

Recommendation Report for Planning Permission

REF NO: AL/130/17/PL

LOCATION: Easter Cottage
Old Dairy Lane
Norton
Aldingbourne

PROPOSAL: Removal of Condition following a grant of planning permission AL/92/08 relating to Conditions 10 - use of individual holiday lets for up to and no more than 28 consecutive nights. This application may affect the character & appearance of the Norton Lane Conservation Area and is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. No external or internal changes are proposed.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low picket fence to the front. To the rear there is a mixed boundary consisting of a hedge and informal timber lattice fence. 2m high fence/wall to the business site at the side/rear.
SITE CHARACTERISTICS	Semi-detached single storey pitched roof holiday conversion. Timber clad with a slate roof. The site also consists of the very end of the neighbouring Old Stables building (itself with rendered walls & a slate roof). The property benefits from off--street curtilage hard surfaced parking to the front and to the side between the flank wall and the Old Stables building. Parking for up to 2 cars. Rear garden.
CHARACTER OF LOCALITY	The site is located on the western edge of the small settlement of Norton and is, together with 4 other properties, part of a small holiday property development. There is then a B1 light industrial/office building to the west ("West Barn") and residential properties to the east, south and north. There is farmland further to the west. With the exception of the rear garden, the application site lies within the Norton Lane Conservation Area.

RELEVANT SITE HISTORY

AL/26/14/PL	Change of use from 5 no. tourist units to 5 No. residential units (C3 Dwelling). This application affects the character and appearance of Aldingbourne (Church Road) Conservation Area
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Appeal: Dismissed
04-08-15

AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-09
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The following is a broad summary of the planning history relating to the Old Dairy Lane site and is not entirely specific to the Easter Cottage property.

Application AL/92/08/ granted planning permission for the conversion of several existing redundant farm buildings to a mix of B1 offices, residential dwellings and tourist accommodation units. This permission enabled the holiday use of Norton Dairy, Easter Cottage and the Cart Barn. It is noted that whilst West Barn was stated to be converted for B1 office use, its use was not restricted solely to office use and so can also be used for research & development or light industry. A subsequent application to convert the B1 office building (West Barn) to provide holiday accommodation was refused by virtue of conflict with Policy DEV1 (Ref AL/114/09). Planning permission, AL/28/12/ later allowed for changes to the fenestration of the approved business units.

Permission was granted in January 2011 to allow the holiday conversion of the implement & equipment store now known as East Barn (Ref AL/106/10). In October 2012, permission was also granted to allow the holiday conversion of the stables building (now known as The Old Stables) under ref AL/72/12.

Planning Application AL/56/13 then allowed for amongst other things, additional car parking for the B1 office use. This included parking along the boundary with the rear gardens of Easter Cottage & Norton Dairy.

There have also been three enforcement appeals concerning the occupancy conditions. Those relating to Easter Cottage & Norton Dairy were either dismissed or part dismissed and so had no effect on the occupancy condition as applied by AL/92/08. The enforcement appeal concerning The Cart Barn was allowed and an enforcement notice quashed, however this also had no impact on the occupancy condition imposed by AL/92/08.

Therefore, the current situation in respect of the holiday occupancy of the 5 existing properties is that the Cart Barn, Easter Cottage, Norton Dairy and East Barn are all subject to the following condition: "The tourist accommodation hereby approved shall be used for individual lets for up to and no more than 28 consecutive nights".

The Old Stables was subject to a differently worded condition imposed by AL/72/12 but this condition was removed by virtue of application AL/8/17/PL as granted in May 2017.

Application AL/26/14 sought permission to change the use of all 5 holiday properties to residential. This was resisted at the planning application stage and subsequently dismissed on appeal on the grounds that there had been no recent marketing of all five properties for their lawful use for any reasonable length of time (6-9 months including the summer period). The Inspector therefore could not conclude that the approved tourist/holiday accommodation use was unviable.

The Inspector also stated that unrestricted residential development in this isolated rural location would fail to meet the objectives of 'saved' Policy GEN3 & paragraph 55 of the NPPF and that the proposal would not accord with NPPF paragraph 51, as claimed by the appellant, because none of the 5 properties were in Class B use. The Inspector also considered that the location was not sustainable having regard to the need to travel by car to access local shops & services.

