

Recommendation Report for Planning Permission**REF NO:** AB/115/17/PL**LOCATION:** Former Arundel Equine Hospital
Tortington Lane
Arundel**PROPOSAL:** Erection of 1 No. dwelling (resubmission following AB/81/16/PL). This application is a Departure from the Development Plan**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to demolition of the stable complex and erection of a 2 storey 4 bedroom dwelling and 2 space car barn. The dwelling would have ridge height of 7m and an 'L' shaped footprint.
SITE AREA	0.16 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	6 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Ranch style fencing to west. Leylandii hedging to north and west to 2m height.
SITE CHARACTERISTICS	The stables are well maintained and currently in equestrian use linked with the veterinary use of the site. The application area includes stables, storage and a treatment room.
CHARACTER OF LOCALITY	Rural lane with sporadic housing, Tortington House to south of site, Tortington Manor has apartments and dwellings to east of site.

RELEVANT SITE HISTORY

AB/163/15/PL	Conversion of existing equestrian building to 1 No. dwelling including external alterations. This is a Departure from the Development Plan	App Cond with S106 20-01-2016
AB/81/16/PL	Conversion of existing equestrian building to 1 No. dwelling including external alterations (resubmission following AB/163/15/PL). This application is a Departure from the Development Plan.	ApproveConditionally 05-09-2016

AB/81/16/PL related to conversion of the stable complex to a 4 bedroom dwelling. It included external alterations comprising adaptation of existing openings, infilling of 2 openings and creation of 4 new openings. Some of the existing stable complex buildings were to be demolished.

REPRESENTATIONS

Representations received:

Arundel Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Area of Special Control for Advertisements

PDR Restriction

No Public Sewer

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [GEN2](#)
 [GEN3](#)
 [GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
SD SP2 Built-Up Area Boundary
SD SP1 Sustainable Development
C SP1 Countryside

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

[Arundel Neighbourhood Plan 2014 POLICY 2:](#)

A Spatial Plan for the Town

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policies 1 - The Presumption in Favour of Sustainable Development and 2 - A Spatial Plan for the Parish are considered relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

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

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the established rural character of the surrounding area and is not considered to represent sustainable development.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

HISTORY AND BACKGROUND

The single storey stable block is located on the northern side of the site. The former veterinary hospital use ceased a few weeks ago.

Previous applications AB/81/16/PL and AB/163/15/PL for the conversion of stables to a residential dwelling have previously been approved and the residential use would be in keeping with other residential uses of adjacent buildings on the former hospital site. The boundary of the curtilage to the rear is clearly defined by existing planting, fencing and walling and the proposal does not seek to expand the development in this area beyond this existing boundary screening. However the area in front is being increased to include a double car barn. This proposal is no longer for conversion and represents the provision of a new dwelling in the countryside.

PRINCIPLE

The site is located outside the built-up area where the principle of development is not acceptable unless associated with agriculture, forestry, recreation or diversification. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies GEN3 and GEN7 and Neighbourhood Plan policies 1 and 2 which seek to prevent development that is not sustainable or located within identified sites and which would have an adverse impact upon visual amenities and the character of the area.

The policies that relate to the supply of housing in the 2003 Local Plan are now only afforded very limited weight as they do not relate to development needs beyond 2011 and the current built-up area boundaries were drawn to accommodate a specific quantum of development in the period 2001 - 2011.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 2.09 years.

The National Planning Practice Guidance (NPPG) provides clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. The weight afforded to Neighbourhood Plans has been clarified by a written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old;

- The NDP allocates sites for housing; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Two of the above circumstances arise as Arun District Council can only currently demonstrate approximately a 2 year supply of deliverable housing sites. The Arundel Neighbourhood Plan was adopted in April 2014 and is therefore more than 2 years old and with regard to the supply of housing would be out of date. However it does allocate some sites within the built up area for housing.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case, the proposal would not constitute sustainable development given its relatively isolated position.

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role-

The site is located outside the town centre of Arundel outside the built up area boundary and is not within walking distance of local shops or facilities or close to bus stops. There are also no pavements or footpaths leading from the site to the town centre. Walking and cycling to the site is not therefore safe from a highway point of view. It is considered this is not a sustainable location for new development. The proposal is considered to represent development of the site which would adversely affect the character and visual amenities of the locality and is therefore not acceptable environmentally.

Social Role-

It is not considered that the proposal would significantly support the local community by providing a single new property to help meet future needs, particularly since there is already an existing approval for conversion which would make the same contribution. This weighs against the application.

