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Supporting Statement for planning application relating to:-

**Change of Use from 5no. Tourist Units to 5no. C3 Residential Units :
Easter Cottage, Norton Dairy, Cart Barn, East Barn and The Old Stables,
Old Dairy Lane, Norton Lane, Norton, Aldingbourne, West Sussex. PO20
3AF**

1.0 Background

Historically, New House Farm was a redundant farm which consisted of various farm buildings and structures, some in very poor condition, others, in a more sound condition. Discussions with the Local Planning Authority (LPA), were followed by a the submission of a planning application, which resulted in a successful permission for change of use of the site from Agriculture to Tourism in 2008 – AL/92/08 refers. Other applications for other buildings on the site followed and the outcome is that 5 no. buildings have planning permission for Tourism; 1 no. building has planning permission for a single dwelling house; and 1 no. building has planning permission for B1 use. This application relates to the 5 no. Tourist buildings.

To implement the permissions, the site had to be tidied up and several structures on the site needed to be demolished. The buildings relating to the approved applications were repaired and the works undertaken for the use were completed and sold onto different owners between 2009 and 2012

The various owners bought the properties in good faith that the approved use would be a successful operation. However, this has proved not to be the case, as the tourism use of the units have been very difficult to let out, with little or no take up. The very limited take up of tourist tenants, is such that, at best, the numbers are insignificant, thereby resulting in the inability to run a successful business. They have become a burden to all the 5 owners of the units.

Indeed, the planning condition relating to occupancy, of the planning permission has been found by the individual owners not to be clear and concise, which has subsequently lead to differences of opinion between them and the LPA. Indeed, some of the units have different planning conditions placed on their permissions for the same use, leading to more confusion.

Each of the unit owners have made every effort to secure Tourist tenants, with generally no results found. Relatively recently, one of the units had a tenant, but this resulted in complaints from a neighbour that the tenants were noisy. But of course, this is exactly the kind of behaviour tourists will exhibit, after all, they are on holiday, enjoying themselves. However, as nearby residential properties are not on holiday, there was conflict. Not content to complain about the tenants being exuberant, a further complaint was raised about them staying over the time allocated within the planning permission. All in all, the owners have found the very act of gaining Tourist tenants has left quite a bitter taste. On the one hand they need Tourist tenants to make the business viable, and on the other hand, having the few Tourist tenants that were gained, often resultant in unsolicited complaints.

This coupled with particularly overzealous neighbouring complaints, has lead to the LPA having to investigate an inordinate number of complaints, some being petty whilst others appear malicious. Some of the complaints have been legitimate where the planning complaints have been found to be breaches in the planning permissions. The number of complaints has meant that the LPA have had to open many Enforcement files with the Enforcement team having to visit the site a great number of times.

Enforcement reports have had to be written. Enforcement Appeals have been made and so on. The outcome of which have left the different owners of the units and the LPA being less than satisfied, and has lead to continued animosity and mistrust between parties. It is probably true to say that each of the units on site, have at one time or another, been subject to a visit from the LPA Enforcement Officer.

Some of the owners have themselves stayed at the properties, which has resulted in complaints and further planning Enforcement involvement.

In many ways, the cost of the properties to the owners has become prohibitive, both financial and practical.

Offers were made to the LPA to have a meeting to, hopefully, come to a mutually agreed resolution to the unsatisfactory problem of the properties, but unfortunately the LPA declined a meeting, suggesting that a pre-application be submitted outlining any ideas. A phone conversation explaining to the LPA that it would be in their interest to have the meeting to discuss solutions, and the owners would pay for the meeting, but still a meeting was negatively received by the LPA

This is not at all helpful, and only goes to further alienate the owners from the Planning platform.

Notwithstanding this, and with no counsel from the LPA, an application has now been put together in the hopes that the situation of the site can be successfully resolved to the mutual satisfaction of all parties.

Common Ground

The planning history of the site will show that, over time, planning Enforcement and planning Appeals, have been on individual properties of the group of Tourist units, the Appeals have been allowed and dismissed by the Inspectors, who were looking at individual properties on the site and not the whole site as a group of units, troubled by the same difficulties.

