**Recommendation Report for Planning Permission for Works or Extension to a Dwelling**

**REF NO:** **AB/135/16/HH**

**LOCATION:** Tortington House
Tortington Lane
Arundel

**PROPOSAL:** 2 bay garage, incorporating open car port & artists studio. Resubmission of AB/85/16/HH

**SITE AND SURROUNDINGS**

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| DESCRIPTION OF APPLICATION | As above<br><br>Two storey building comprising accommodation at first floor for use as an artists studio with a double garage and car port at ground level. The proposed building has a half hipped roof design with gable dormer projection at first floor level to the front. The proposed building would measure 11m wide with a further 1m to provide a staircase to first floor, 6.6m high and 7.5m wide. It would be constructed of timber with a slate roof. The proposed building is sited approximately 95m south of the main house. The proposed building would be 33m from the rear of Tortington Lane.<br>Access is by means of an existing field access and a gravel drive and turning area is also proposed. |
| SITE AREA | Approximately 6500 sq.m |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A |
| TOPOGRAPHY | Predominantly flat |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | Site boundaries are marked by timber post and rail fencing with additional hedging in most places. |
| SITE CHARACTERISTICS | The site is occupied by a detached two-storey dwelling that has red brick elevation walls and a tiled, hipped roof. There is a detached garage building to the north as well as outbuildings to the west of the dwelling. The property has a large garden area to the south |

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| | which is open and undeveloped and benefits from mature planting. |
| CHARACTER OF LOCALITY | The site is located outside of the built-up area, alongside a narrow rural road. There is an equine centre immediately to the north of the site with associated paddocks adjacent to the west. The overall rurality of the surrounding area is defined by the fields and open countryside that borders the road as well as mature tree lining and small wooded areas. |

**RELEVANT SITE HISTORY**

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| AB/136/87 | Proposed artists studio - detached | Withdrawn<br>08-04-1988 |
| AB/61/88 | Proposed artist's detached studio | No Dec'n Issued<br>06-01-1989 |
| AB/85/89 | Alterations & extension to existing cottage & garage to provide accommodation as shown plus new boundary wall and widening of existing gateway by 1.0m. | ApproveConditionally<br>02-08-1989 |
| AB/137/99/ | Sun room extension to lounge (Revision of AB/85/89) | ApproveConditionally<br>16-02-2000 |
| AB/5/06/ | Double storey extension, conservatory and front roof canopy | Withdrawn<br>14-03-2006 |
| AB/54/06/ | Remove out building, build double storey extension, side & rear dormer windows, rear single storey extension, side conservatory and front roof canopy (Re-submission following AB/5/06) | Refused<br>28-06-2006 *Appealed*<br>**Appeal: Allowed+Conditions 26 02 2007** |
| AB/93/06/ | Proposed single storey extension, entrance roof canopy and entrance gates. | ApproveConditionally<br>22-09-2006 |
| AB/89/13/ | Erection of frameless glass sun room | ApproveConditionally<br>16-09-2013 |
| AB/85/16/HH | New 2 bay garage, incorporating open car port & artists studio | Refused<br>27-09-2016 |

There have been previous permissions for extensions over last 50 years and an application for artists studio was withdrawn in 1988.

As similar application was refused on 19 September 2016. The current proposal is for a similar design and floor area the only changes being a reduction in height by 0.4m to 6.6m high and the building has been moved further to the west into the site and is now 33 m form the road.

The applicant's agent has also submitted a supporting statement to this application which outlines the applicants view that the proposal is acceptable. In summary the key points are:
· The Tortington Manor residential development dominates the local scene and is directly opposite the site and its brick garages are close to the highway and generate a distinctly built up character to this part of the lane.
· The whole area is residential curtilage and the applicant could put up 3 separate buildings for garage, car port and artists studio under permitted development rights.
· No Town Council or local objections therefore local opinion clearly favoured the proposal.
· Previous reasons of refusal were vague.
· Proposal complies with GEN2, GEN3 and GEN7.
· The Council have confirmed that conflict with GEN 3 in the reason of refusal was not correct.
· Current proposal reduced in height and moved to a distance 33m from the road.
· Local Plan policies do not reflect the current Government requirements in the NPPF.
The above comments have been noted and addressed within the conclusions section of the report.

## REPRESENTATIONS

**Representations received:**

Arundel Town Council

Arundel Town Council has no objection.

No responses were received in relation to public consultation.

