

Recommendation Report for

REF NO: AL/31/20/PD

LOCATION: Hales Barn Farm
Arundel Road
Aldingbourne
PO18 0JX

PROPOSAL: Notification for Prior Approval under Part 3, Class PA for change of use building (Class B1(c)) to 1 No dwelling (Class C3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to convert the building to a 3 bedroom single storey dwelling. No external alterations are proposed. Two parking spaces are indicated forward of the building with garden behind it.
SITE AREA	320m2 (split evenly between the building and the garden) with a further approx. 39m2 for the parking area.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	No obvious boundaries to the existing building.
SITE CHARACTERISTICS	Single storey (with a low pitched roof) building which lies on the south side of the access track running through Hales Barn Farm and to the west of a larger barn.
CHARACTER OF LOCALITY	Hales Barn Farm is a large converted barn located a short distance to the south of the A27(T), approximately a mile west of the village of Fontwell. The land holding comprising Hales Barn Farm is some 10.52 hectares in size with the main dwelling and fields to the north of the central east-west track and a long linear parcel of land south of the track.

RELEVANT SITE HISTORY

AL/11/97	Conversion of redundant agricultural buildings to form 2 business units	ApproveConditionally 18-04-97
AL/93/90	Alterations to existing dwelling and conversion of redundant agricultural buildings to form 2no.business units .	ApproveConditionally 29-05-91

It is unclear when this building was first granted permission or when it was first regulated by planning.

However, one of the letters provided with the applicants supporting statement refers to it having been used from May 1990 as a car repair workshop and prior to that as a PYO farm shop. Within the planning history of the whole site are references to the conversion of two former agricultural units to business units and these may refer to the building in question. Unfortunately, at the current time (due to Covid-19), it is not possible to confirm this by viewing microfiche planning records.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A.

CONSULTATIONS

WSSC Strategic Planning

Environment Agency

Environmental Health

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Do not consider the change of use to result in a material increase or a material change in the character of traffic on the A27 near the site. Therefore raise no objection but on the proviso that a Construction Traffic Management Plan is submitted to manage the impact of construction on the A27.

WSSC HIGHWAYS - No comments on access as covered by Highways England. No recorded injury accidents in the vicinity therefore have no safety concerns. Consider 2 parking spaces to be sufficient and that occupiers can cycle to access nearby facilities. Request a condition to secure cycle storage.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Construction Traffic Management Plan (PC) condition was agreed by the applicant's agent on 12 June 2020. No responses were received from the Environment Agency or the Councils Environmental Health officers.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;

Area of Special Advertisements Control

No Public Sewer;

TPO/AL/1/89;

WSSC Mineral Consultation Area for Sharp Sand & Gravel; and

Within 12km of Singleton & Cocking Tunnels Special Area of Conservation.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**PERMITTED DEVELOPMENT BACKGROUND:**

This application falls to be determined under the provisions of Class PA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

The principle of the development is not in dispute. Class PA allows for the change of use only (no building operations are allowed) as long as certain criteria are met.

Development is not permitted by Class PA if:

(a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017;

(b) the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(c) the prior approval date falls on or after 1st October 2020;

(d) the gross floor space of the existing building exceeds 500 square metres;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f) less than 1 year before the date the development begins:

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

(g) the site is, or forms part of:

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(h) the building is a listed building or is within the curtilage of a listed building; or

(i) the site is, or contains, a scheduled monument.

In addition, the curtilage must comply with the interpretation provided at PA.3 which states that "For the purposes of Class PA - 'curtilage' (except in paragraph PA.1(h)) means:

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in light industrial use, closely associated with and serving the purposes of that building, or
- (b) an area of land immediately beside or around the building in light industrial use no larger than the land area occupied by the building,

whichever is the lesser;"

Where a proposal is permitted development in accordance with the above, paragraph PA.2 (2) (b) states that the applicant must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to -

- (i) transport and highways impacts of the development,
- (ii) contamination risks in relation to the building,
- (iii) flooding risks in relation to the building,
- (iv) where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The Order also states that the provisions of Paragraph W shall apply in relation to any application. Part (10) of paragraph W includes the following: "The local planning authority must, when determining an application-

- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
- b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
- (c) in relation to the contamination risks on the site:
 - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1995, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval."

This allows the local planning authority to have regard to any of the representations received and also to the NPPF and National Planning Practice Guidance (NPPG) but only in respect of the 4 issues set out above. Advice has previously been received from the DCLG which confirmed that it is not possible to refuse prior approval on the basis of an issue/impact not listed within the Order. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period was extended by formal agreement between both parties and now expires on 15th June 2020.

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

ANALYSIS OF PERMITTED DEVELOPMENT RESTRICTIONS:

(a) The application has clearly been submitted after the 30th September 2017 therefore this criteria is satisfied.

(b) The applicant has supplied evidence to state that the building was used as car repair workshop from May 1990 and then from March 1997 in connection with a carpentry business. This ended in March or April 2015. The Council has only limited and ambiguous records as to the use of this building and therefore is not in a position to challenge the applicants statements. Therefore, this criteria is satisfied.