It is considered that this piecemeal viewing of the site is misleading, as what is actually happening is that all of the units are suffering the same planning problems, i.e. unable to secure Tourist tenants, and if they can, only on a very haphazard, short term basis, and for the same reasons, unable to effect a different use or user for the properties. This has lead to the owners not making any income on the properties and being unable to sell them on. In effect, the properties are blighted.

It was only when one of the owners talked to another of the owners, that a correlation of problems came to light. In consequence discussions between all of the owners took place, where it was ascertained that they shared very similar planning problems, and Tourist take up problems.

It is considered that the planning Appeals were bound to fail as they were not being linked to the other units, which have very similar circumstances relating to them.

Following the latest Appeal decision, a lot of time has been spent investigation alternative uses for the buildings. Verbal discussions with Estate Agents have been undertaken for their professional view of the likelihood of tenants and sales taking place if:-

- a) all the properties were converted to Offices;
- b) all the properties were converted to B1 Business Use

All the various Estate Agents answered that it may be possible to gain an occupier for one of the commercial units, but they felt it would be unlikely that they would all be taken up. They were also of the view that it would be unlikely that the properties could be sold on.

When asked for the reason for this, it was because of their location. Businesses want to be in or very close to a town of some sort. Communication is key to any business use, not only to the supplier, but also to the customer. Whilst a certain amount of B1, Office use can be undertaken on line, there is still a requirement to visit sites, take deliveries, be accessible to visitors etc. Because the units are relatively small, the type of user could likely operate their businesses within their own homes, users who need to relocate outside of their homes, would likely require larger premises.

The units are located less than 1 mile from the west bound A27 trunk road, but are too far from any large town to make them attractive to commercial users.

Estate Agents were asked to put this information into writing, but they each said that they would have to charge a fee for such information, and the owners felt that the minimum of 3no. Estate Agents and their fees was an excessive financial commitment for no gain to their situation.

During this time, one of the units did get an offer of purchase from a commercial user, but on application to the LPA to assess the use in the locality, the LPA took a very long time before their response. When their response was received, it transpired that they could not come to a positive answer to satisfy the proposed purchaser. The sale thereby did not progress, leaving both the proposed purchaser and seller quite frustrated with the planning system.

Other units have been on the market for a year and more, some with interest, but none progressed, because of the restrictive condition on the approval, and the uncertainty of gaining a different planning use. Letters are enclosed with this application which highlight this problem.

Ironically, if one or more of the units had converted to office use, under the current permitted development legislation, it is likely that they would have been able to change to residential without the need to apply for a full planning permission. It would appear therefore that Central Government can see a way forward in the provision for homes.

Although not part of this application, it is believed that the neighbouring West Barn, which has a B1 use, has not been successful with any take up of their units. Thereby being another example of the futility of converting the 5no. units, the subject of this application, to a commercial use.

Marketing

The marketing of the properties has been touched on above, but the problems that the owners have had regarding this aspect are repeated here. One of the owners had their

property on the market with Henry Adams in Chichester for 6 months, until the Estate Agents asked for it to be taken off their property listing because of its saleability as a holiday let was minimal, there being little if any interests in such properties outside the city centre. It was also on the same company's letting agency book for 9 months, and had only one enquiry for Goodwood circuit Revival for 2 days.

Another owner had their property on the market for a year with Sims Williams and had one person view it, but they did not proceed. The Estate Agents advised that it would be unlikely to sell the property with the planning restriction.

Yet another owner had their property on the market with King & Chasemore for some 18 months. There was a reasonable amount of interest until they either spoke to planning at Arun DC or looked into the planning restrictions.

Indeed, it is true to say that Arun DC have seemed to have gone out of their way to discourage potential purchasers from buying the property. A prospective purchaser had a great interest in the property, and they were aware of the 28 day restriction, but after having spoken to Arun DC, they decided not to pursue the sale.