Economic Role-

It is considered the proposal will not lead to a significant increase in Council Tax receipts or the creation of many jobs during construction. It would not necessarily support town centre services and shops once complete. Any benefits to the local economy would be the same as those accruing from the approved conversion application. These economic factors weigh against the scheme.

Assessment-

It is considered that the proposal is not sustainable development and therefore does not benefit from the presumption in favour of sustainable development as set out within paragraphs 14 and 49 of the NPPF.

VISUAL AMENITY AND CHARACTER

The new dwelling proposed would not have the appearance of a traditional agricultural building as was previously achieved through the approved conversion, although it would reflect the other buildings at the entrance to the site. The proposed residential dwelling would add to the built form on the site in a manner which would appear as a domestic expansion and not take the form of a sympathetic and unobtrusive rural building conversion. It would increase the height of the dwelling from the single storey conversion unit to a larger and bulkier property with accommodation in the roof. It would therefore detract from the character and appearance of the surrounding rural area. The design of the approved conversion retained the agricultural/equestrian character of the existing building. It was clad with timber boarding to match the existing and the roof replaced with plastic coated steel cladding similar in appearance to the existing profile sheeting. The windows were also similar to the existing on the east and west elevations and the north and south elevations maintained the character of the large opening by glazing the central section to the eaves. This proposal has the appearance of a modern 2 storey residential dwelling which could be located anywhere.

The agent considers that the site occupies previously developed land which was in business use and was not used for agricultural purposes. Whilst the site was not in agricultural use it represented an exceptional use which was acceptable in a rural area and required a countryside location. The site is within the boundaries of the former equine hospital and was used as paddocks and for stabling horses associated with the veterinary use. Given its equine nature the use was deemed appropriate in this countryside location. It cannot therefore be considered that the business use is akin to a business which did not require a rural location. Conversion of the rural buildings is therefore the only route by which residential development on this part of the site could be deemed acceptable.

Further, the proposal cannot be considered as a replacement dwelling since the conversion of the stable building has not yet taken place and the building is not occupied for residential purposes. The residential use of this part of the site is only considered compliant with policy if it represents conversion of the existing rural building.

The proposal has also increased the curtilage of the application site to include additional land to the frontage for car parking. This could easily be accommodated within the previously approved residential curtilage and represents an unnecessary expansion of built form in the countryside which is contrary to policy GEN3 of Arun District Local Plan.

The structural report submitted with the previous application demonstrated that the building was capable of conversion without significant re-building and no extensions were proposed. Indeed not all of the structures were included in the application, so the footprint of buildings on the site was reduced. It was concluded that the resultant building did not have an adverse effect on the rural character of the area and the residential curtilage proposed was contained within existing defined boundaries.

The species checklist sheet submitted with the application refers to no bats or owls being noted in the buildings. This would seem reasonable given that the buildings were in use and activity was

taking place within the buildings and their surroundings daily.

RESIDENTIAL AMENITY

The Local Planning Authority is applying internal and external space standards. The proposal would meet the National Internal space standards for a two storey 4 bedroom dwelling for 6 people. 124 sq metres are required and 234 sq metres are provided. The bedroom and living areas also meet the policy requirements. The external space standards set out in policy DDM3 of the Emerging Local Plan require 100sq m and the application provides approximately 500sqm. The minimum garden depth of 10m is also met.

The dwelling would have one first floor window in the side elevation which could result in adverse overlooking of the adjacent recently approved dwelling, but this could be controlled by an obscure glazing.

It is therefore recommended that planning permission should be refused for the following reasons.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area and the proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2, GEN3 of the Arun District Local Plan which seeks to protect the countryside

consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development and policies SDSP2 and CSP1 of the publication version of the local plan October 2014 (updated March 2017).

- 2 The proposed development would be unsustainable by reason of its location and would not provide for safe and suitable access by sustainable modes of transport, contrary to the National Planning Policy Framework and policy SDSP1 of the publication version of the local plan October 2014 (updated March 2017).
- 3 By reason of site coverage, design and height the proposal would constitute an alien intrusion in the countryside which would be out of keeping with and detrimental to the rural character of the locality in conflict with policies GEN2, GEN3, GEN7 of the Arun District Local Plan and policies SD SP2, C SP1 and DDM1 of the publication version of the local plan October 2014 (updated March 2017) and the National Planning Policy Framework.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.