A planning application, ref AL/93/15/PL, was lodged in late 2015 and sought permission to remove condition 06 of AL/72/12/ relating to the Old Stables. This was refused by the Development Control Committee on 27 January 2016 on the grounds that the applicant had failed to demonstrate evidence of marketing for holiday use, that the site was in an unsustainable location and that no affordable housing contribution was offered.

Summary of Easter Cottage History:

Easter Cottage is subject to a holiday occupancy restriction as imposed by AL/92/08 which allows the owner to let the property for holiday purposes for 365 days each year but with each different occupant/occupying group not being allowed to stay for more than 28 days each time. This allows the owner to market the property for several holiday lets throughout the calendar year.

Easter Cottage formed part of the application site for AL/26/14 which proposed a change of use from holiday to residential, albeit for a greater number of properties. That application was refused and then dismissed on appeal.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council initially commented that: "The Parish Council objects to this application as there is insufficient evidence to do otherwise"

Following the submission of additional evidence, the Parish Council were asked to reconsider the application and commented that: "The Parish Council has considered the additional information and resolved to object to this application. In the Councils view insufficient effort has been made to properly market the lets and the proposal is contrary to the APC NP EE.1, EE6.1, 6.2 and EE 7.1"

One letter of objection from the owner of West Barn to the rear. Grounds as follows:

- The individuals that have developed or purchased the small cottage units on the site have done so with the intention of flouting the planning restrictions imposed by ADC;
- The sole purpose has been owner occupation;
- No purposeful or consistent effort has been made to promote & develop Old Dairy Lane into a successful holiday accommodation business;
- There is demand in West Sussex for holiday accommodation as proven by other properties in the area;
- If this is granted, the other holiday properties will follow; and
- How can the Council accept that this picturesque and well-placed site is not suitable for and does not have great advantage to develop a thriving business.

Two letters of 'no objection' from the adjacent property, The Old Stables, stating

(1) "Whilst I have no objection to this application, I would like it to be noted that there is a restrictive covenant in place restricting its use as tourism only under planning application AL/92/08."

(2) "For clarity the restrictive covenants are contained in the deeds of land which would need to be satisfied."

One letter of support from the adjacent property, Norton Dairy, stating: "I support the application,

because the whole site is currently blighted by the lack of any occupancy. There has been no holiday letting take up, and no residency allowed, so the site is in terminal decline, with properties virtually abandoned and going into decline from lack of use. That this should be happening with such an acute affordable housing stock shortage in the area, seems an affront to common sense, and in no one's best interest. As has been demonstrated again, the site has no attraction as a holiday let location, and so the restriction to allow that use only for this property, is inappropriate."

COMMENTS ON REPRESENTATIONS RECEIVED:

The objections of Aldingbourne Parish Council are noted but it is not considered that any of the policies referred to are relevant to this application. Policy EE1 states support for existing employment & retail uses but does not set out any protection to existing businesses. Policy EE6 is supportive of new tourism development but again does not set out any protection of existing uses. Policy EE7 concerns applications for the re-use, conversion and adaptation of rural buildings for small businesses, recreation, or tourism purposes but does not seek to prevent further changes of use. It is also noted that the Parish did not object to the 2017 application concerning the removal of the holiday restriction for the adjacent property, The Old Stables.

The objections of the nearby business owner are noted. However, the points made are opinions and are not backed up by evidence. It should also be noted that the applicant does not live in the property all year round and has another property in France - and therefore it would be difficult to argue that the applicant bought the property to live in it.

In respect of the letters from the Old Stables, covenants are not capable of being material planning considerations. Also, as it is not possible to impose a covenant by a planning permission, it is assumed that the writer refers to the planning condition - and it is this planning condition that the applications seeks to remove.

The letter of support is noted but on the proviso that the writer expresses an opinion and does not provide evidence.

CONSULTATIONS

Environmental Health
Economic Regeneration
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC ECONOMIC DEVELOPMENT - Cannot support the application but do not raise any objection.

ADC ENVIRONMENTAL HEALTH - Responded to state "No comment".

ADC CONSERVATION OFFICER - Responded to state "No comment".

