

Recommendation Report for Planning Permission

REF NO: AB/138/19/PL

LOCATION: Rookery Barn
Tortington Lane
Arundel
BN18 0BG

PROPOSAL: Variation of condition 2 approved under AB/81/16/PL relating to approved plans; substitute GA/1903/001 for 15-53.2.02 to show the existing stable building within the curtilage to be retained & not demolished.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to retain an 'L' shaped stable building within the curtilage of Rookery Barn . The stables were indicated for demolition on the originally approved block plan relating to planning permission AB/81/16/PL which granted permission for conversion of the adjoining premises to a 4 bedroom dwelling. The stable building existed when the premises was in use as an equine hospital.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Varied. Hedging and fencing up to 2m in height
SITE CHARACTERISTICS	The former equine hospital site has recently been converted to residential properties. The stable building is located to the rear of the site and has a shallow pitched roof and timber clad elevations.
CHARACTER OF LOCALITY	Rural lane with sporadic housing, Tortington House to south of site, Tortington Manor has apartments and dwellings to east of site. The adjoining buildings are being converted to residential units.

RELEVANT SITE HISTORY

AB/119/17/PL	Erection of 3 No. car barns & formalising parking over the existing car park area & change of use of land to residential curtilage. This application is a Departure from the Development Plan.	ApproveConditionally 05-12-17
AB/101/17/HH	Single & two storey rear extensions & single storey side extension.	ApproveConditionally 19-09-17

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 05-09-16
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
EQU DM1	EQU DM1 Equine Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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. Policy AR1 Arundel Built Up Area Boundary of Arundel Neighbourhood Plan (October 2019) has been considered.

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 comply with relevant Development Plan policies in that there would be no materially adverse impact on the character of the area or residential amenity.

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

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. The provision of stabling for horses is a recreational use which is accepted in policy CSP1 of Arun Local Plan. The proposal also falls to be considered against policy EQU DM1 which relates to horse related activity.

EQUINE DEVELOPMENT

The proposal is compliant with policy EQU DM1 of Arun Local Plan in that it makes use of an existing building which has an appropriate design for this location and is in keeping in terms of its siting, design and materials. It is well related to the existing bridleway network and the network is sufficient to accommodate the scale. The access and parking are existing and the cumulative impact of the development is existing. The stable block is existing.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The site is located in a countryside location and the stable building is existing and suited in its design to this rural location. Given its position behind the converted buildings, its sympathetic design and relatively modest size it is considered that the structure would not be readily visible or obtrusive in the landscape. In addition the retention of the stables would not expand the development into open countryside beyond the site area occupied by the veterinary hospital use and the agreed residential curtilage.

RESIDENTIAL AMENITY

The proposal is not considered to adversely impact on residential amenity. The stable building is existing and is located on the western boundary of the former equine hospital site and is not adjacent to any of the residential curtilages approved as part of the conversion. The stable building is screened from the dwelling to the east by the existing host dwelling.

Although the stable building was indicated to be demolished this was not included as a condition on the original planning permission and it would be difficult to enforce demolition at this stage.

CONCLUSION

The proposed development would be acceptable in terms of visual amenity and highway safety and is recommended for approval subject to the following conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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**APPROVE CONDITIONALLY**

- 1 The development hereby approved shall be carried out in accordance with the following approved Location/Block plan:
GA/1903/001/01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 2 The stables hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of Rookery Barn as a dwelling and shall not be used for commercial purposes.

Reason: To accord with policy DDM1 of Arun Local Plan and to prevent an over-intensive use of the site which could lead to an unneighbourly development.

- 3 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission AB/81/16/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number AB/81/16/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.