**Comments on Representations received:**

None

## CONSULTATIONS

**Consultations responses received:**

None

**Comments on Consultation responses:**

None

## POLICY CONTEXT

Designation applicable to site:
Outside built up area
Area of special advertisement control
No public sewer

### DEVELOPMENT PLAN POLICIES

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| Arun District Local Plan 2003: | GEN3 | Protection of the Countryside |
| | GEN7 | The Form of New Development |
| Publication Version of the Local Plan (October 2014): | | C SP1 Countryside<br>D DM1 Aspects of Form and Design Quality<br>D SP1 Design<br>LAN DM1 Protection of Landscape Character |

**PLANNING POLICY GUIDANCE**

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| NPPF | National Planning Policy Framework |
| NPPG | 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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; Yapton

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

PLANNING
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 not considered to comply with relevant Development Plan policies in that it would

have a materially adverse effect on the visual amenities of the locality and it would have an adverse impact upon the established character of the surrounding area.

## 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

The application site is situated within an open countryside area with typical rural sporadic development closeby such as the main house, equine centre and care accommodation opposite.

The proposed building is a relatively large structure with a footprint of approximately 82 sq.m. The design of the building including proposed materials is not untypical of a rural location and in itself is acceptable. However, the proposed outbuilding is sited a significant distance from the main house approximately 95 m and would benefit from its own vehicle access. The proposed site of the building is currently undeveloped at present and contributes to open countryside character of the area.

Adopted planning policy seeks to protect the natural environment by strictly controlling development in the countryside. Development outside the defined built-up area will only be allowed where it complies with other policies. Policy GEN 3 Seeks to ensure that outside the Built-Up Area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake.

It is noted that the Council have accepted that there would be no conflict with GEN 3, as it is residential curtilage. However, policy GEN7 applies to all development and seeks to ensure that proposed developments is acceptable. The policy advises that development will be granted permission if it complies with a number of specific criteria. Criteria (ii) states, "demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness". The aim of the criteria is to ensure that new development has regard to and is not harmful to the character and appearance of the area.

The emerging local plan policy LAN DM1 is of a similar vein by seeking to protect the landscape of the District, and requires that, "Development will be permitted where:
a. Landscape character, including its natural features, are conserved or enhanced
Developments shall only be permitted where they will not have a demonstrable visual impact on either the landscape character of Arun or the setting of and views into and out of the South Downs National Park."

Whilst it is accepted that the proposed development would be an ancillary use to the main house and as such its use could be controlled by a suitable planning condition it is considered that the proposed size of the building and it proposed siting would introduce a large isolated building, notwithstanding the small reduction in height from 7m to 6.6m when compared to the previously refused scheme, which would be harmful to the character and appearance of the countryside location. The prominence of the building would be increased by the splayed vehicle entrance and gravel driveway leading to the proposed building.

The applicant considers that The Tortington Manor residential development dominates the local scene and is directly opposite the site and its brick garages are close to the highway and generate a distinctly built up character to this part of the lane. However, the Council would not agree with this conclusion. It is accepted that the Tortington Manor development is opposite the site however, excluding this development Tortington Lane is largely undeveloped with only sporadic development along the road. Indeed on the west side of the lane, including the application site there is no meaningful development between Tortington House and Ford Road. Therefore, it is considered that the wider character of the area is primarily rural open countryside.

With regard to the fall back position suggested of using pd rights the current proposal does not seek to confirm if such a development would be lawful, and this decision does not seek to make a conclusion on this issue, such a matter could be pursued under a certificate of lawful development application if required. The application is therefore considered on its planning merits.

The Town Council have not objected nor have any representations been received, however, these matters are a material consideration in the overall determination of the application and not a justification on their own.

The other issues in relation to the previous refusal, local plan policies and their status have been addressed previously.

The reduction of height would only be a minimal change from 7 m to 6.6m. The resultant building would still be a large structure in an isolated position, some 95m form the house and although the building has been sited further from the road, and as such is not so dominant on the frontage, it is still clearly visible from the road and surrounding area in this isolated position. Therefore, it is considered to have a detrimental impact upon the character and appearance of the wider countryside area.

There are no unacceptable parking implications arising from the proposed development.

In summary, in considering the matters as a whole it is not considered that the amended submission
addresses the previous refusal the proposed development is considered to have an adverse impact
on the visual amenity of the countryside location. As such the proposed development is contrary to adopted planning policy GEN7 (ii) in the Arun Local Plan 2003 and emerging policy LAN DM1.

The proposed development is therefore recommended for refusal subject to the following reasons.

**HUMAN RIGHTS ACT**

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 proposal, because of its siting and size would have an unacceptable impact on the character and appearance of the immediate locality by being visually prominent and obtrusive in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

2 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 reason 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.