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Area of Special Control (Adverts);
 Norton Lane Conservation Area;
 Class C Road;
 No Public Sewer;
 PD Restriction; and
 Lidsey Drainage Area.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
DEV2	Conversion of Rural Buildings for Residential Use
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
H DM3	Agricultural, Forestry & Horticultural Workers' Dwelling
TOU DM1	Tourism Related Development
HER SP1	The Historic Environment
HER DM3	Conservation Areas
SD SP2	Built -Up Area Boundary

Aldingbourne Neighbourhood Plan 2016 POLICY EE1

Supporting existing employment and retail

Aldingbourne Neighbourhood Plan 2016 POLICY EE6

Sustainable recreation and tourism activities

Aldingbourne Neighbourhood Plan 2016 POLICY EE7

Rural buildings

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH9

Conservation Area

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Quality of Design

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Dwellings must have adequate private or shared amenity.

Outdoor space

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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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 constitutes 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. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation.

Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

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 may also be material consideration to take into account. The examination ended in Autumn 2017 following publication of modifications to the Plan.

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).

The relevant policies of the Aldingbourne Neighbourhood Plan have been taken into account in determining 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 not considered to comply with adopted Local Plan policy GEN7 (iii) which promotes sustainable development and particularly the reduction in the use of the private car to travel. However, the proposal does accord with Policy DEV2 of the adopted Local Plan in that evidence has been provided to demonstrate that the approved holiday use is not viable. It is also not considered that the proposal would have a materially adverse effect on the visual amenities of the locality, the residential amenities of the adjoining properties or an adverse impact on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework is an important material consideration and this is discussed below. Furthermore, policies TOU DM1 and H DM3 of the Arun Local Plan 2011-2031 Consultation on the Main Modifications (January 2018) indicate that planning permission should be granted where sufficient evidence has been presented to demonstrate that the business/tourism use is no longer viable. Regard should also be had to the decision to remove the holiday restriction on the adjacent property, The Old Stables (ref AL/8/17/PL).

CONCLUSIONS

THE APPLICANT'S CASE:

The main points of the application supporting statements are that:

- The applicant has followed the guidance within the previous appeal decision and also the guidance given by the case officer to the applicant concerning application AL/8/17/PL (in respect of a 6 month marketing period) and has marketed Easter Cottage to assess demand for its use as a holiday letting unit;
- The proposal benefits from support re Policy DEV2 (i) of the 2003 Arun District Local Plan (aLP) and Policy TOU DM1 of the Arun Local Plan 2011-2031 (Consultation on the Main Modifications) hereafter referred to as modified eLP;

- Marketing has been undertaken which shows that there is little interest in the property, and what interest there is does not translate into bookings; and
- As such, the retention of the condition would be unjustified and not reasonable thus failing to meet the 6 condition tests as set out in paragraph 206 of the National Planning Policy Framework (NPPF).

The evidence supplied consists of:

- (1) Airbnb listings data between February 2016 & November 2017 - 387 views, 8 enquiries, no bookings;
- (2) Trip Advisor listings data between May 2017 & December 2017 - 53 views, no enquiries, no bookings;
- (3) Homeaway listings data between October 2016 & December 2017 - 322 views, 5 enquiries, no bookings;
- (4) Homeaway data suggesting that the property has a search position of 337 out of 1434 properties; and
- (5) A marketing report for the period April 2016 & August 2017 stating that:

- (a) Initial advertising was undertaken with Airbnb & Facebook page;
- (b) An old business colleague booked the property in June 2016 as a result of the Facebook advert. This has been the only booking;
- (c) In May 2017, the property was additionally advertised with Homeaway.co.uk and with TripAdvisor;
- (d) Homeaway is the UK's largest Holiday rental web site and has in excess of 350 properties to rent in the Chichester area;
- (e) None of these sites have resulted in any enquiries or any bookings; and
- (f) Typically, enquirers are looking for long term lets for non-holiday purposes or for significantly cheaper accommodation (prices vary from £70 to £85 per night).

PRINCIPLE:

The application site lies outside of the built up area boundary for which Local Plan Policy GEN3 states that development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development. Policy DEV2 is one such policy and this allows for the principle of the conversion of buildings located within the defined countryside into residential use. As such, subject to meeting the criteria within Policy DEV2 (as discussed in a separate section below), the proposal would be acceptable in principle in respect of the aLP.

