

**Recommendation Report for Planning Permission**

**REF NO:** AL/18/17/PL

**LOCATION:** The Dene  
Hook Lane  
ALDINGBOURNE

**PROPOSAL:** Change of use of existing cottage to furnished holiday let.

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above. Additionally, two new velux roof lights are proposed in the front elevation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| SITE AREA                  | 50 square metres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| TREES                      | None affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| BOUNDARY TREATMENT         | The northern boundary is part formed on the western side of the building by bramble hedge with remains of a close boarded fence and on the eastern side of the building by a 2m high willow thatch fence.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| SITE CHARACTERISTICS       | Existing single storey outbuilding in flint with brick quoins and a pitched tiled roof. The building is situated to the immediate rear of The Dene - a large two storey cream rendered dwelling set in spacious grounds including a private tennis court. The building is within only 3-4 metres of two external walls. The building has windows and two doors on the east (front) elevation with high level windows also on the western and northern elevations. The building has in the past been used as a home office/party room. The Dene benefits from a large expanse of gravelled off-street parking plus a large garage building to the east. |
| CHARACTER OF LOCALITY      | This is considered to be a rural area with sporadic large dwellings predominantly along the northern side of Hook Lane.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

**RELEVANT SITE HISTORY**

|           |                                     |                                    |
|-----------|-------------------------------------|------------------------------------|
| AL/108/90 | Single storey rear lounge extension | ApproveConditionally<br>21-01-1991 |
|-----------|-------------------------------------|------------------------------------|

|           |                                                                                 |                                    |
|-----------|---------------------------------------------------------------------------------|------------------------------------|
| AL/81/06/ | Two storey side extension, new triple garage & internal alterations.            | ApproveConditionally<br>14-12-2006 |
| AL/62/07/ | Alterations to single storey roof with a new bedroom & bathroom inside.         | ApproveConditionally<br>06-07-2007 |
| AL/33/13/ | Second storey extension to previous (1990 approx) single storey side extension. | ApproveConditionally<br>06-06-2013 |

None.

#### **REPRESENTATIONS**

##### **Representations received:**

No comments received.

##### **Comments on Representations received:**

N/A.

#### **CONSULTATIONS**

Environmental Health

Economic Regeneration

##### **Consultations responses received:**

ADC ENVIRONMENTAL HEALTH - "No comment from Environmental Health or Private Sector Housing"

ADC ECONOMIC DEVELOPMENT - no comments received.

##### **Comments on Consultation responses:**

Noted.

#### **POLICY CONTEXT**

Designations applicable to site:

Outside Built Up Area Boundary;  
Flood Zone 1; and  
Area of Special Control Adverts.

#### **DEVELOPMENT PLAN POLICIES**

[Arun District Local Plan 2003:](#) DEV2

GEN3

GEN7

GEN29

Conversion of Rural Buildings for Residential Use

Protection of the Countryside

The Form of New Development

Nature and Conservation Across the District

C SP1 Countryside

D DM1 Aspects of Form and Design Quality

H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings

ENV DM5 Development and Biodiversity

SD SP1 Sustainable Development

TOU DM1 Tourism Related Development

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

|                                                                 |                                               |
|-----------------------------------------------------------------|-----------------------------------------------|
| <a href="#">Aldingbourne Neighbourhood Plan 2016 POLICY EE6</a> | Sustainable recreation and tourism activities |
| <a href="#">Aldingbourne Neighbourhood Plan 2016 POLICY EE7</a> | Rural buildings                               |
| <a href="#">Aldingbourne Neighbourhood Plan 2016 POLICY EH1</a> | Resist development outside                    |
| <a href="#">Aldingbourne Neighbourhood Plan 2016 POLICY GA3</a> | Parking and new development                   |

## **PLANNING POLICY GUIDANCE**

|      |                                     |
|------|-------------------------------------|
| 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.

A new local plan is in preparation may be 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 commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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 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; 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

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Aldingbourne Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Aldingbourne Neighbourhood Plan does not allocate any sites for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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 considered to comply with relevant Development Plan policies in that Policy EE7 of the Aldingbourne Neighbourhood Plan allows for the conversion/reuse of rural buildings for tourism purposes. Furthermore, the proposal would not have a materially adverse effect on the

visual amenities of the locality or the residential amenities of nearby adjoining properties and would not 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**

##### **PRINCIPLE:**

The site is in a countryside location outside the built-up area boundary where the principle of development is generally considered to be unacceptable. Aldingbourne Neighbourhood Development Plan (ANDP) 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 it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available."

However, policy EE6 is supportive of development proposals that provide facilities for tourist activities. Furthermore, policy EE7 "Rural Buildings" states that:

"The re-use, conversion and adaptation of rural buildings for small businesses, recreation, or tourism purposes will be supported subject to the following criteria:

- \* The building is structurally sound and capable of conversion without substantial reconstruction.
- \* The use proposed is appropriate to a rural location.
- \* The conversion/adaptation works respect the local character of the surrounding area and/or buildings
- \* The use proposed will not have an adverse impact on any archaeological, architectural, historic or environmental features
- \* The local road system is capable of accommodating the traffic generated by the proposed new use and adequate parking can be accommodated within the site."