Further, the LPA mislead the prospective purchaser, when they said that they would be checking annually on every owner, requesting proof of letting to tourist, as they are concerned that owners are living there. The Inspector in the recent planning appeal dismissed this action of the LPA, who tried to introduce it as a requirement within the Enforcement Notice. The Inspector stated:- *'Requirement 5.3 goes beyond what is permissible under section 174 of the 1990 Act. Section 174(4) defines two purposes which the requirements of an enforcement notice may seek to achieve : remedying the breach of planning control, or remedying any injury to amenity caused by the breach. While the notice may quite properly require the activity in breach of planning control to cease, it **may not require additional activities to take place which are not required by the original planning permission**, as Requirement 5.3 purports to do.'* (APP/C/12/2173591 refers).

Therefore, by saying this to a prospective purchaser, or indeed doing this, would be ultra vires.

A further prospective purchaser undertook a pre-application enquiry with Arun DC, and had to wait far longer than the 10 day turn-around period stated, and when they did receive a response, it was not at all helpful. Thereby, because of the lack of certainty, they too, determined not to take the sale further.

In another attempt to sell the property, an owner put it forward to an Auction, but it was declined by the Estate Agent, as they felt that they would be unable to state that the property would be a good addition to any investor's property portfolio. Even with a very low reserve, with the 28 day tourist occupancy restriction in place and the commercial development on site they were unlikely to attract a buyer. They understood that the property made a loss as a holiday let, and that a holiday let must be a viable business proposition. The fact that a neighbouring B & B was closing further highlighted this. The 28 day occupancy restriction means there is no potential for assured short hold tenancy lets either.

Currently, the Estate Agents do not realistically believe that the saleability of the properties have changed or are likely to change.

Letters from the Estate Agents are submitted with this application.

As stated above, it is understood that West Barn, directly behind the application site to the immediate west, which has a planning permission for a B1 use, is also experiencing problems with take up of their units.

Proposal

The permission for the units was initially gained in 2009 and the year is now 2014, a period of some 5 years has elapsed with a less than satisfactory situation regarding the use of the units. To start with, there was a very limited take up of tourism lets, however, this has become more constricted. Whilst it is not unreasonable to expect a business to take its time to realize its full capacity, full capacity has not been achieved in the case of these properties.

Given the inability to sell the properties, the inability to realize tourist tenants, the inability to secure a useful commercial use for the properties, and the number of complaints that have been received regarding the use or non use of the site, it is considered that a more appropriate use for the units would be full residential.

It is recognized that the LPA have been endeavouring to prevent such a use in the countryside, but given the evidence that despite the owners making every effort, over a number of years, to run the existing planning use as a going concern, or to seek an alternative commercial use which could either be run as a going concern or sold on, the reality is that their efforts are continuing to fail, and to fail mainly because of the rural location; the size of the units; and their location away from the larger towns or cities, ie. Arundel or Chichester. Further, their relationship with their neighbouring residential properties, has also proved to be of concern, as there is a very real problem between how a tourist tenant would wish to occupy the properties, and the way a neighbouring resident would wish to occupy their properties. This has been clearly documented by Arun DC by the complaints they have received over the years.

The units if approved as residential, will not be isolated residential properties, but would combine with the existing residential properties on the street frontage to the east, together with those to the west, north and south of the site. Indeed, it is considered that they are nestled within the village of Norton and would sit comfortably within the village setting.

The buildings are of permanent construction and are of the vernacular style, which therefore compliment the character and appearance of the designated Conservation Area. Indeed, should the buildings be lost, their loss would denude not only the village but also the Conservation Area.

It is not an exaggeration to talk about the loss of the buildings, for if planning permission for the change of use to full residential were not to be forthcoming, the long term likelihood of the buildings would be their loss, for the tourist use has proved not to be a viable business use and other commercial uses are the same, thereby the ultimate ending for the buildings would be as they started i.e. redundant and neglected. The owners cannot continue to maintain buildings that have no purpose. Indeed, it is the worry of the owners that without being able to sell them on, they may well experience financial hardship. It was said earlier in the report, that it is ironic that if the owners had not tried to have serious discussions with the LPA and Estate Agents, where they were informed that other commercial uses were not viable, and had they gone down the route of converting the buildings to offices, in all probability, they would have been able to convert them to residential under the current permitted development scheme.