Aldingbourne Neighbourhood Development Plan (ANP) Policy EH1 states that proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless for essential utility infrastructure, where the benefits outweigh any harm, and where it can be demonstrated that no reasonable alternative sites are available.

However, as set out within a separate section below, it is considered that the proposal complies with development plan policies in respect of the countryside in that aLP Policy DEV2 allows for the principle of rural conversions. Therefore, subject to meeting the criteria within Policy DEV2, the proposal would be acceptable in principle in respect of the ANP.

It is also considered that regard should be had to the National Planning Policy Framework (NPPF) which is a material consideration in the determination of this application. This sets out a presumption in favour of sustainable development and in respect of decision making that:

- (i) approving development proposals that accord with the development plan without delay; and
- (ii) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Although Policy DEV2 forms part of a 15 year old Local Plan, the plan is not absent or silent in respect of this matter. Furthermore, the policy itself is not considered be out-of-date as although the Council cannot currently demonstrate an NPPF compliant 5 year housing land supply, Policy DEV2 does not seek to restrict the location of housing but rather allows the conversion of rural buildings into dwellings. Furthermore, it is considered that policy DEV2 is broadly supported by the NPPF.

Firstly, paragraph 22 of the NPPF states that planning policies should avoid the long term protection of employment related sites and that applications for alternative uses of buildings should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities. Secondly, paragraph 51 encourages the residential reuse of empty buildings in the countryside.

It is therefore considered that great weight should be attached to Policy DEV2 in the determination of this application.

CONVERSION OF RURAL BUILDINGS FOR RESIDENTIAL USE:

Policy DEV2 of the aLP states that:

"Proposals for the conversion of buildings for residential use outside the built-up area will not be permitted unless:-

(i) either, it has been demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and the application must be supported by a statement of the efforts which have been made; or, residential conversion is a subordinate part of a scheme for business re-use"

The original change of use to tourist accommodation was a subordinate part of a larger scheme concerning many of the existing buildings on Dairy Lane for which the conversion of the Long Barn to residential was a subordinate part. Furthermore, the word 'scheme' implies a development involving multiple units whereas this application concerns only one unit. Therefore, it is not considered that the residential change of use can be treated as a subordinate part of a wider scheme for business re-use and it is necessary instead to satisfy the first part of DEV2 (i).

Policy H DM4 (H DM3 within the unmodified eLP) includes the same wording. Policy TOU DM1 of the modified eLP seeks to prevent the loss of tourist accommodation and sanctions this only where it has been demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes.

The applicant has supplied evidence that shows that despite marketing the property on Airbnb, TripAdvisor, Homeaway and Facebook, since February 2016, there has been only 1 booking and this was from an associate of the applicant back in June 2016. This evidence has been accepted by the Council's Economic Development/Tourism Officers who have declined to raise an objection to the application.

It is accepted that the act of this change of use will result in a loss of potential tourist revenue. However, this should be balanced against (a) the fact that the property has not attracted any tourists and so is not currently contributing to the local economy, (b) the fact that a residential occupier will also generate spending on the local economy and (c) a residential use will generate Council Tax receipts.

Therefore, it is considered that the applicant has satisfied the requirements of Policy DEV2 (i) by providing evidence to demonstrate that reasonable attempts have been made to market and use the premises for business (tourism) purposes.

The following is an assessment of the other criteria within Policy DEV2:

(ii) The second criteria of policy DEV2 states that the building should be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. However, this is not relevant as the application is a change of use and not a conversion.

(iii) The third criteria requires that the resultant building and use will not have an adverse effect on the rural character of the area and is sympathetic to its setting in terms of form, bulk and visual design. It states that particular regard will be given to the impact of any residential curtilage on the character of the countryside. No changes are proposed to the building or to its curtilage and on this basis, it is considered that this criteria is complied with.

(iv) The fourth criteria states that where the building is of historic or architectural importance, there is no adverse effect on the character and appearance or features of architectural or historic interest, internally and externally, which the building possesses, or its setting. No changes are proposed to the building or to its curtilage. The only change is in respect of the use and whilst this will result in a more intensive use of the site, it is not considered that this will have any impact on the preservation of the conservation area. Indeed it may actually enhance the conservation area by strengthening the local community and the sense of ownership of the site. It is therefore considered that the fourth criteria is complied with.