Arun Local Plan policy DEV2 and Arun Emerging Local Plan policy H DM3 (4) both set out similar criteria for the conversion of rural buildings but it is considered that in this case, the ANDP policy carried more weight. Therefore, it follows that subject to compliance with the above criteria, the proposed change of use would be appropriate despite being located within the countryside. These criteria are analysed below.

(1) The building is structurally sound and capable of conversion without substantial reconstruction.

The application concerns an existing building which, at the time of the site visit, was in sound construction with no obvious signs of disrepair. Furthermore, aside from two new roof lights, the proposed conversion is entirely internal.

(2) The use proposed is appropriate to a rural location.

Holiday cottages are considered to be appropriate rural land uses and their location in such areas will make them attractive to tourists who desire a quiet holiday with easy access to rural based leisure activities such as walking and cycling.

(3) The conversion/adaptation works respect the local character of the surrounding area and/or buildings

The proposed external works are minimal and essentially, there will be no change to the character of the existing building or the wider site.

(4) The use proposed will not have an adverse impact on any archaeological, architectural, historic or environmental features

It is not considered that the change of use of this existing structurally sound building will have any impact on such features. The building has not been surveyed for bats but it is clear from its interior that it is a 'lived in' building. Furthermore, its location immediately adjacent to an existing dwelling further reduced its suitability for bat populations.

(5) The local road system is capable of accommodating the traffic generated by the proposed new use and adequate parking can be accommodated within the site."

It is not considered that the addition of a small single bedroom holiday cottage will have a noticeable impact on traffic movements along Hook Lane. The site also benefits from plentiful off-street parking.

It is also important to consider the paragraph 28 of the National Planning Policy Framework (NPPF) which states that: "To promote a strong rural economy, local and neighbourhood plans should: (3) support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside."

#### **NPPF TEST OF 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.

Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted 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. In this case, it is not necessary to consider the test of sustainable development as the Aldingbourne Neighbourhood Development Plan is not out-of-date or silent and therefore a decision can be made in accordance with the development plan.

#### **VISUAL & RESIDENTIAL AMENITY:**

It is not considered that the change in the use of the building will result in any visual harm. The only external change is to the front/eastern elevation and this will not be visible from outside of the

site. In respect of residential amenity, the site is some distance from the nearest residential property but regard should be had of the relationship to the existing house. The building is located only a few metres from the existing building. However, those windows on the elevations facing the house are high level and therefore provide only a very limited opportunity for overlooking. The main windows face to the east and the front door opens onto a small gravelled 'patio' area which is overlooked by existing ground & first floor windows on The Dene.

The relationship between the two buildings is not considered to be ideal but guests will be aware of these issues when they book for a visit. Furthermore, as the building will not provide permanent accommodation, there will be no permanent harm to the amenity of persons staying there.

#### **INTERNAL AND EXTERNAL SPACE STANDARDS:**

Although the units will not be occupied on a permanent basis, it is necessary to ensure the holiday cottages provide a good standard of accommodation. Regard is had to the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The requirement in respect of a single storey, 1 bedroom, 2 person 'dwelling' is 50m<sup>2</sup>. The proposed holiday cottage offers only very basic facilities and its floor area at 40m<sup>2</sup> reflects this. This does not comply with the standards but is considered to be acceptable based on the cottage being existing, on the temporary holiday nature of the use and the fact that people will choose to stay at the site.

The proposal is considered to provide sufficient external amenity space for what is essentially a 1 bedroom flat. The patio area is not private but again, this is acceptable given the type of use and that guests will choose to visit.

#### **CONCLUSION:**

The proposal is considered to comply with the Aldingbourne Neighbourhood Development plan. Furthermore, the relationship between the holiday cottage and the host dwelling is not ideal, the owner of the site will retain control of the building and guests will choose to visit. Furthermore, a condition will be imposed to ensure that there is no permanent separate occupation of the building. It is therefore recommended that the application be approved 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 permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan (1:1250);  
Proposed Floor Plan;  
Proposed East (Front) Elevation;  
Proposed North (Side) & South (Side) Elevations; and  
Proposed West (Rear) Elevation.

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.

- 3 Notwithstanding the provisions of Part C, Class C3 "Dwellinghouses" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that order), the premises shall be used for the purposes of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days and the owner shall maintain a register of occupiers for each calendar year which shall include:

1) The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and 2) The start and end date of the stay and the purpose of the stay.

This register shall be made available for inspection by the Local Planning Authority at any

time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The site is located outside the settlement boundary where the provision of dwellings is only acceptable for certain types of land use or where the proposal represents sustainable development. Furthermore, the use of this building as a separate dwelling would not be appropriate having regard to its small size, lack of private amenity space and close relationship to the existing dwelling. In accordance with Arun District Local Plan policies GEN3, GEN7, Emerging Local Plan policies C SP1, D DM1, D DM2, D DM3, TOU DM1 and Aldingbourne Neighbourhood Development Plan policies EH1 & EE7.

- 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.