/s shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface

within the site.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking of vehicles shall have been made available, surfaced and marked out. The parking areas shall then be permanently retained and reserved for that purpose at all times.

Reason: To make provision for off street parking for the purpose of highway safety.

10. The parking spaces shown on the approved plans shall only be used for parking purposes and not for the storage of boats, caravans, and trailers.

Reason: To ensure adequate on-site car parking provision for the approved development.

11. Any gates provided shall be set back a distance of 6 metres from the edge of the carriageway of the adjoining highway.

Reason: In the interests of highway safety.

12. Prior to occupation of the development hereby permitted, a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages. The above reports should be completed by a competent person, as stipulated in the National Planning Policy Framework, Annex 2, and site works should be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and BS10175:2011 Investigation of potentially contaminated sites - Code of practice.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite.

13. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Planning Authority.

Development shall not re-start on site until the following details have been submitted to and approved in writing by the Planning Authority:-

(a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

(b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and

unless otherwise agreed in writing by the Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Planning Authority)

(c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages,

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SD55 of the South Downs Local Plan.

14. Before any further work commences on Units 6 and 7, a design stage sustainability report shall be submitted to and approved in writing by the Local Planning Authority.

For energy this must demonstrate with reference to design stage SAP data where feasible

a) Predicted CO₂ emissions from all proposed new dwellings (Units 6 and 7) to be at least 19% reduced through the energy efficiency of the buildings. compared to the target emission rate baseline set by building regulations

b) Predicted CO₂ emissions from all proposed new dwellings (Units 6 and 7) to be at least 20% reduced through the use of on-site low or zero carbon energy generation compared to the target emission rate baseline set by building regulations.

For water this must demonstrate via a BRE (or equivalent) water calculator that the predicted internal mains water consumption is no more than 105 litres/person/day.

Reason: To ensure an environmentally sustainable development in accordance with Policy SD48

of the South Downs Local Plan.

15. Prior to the occupation of Units 6 and 7 hereby permitted or in accordance with a programme to be agreed in writing with the Local Planning Authority an as-built stage sustainability report shall be submitted to and approved in writing by the Local Planning Authority.

For energy this must demonstrate with reference to design stage SAP data where feasible

- a) Predicted CO₂ emissions from all proposed new dwellings (Units 6 and 7) to be at least 19% reduced through the energy efficiency of the buildings. compared to the target emission rate baseline set by building regulations
- b) Predicted CO₂ emissions from all proposed new dwellings (Units 6 and 7) to be at least 20% reduced through the use of on-site low or zero carbon energy generation compared to the target emission rate baseline set by building regulations.

For water this must demonstrate via a BRE (or equivalent) water calculator that the predicted internal mains water consumption is no more than 105 litres/person/day.

Reason: To ensure an environmentally sustainable development in accordance with Policy SD48 of the South Downs Local Plan.

16. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Mitigation and Enhancement Strategy (V.3, Arbtech, September 2016) as approved under SDNP/15/03809/FUL and as enhanced by the approved Phase 2 Bat Emergence/Re-Entry Surveys (Species Ecological Consultancy, September 2022), unless otherwise agreed in writing by the Local Planning Authority. All ecological measures shall be implemented as per ecologist's instructions and bat compensation and enhancement features shall be retained in perpetuity in the agreed locations. Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy SD9 of the South Downs Local Plan.

17. The development shall not be occupied until the bin and cycle storage has been constructed in accordance with the approved details within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To ensure the adequate provision of on site facilities.

18. The development hereby approved shall not be first brought into use until a fully detailed hard and soft landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

19. The development shall not be occupied until the drainage works both for surface water and foul water, as proposed by the approved Report on Drainage Proposals dated 23 March 2024 have been carried out and completed and shall be retained thereafter, unless alternative drainage details are submitted to, and approved in writing by, the Local Planning Authority, in which case works shall be carried out in accordance with the approved details, prior to occupation.

Reason: To ensure adequate provision for drainage.

11. Crime and Disorder Implications

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

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

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

14. Proactive Working

In this instance the applicant was updated of any issues after the initial site visit.