(v) The fifth criteria requires that resultant traffic should be safely accommodated by the site access and the central road system. County Highways did not raise any objections in respect of the previous application AL/26/14/PL which concerned the residential use of 5 holiday properties. It is not therefore considered that there would be any harm to highway safety arising from the change of use of 1 property.

It is therefore considered that the proposal satisfies the requirements of policy DEV2 of the adopted Arun Local Plan and also those of policies TOU DM1 and H DM4 (H DM3 within the unmodified eLP) of the emerging Local Plan.

SUSTAINABILITY OF LOCATION:

Policy GEN7 (iii) of the aLP states that development must promote sustainable development, including reducing the need to travel, particularly by private car.

The application site is a significant distance from the nearest settlement boundary. Norton itself does not have a defined built up area boundary and as such, the nearest defined settlement boundary within the Arun District is Westergate and this is where the closest shops & services are. The nearest shop in Westergate is the Esso petrol station and this would be a walk of around 2km from the site. There are bus stops on Nyton Road at around 600m from the site. However, there are no footpaths on Norton Lane heading southwest or on Nyton Lane heading south east from the junction with Norton Lane. Therefore, it would not be attractive or particularly safe for people to walk to access the bus stops or the nearest shop

It is therefore considered that the site is not located in a sustainable location and that there would be no scope for new residents to use means other than the private car to access local shops and services. It is noted that the inspector who considered the second application for live/work units at West Barn as located to the rear of the application site (ref AL/59/16/PL) commented that: "For the reasons given above I conclude that the location of the development would provide unacceptable access to everyday

local facilities by a range of modes of transport and that the resulting dependency on private motor vehicle usage would be harmful to the environment. As such there would be conflict with Policy GEN7 of the Local Plan".

There is an argument that there would not be a material difference between the number of car trips undertaken by tourists (assuming the property was occupied by tourists all year round) versus the number made by a residential occupier. However, the fact remains that the site is not in a sustainable location and therefore, the proposed change of use does not comply with aLP Policy GEN7(iii).

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the building is suitable for residential use.

Easter Cottage is considered to be a single storey, 1 bedroom, two person property and the required standard is therefore, 50m². The submitted floorplan demonstrates that the footprint of the building is 61.5m² and therefore complies with required standard. The property also benefits from the studio contained within the room tacked on to the end of the adjacent Old Stables building.

In respect of external standards, the current version of the eALP proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, policy H8 of the ANP does require that "all new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area." The property benefits from an existing rear private garden together with additional curtilage to the side. There is therefore not considered to be any conflict with the ANP.

SUMMARY:

The starting point for this determination is the development plan. Adopted Arun Local Plan Policy DEV2 allows for the conversion of rural buildings to a residential use subject to compliance with a set of criteria. This report considers that these criteria have been met.

It is acknowledged that adopted Local Plan policy GEN7 part (iii) seeks to reduce car travel and that there is conflict with this policy. However, it is considered that Policy DEV2 would attract more weight in this determination particularly as the proposal concerns an existing building with a holiday use that would, if demand existed, attract movements by car. The ANP states that proposals for development outside the built up area boundary will be acceptable where they accord with other policies within the development plan (such as policy DEV2).

It is then necessary to consider whether material considerations indicate that this determination should not be made in accordance with the development plan. In this case, material considerations include policies TOU DM1 and H DM4 (H DM3 within the unmodified eLP) of the emerging Local Plan and the National Planning Policy Framework and these are considered to support the recommendation to approve.

In addition, regard should be had to the fact that the Council has already removed the holiday restriction on the property next door (the Old Stables) and it is not considered that there has been any material change in planning policy or circumstance since that decision.

It is therefore recommended that the application be determined in accordance with the adopted Local Plan and that permission be granted subject to the following conditions and informatives.

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 submitted Easter Cottage Land Registry based Location Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 2 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order), the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance and character of Old Dairy Lane in accordance with policy GEN7 of the Arun District Local Plan.
- 3 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.
- 4 INFORMATIVE: The effect of this planning permission is to remove condition 10 of AL/92/08/

in respect of Easter Cottage only. Please note that condition 03 of that permission is still relevant and is set out above for completeness.