Central Government sees the opportunity for such buildings, particularly given the current housing need not just across the country, but also includes Arun DC. The Planning inspector on an appeal relating to one of the properties even stated:- *“I see no reason to suppose that a small household living here would substantially alter the external appearance of the building, or produce any more domestic clutter, compared with a succession of tourist lettings.”* (APP/C3810/C12/2173591)

The above is a fact. It is clear that if the units were to change from tourist accommodation to a full residential use, there would be no change whatsoever on the character and appearance of the cluster of buildings in general or on the wider landscape.

Material Considerations

Paragraph 55 of the National Planning Policy Framework is considered to be of particular importance as it states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

The group of 5 no. units enhance and maintain the vitality of the rural community as they support the village and could be considered to be a heritage asset given their former use as farm buildings of the vernacular style, which has been retained in their conversion. Further, the buildings lead to an enhancement to their immediate setting, within the designated Conservation Area of Norton.

Should the LPA not accept this view, then there are considered to be material considerations to warrant that the proposal not be determined in accordance with the development plan. Which have in the main been alluded to above. The most important element for consideration by the LPA is the fact that all 5 of the unit, which are **all** in different ownership, all have the same problems in that they are unable to gain tourist tenants for any of the 5 units; the inability to sell on any of the 5 properties because of the blight of the inability to gain tourist tenants for any of the 5 units; the inability to change to an alternative commercial use as a going concern for any of the 5 units, because of the location of the site; the inability to sell any of the 5 units because of the inability to have 5 successful commercial uses in this location, ad infinitum. It is a circular problem which has undermined and blighted all 5 of the properties.

A resolution needs to be made on the future of these properties, it cannot be allowed to continue. Indeed, Arun have a housing shortage, and by approving these 5 properties to 5 dwellings would see 5 dwellings added to the housing stock of the District.

Conversations with Planners have reaped such sayings as 'buyers beware', or that the purchasers of the properties knew what they were buying. This is not helpful, for as said at the beginning of this statement, the owners bought them in good faith, being of the view that they would be able to run a satisfactory business from them, but this has not happened. And the fact that it has not occurred, is reflected in the business accounts, which is what future purchasers wish to view before they enter into a sale.

This continues to be reflected to future potential purchasers, and even if they believed that they could turn-around the business, discussions with Arun DC have terminated that belief.

Often, one of the requirements for residential use is that it be sustainable. It is put forward that these units are sustainable. They are within a group of existing residential properties, and are close to amenities, such as:-

Medical

www.tangmeremedicalcentre.co.uk

www.thecroft.practice.co.uk

www.westernsussexhospitals.nhs.uk

Schools

www.boxgrove.w-sussex.sch.uk
www.ormistonesixvillagesacademy.co.uk
www.greatballard.co.uk
www.eastergate.w-sussex.sch.uk
www.st-philiphoward.w-sussex.sch.uk
www.aldingbourneprimaryschool.co.uk
www.tangmere-tkat.org

Bus

As in a lot of towns and villages, bus routes have become more and more meagre, However there is a bus route no. 85 along Nyton Road, that goes to Chichester.

Railway

Barnham

Shops

Londis Supermarket in Eastergate
Co-op in Barnham, and Bognor Regis
Sainsbury's Chichester
Lidl, Chichester and Bognor Regis
Tesco, Chichester and Bognor Regis
Morrisons, Bognor Regis
Waitrose, Chichester

Vets

Barnham, Chichester, Bognor Regis and Littlehampton

It is hoped that Arun DC will properly consider this application on its merits, and see from the submission, that in this instance, there is clear evidence to show that whilst the application may not fully accord with development plan policies, there are clear and evidenced reasons that in this instance there are serious material considerations as to allow the proposal for a change of use of all 5 units to single dwelling properties.