(c) The application will be determined in June 2020 therefore this criteria is satisfied.

(d) The gross floor space of the existing building is 160m² therefore this criteria is satisfied.

(e) & (f) There is no evidence of agricultural tenancy and therefore these two criteria are satisfied.

(g) The site is not and does not form a part of any of the designations mentioned and therefore this criteria is satisfied.

(h) & (i) The building is neither listed, within the curtilage of a listed building or a part of a scheduled monument therefore these two criteria are satisfied.

In respect of curtilage, it is considered that the total site area (including the parking area) exceeds that allowed by the Order. However, the applicant states that:

"The red line indicates solely the application site and has to include land forming the parking area and access to the front door. The extent of the actual curtilage to the dwelling is indicated on the submitted 'Proposed Site Plan' by crosshatching and I can confirm that the curtilage does not exceed the footprint of the building, as clearly indicated on this drawing. The approach of excluding the parking area from the curtilage has been accepted numerous times by various LPAs along the South Coast and is now common practice. A 1m high post and rail fence will be erected to define the extent of the curtilage."

The Council agrees this approach and therefore the extent of curtilage is acceptable.

TRANSPORT & HIGHWAYS IMPACTS:

Neither the local highway authority nor Highways England consider that the change to a C3 dwelling would have a material increase in traffic or a material change to the character of traffic in the vicinity of the site (including on the nearby A27 trunk road). Vehicles will be able to turn and egress the site in a forward gear, and there is no evidence to suggest that nearby road junctions are operating unsafely or that the proposals would exacerbate an existing highway safety concern. Therefore, there is no objection on highway grounds.

As according to the Council Parking Standards SPD (Jan 2020), the car parking requirement for a 3 bed dwelling in this location would be 2 allocated spaces and then a further 0.2 visitor spaces. The proposal provides two spaces within the red edge. The visitor requirement is not satisfied but the 0.2 shortfall is not considered to be significant such that an objection should be raised. In addition, a planning conditions will be imposed to secure cycle parking storage space.

CONTAMINATION RISKS:

ADC Environmental Health have not responded to the consultation request. The applicant states that:

"Historically the building has been in use for light industrial purposes. The building has a concrete slab with no evidence of contamination. As such there is no record of any activities that are likely to have generated contamination. No remediation measures proposed or required."

In the absence of any contradictory information, it is not considered that an objection can be justified.

FLOOD RISKS:

The Environment Agency have not responded to the consultation request. However, the site lies in Flood Zone 1 (low risk) and therefore there are not considered to be any flood risk issues to consider.

IMPACTS ON THE PROVISION OF INDUSTRIAL OR STORAGE AND DISTRIBUTION FLOORSPACE:

The site is not allocated for employment uses in either the Arun Local Plan or the Aldingbourne Neighbourhood Development Plan. Furthermore, the building is not currently being used for any business purposes.

ECOLOGY:

The applicant has not supplied any surveys relating to ecology or protected species, such as bats or barn owls which may be present within the barn. However, it is not possible to consider ecology under the remit of Class PA. Instead, informatives will be included with the decision to alert the applicant to their obligations under the Wildlife and Countryside Act 1981 with regard to the protection of protected species and wildlife.

REPRESENTATIONS FROM LOCAL RESIDENTS & ASSESSMENT AGAINST THE NPPF:

No objections or representations have been received from local residents. Therefore, there is no requirement to assess the proposal against the NPPF.

SUMMARY:

It is considered that the proposed change of use is permitted development having regard to Class PA of the Order. No objections on the grounds of highways, contamination, flooding or loss of employment floorspace can be sustained and therefore the local authority raises no objections to the granting of permitted development.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required but dependant on any exemptions or relief that may apply.

RECOMMENDATION

- 1 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency, types and timing of vehicles used during construction;
- a commitment that construction vehicles will avoid the network peak hours of 0800-0900 and 1700-1800 where practicable;
- swept paths demonstrating all of the types of construction vehicles can safely enter and exit the A27 at the access;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway; and
- measures to reduce dust, dirt and any other airborne contaminants and to reduce as far as reasonably possible these passing beyond the site boundaries, which shall include sheeted loads and dampening stockpiles where necessary.

Reason: The Construction Traffic Management Plan is required to ensure that construction of the development does not result in avoidable congestion on the A27 trunk road, to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and policy T SP1 of the Arun Local Plan to satisfy the reasonable requirements of road safety. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction workers.

- 2 No part of the development shall be first occupied until covered and secure cycle parking spaces (minimum of 2 spaces) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy T

DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 3 For the avoidance of doubt the approved details are the drawings 1 "Location Plan", 2 "Block Plan", 3 "Proposed Site Plan" and 4 "Existing and Proposed Floor Plans" all submitted on 8th April 2020.
- 4 INFORMATIVE: Advice in respect on the Construction Traffic Management Plan can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard Tel 0300 470 1370 Email planningse@highwaysengland.co.uk.
- 5 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 6 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 7 INFORMATIVE: A formal application for connection to the public sewerage system may be required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.