Contact Officer: Katherine Pang

Tel: Via Planning Information Officer 01730 234080

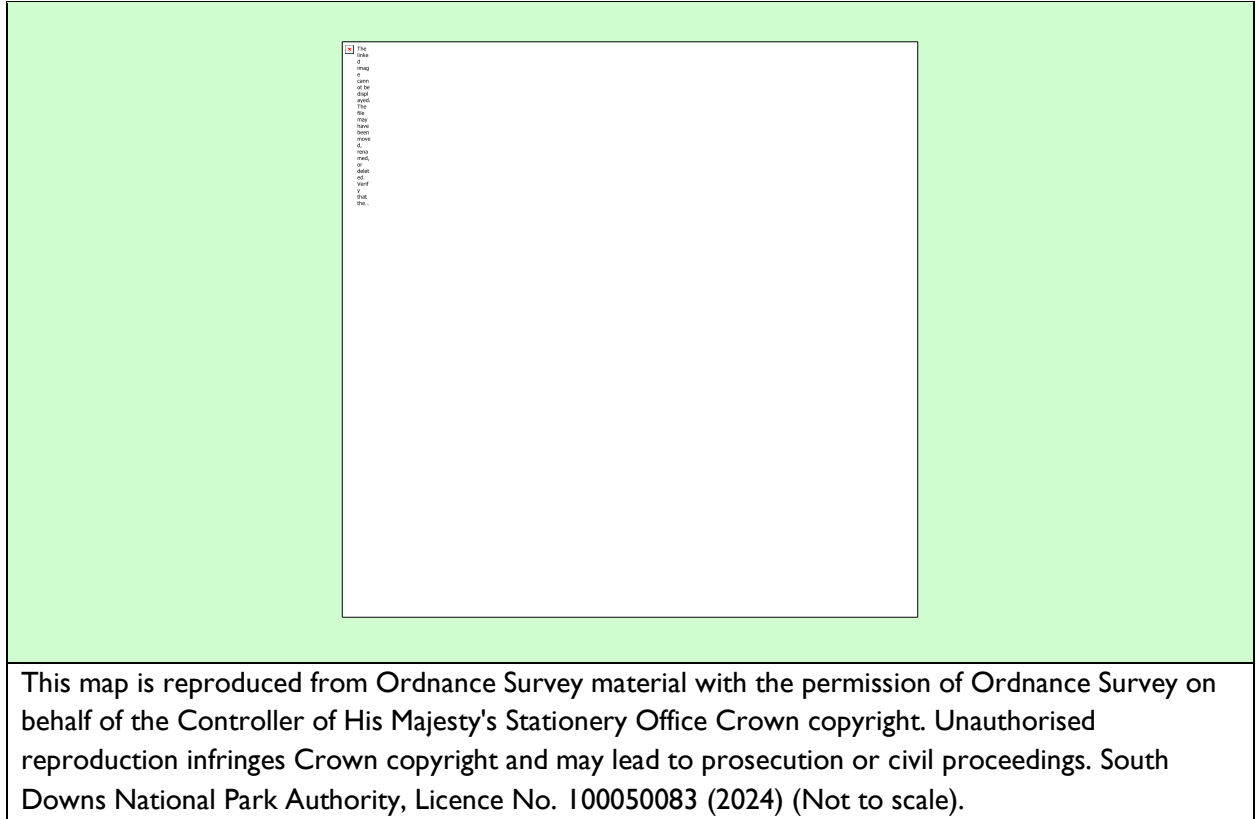
Email: katherine.pang@easthants.gov.uk

Appendices Appendix 1 - Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

Appendix I

Site Location Map



Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date Received	Status
Application Form - Application Form			15.11.2022	Approved
Application Documents - CIL Form 1 - Additional Information			15.11.2022	Approved
Plans - Existing as Built Plans 1 of 2	A-A22794(3.2)101	P	15.11.2022	Approved
Plans - Existing as Built Plans 2 of 2	A-A22794(3.2)102	P	15.11.2022	Approved
Plans - Proposed Plans 1 of 2	A-A22794(3.2)103	P	15.11.2022	Approved
Plans - Proposed Plans 2 of 2	A-A22794(3.2)104	P	15.11.2022	Approved
Plans - Existing as Built Elevations 1 of 2	A22794(3.2)105	P	15.11.2022	Approved
Plans - Existing as Built Elevations 2 of 2	A22794(3.2)106	P	15.11.2022	Approved
Plans - Existing and Proposed Sections AA/BB/CC	A22794(3.2)110	P	15.11.2022	Approved
Application Documents - Bat Emergence/Re-entry Surveys - Species Ecological Consultancy (September 2022)			15.11.2022	Approved
Application Documents - Defect Survey and Wants of Repair - Plan A	A22794		15.11.2022	Approved
Application Documents - Planning and Heritage Statement - November 2022	2392		15.11.2022	Approved
Application Documents - Structural Inspection - Modulus Structural Engineering Ltd	3344		15.11.2022	Approved
Application Documents - Viability Report May 2023			19.06.2023	Approved
Application Documents - Viability Appendix			19.06.2023	Approved
Plans - Unit 6 Existing as Built &	A22794(3.2)111	P3	06.06.2023	Approved

as Proposed				
OS Extract - Site Location Plan	A22794(3.2)001	PI	18.01.2023	Approved
Plans - Unit 7 Existing as Built & as Proposed	A22794(3.2)112	P3	06.06.2023	Approved
Plans - Proposed Landscape Plan	A22794(3.2)113	P	06.06.2023	Approved
Application Documents - Phase 1 Bat Survey - Species Ecological Consultancy (August 2022)			15.11.2022	Approved
Plans - General Specifications & Risk Assessment	3344-PI		15.11.2022	Approved
Application Documents - Official List Entry			07.12.2023	Approved
Plans - Replacement Windows	A22794(3.2)117	PL	19.06.2023	Approved
Plans - Existing Window Repair Schedule North West Elevation Both Storeys	A22794(3.2)118	PI	06.06.2023	Approved
Plans - Existing Window Repair Schedule South East Elevation Ground Floor Only	A22794(3.2)119	PI	19.06.2023	Approved
Plans - Existing Window Repair Schedule South East Elevation 1st & 2nd Floor North East Elevation All Floors	A22794(3.2)120	PI	19.06.2023	Approved
Application Documents - Materials Schedule			06.06.2023	Approved
Plans - Comparison and Level Assessment of as Built Unit 7	A22794(3.2)116	PI	23.10.2023	Approved
Plans - Existing and Proposed Street Scenes	A22794(3.2)115		16.03.2023	Approved
Plans - Block Plan	A22794(3.2)100	P2	23.10.2023	Approved
Plans - Proposed Elevations 1 of 2	A22794(3.2)107	PI	23.10.2023	Approved
Plans - Proposed Elevations 2 of 2	A22794(3.2)108	PI	23.10.2023	Approved
Plans - Level Assessment of as Built Unit 6	A22794(3.2)114	PI	23.10.2023	Approved
Application Documents - Contamination Risk Assessment - Environmental Assessment Services Ltd (December 2023)			14.12.2023	Approved
Application Documents - Report on Drainage Proposals Dated 23 March 2024			26.03.0024	Approved

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

