

Sack Lane Dairy Complex

Planning, Design and Access Statement May 2017

Context

The site is located on the south side of Sack lane, a short distance to the east of the A29 and the main settlement of Lidsey. The building complex is sited immediately to the east of a barn that is currently being converted to two dwellings and immediately to the west of an existing dwelling. To the north is Sack Lane, which serves a number of dwellings and to the south is open pasture land with the new A259 by-pass and the large new massive Rolls Royce factory beyond.

The site was used for a working dairy, which closed some years ago and comprises a range of large and unsightly modern agricultural buildings and plant. The site, which extends to some 0.26 hectares is now redundant and requires a new use or redevelopment.

In considering its future use/development account needs to be taken of its position within a row of dwellings and the fact that it is served by a rural lane, which primarily serves dwellings. As such the site is clearly unsuitable for unneighbourly uses or those which generate significant levels of traffic.

The applicant would like a use that would generate an income to supplement that of the farm enterprise and at the same time would like it to provide some local employment. Currently the applicant owns several dwellings along Sack Lane, which are rented out to local families. They provide local rural homes, whilst the income received supports the farming enterprise.

Planning permission has already been granted for the redevelopment of the site for 3No.live/work units. The proposal simply makes better use of the site and will make a greater contribution to the viability and sustainability of the existing farming business.

The Proposal

The proposal is to demolish all the modern buildings on the site and to remove the plant and large areas of concrete hard-standing. They will be replaced by five modest live/work units which have been designed to have the character and appearance of a row of small converted farm buildings. Over half of the site will be turned into pasture land.

The whole development forms part of the Farm Business Plan (Copy of viability report attached).

Farm Plan

The proposal is an integral part of the Lidsey Farm Plan. The attached agricultural assessment sets out clearly why the development is needed to support and become an

integral part of the Farm business. The report is self explanatory, however please advise if further clarification is required.

Planning Policy

National Planning Policy Framework (NPPF)

For planning purposes The National Planning Policy Framework clearly defines the following terms.

Sustainable – ensuring that better lives for ourselves doesn't mean worse lives for future generations.

Sustainable Development – is about change for the better, and not only in our built environment. (It is about the natural environment, the historic environment and higher standards of design).

Sustainable development – is about positive growth – making economic, environmental and social progress for this and future generations.

To help achieve sustainable development – planning is not simply about scrutiny, it must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

Sustainable transport modes - include any efficient, safe and accessible means of transport with overall low impact on the environment, including walking, cycling, low and ultra low emission vehicles, car sharing and public transport.

The overall planning policies of relevance to this appeal have been set out in the National Planning Policy Framework (NPPF).

The NPPF seeks to achieve sustainable development, which has three dimensions, namely:

- An economic role;
- A social role; and
- An environmental role

The NPPF introduces a presumption in favour of sustainable development. Where a development accords with an up-to-date Local Plan it should be approved. Local Planning Authorities should positively seek opportunities to meet the development needs of their area. With this in mind the planning system should provide the supply of housing required to meet the needs of the present and future generations; and protect the natural and built environment. Where the development plan policies are out of date planning permission should be granted unless:

– any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The Core principles of the NPPF are to adopt a pro-active approach.

In relation to the rural economy sustainable growth and the expansion of all types of business should be supported through conversions and well designed new buildings. This is to promote a strong rural economy. As stated in the NPPF the Government is committed to securing economic growth and ensuring that the planning system does everything it can to support such growth. Investment should not be over-burdened by the combined requirements of policy expectations.

The NPPF also seeks to boost significantly the supply of housing. It states that local authorities should identify and update annually, a five years worth supply of deliverable housing land with an additional 5% and ensure choice and competition in the market for land. Housing applications should be considered in the context of the presumption in favour of development and plan for a mix of housing based on current and future demographic and market trends. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This includes policies relating to the countryside, in so far as they seek to restrict new housing.

Currently Arun District does not have an identified 5 year supply of deliverable housing sites. Accordingly, as stated in the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This includes policies relating to the countryside, in so far as they seek to restrict new housing. The Appeal scheme needs to be determined on this basis.

In the recent Supreme Court Decision *Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG*, *Richborough Estates partnership LLP and SSCLG v Cheshire East BC* it was in effect determined that if there is a lack of five year housing land supply, the policies for the supply of housing in the development are out-of-date and the tilted balance in paragraph 14 of the NPPF applies. The weight to be applied to all relevant development plan policies must be considered in the context of the circumstances of the proposal, including the shortfall in housing land supply.

It should also be noted that following the suspension of the Draft Local Plan there are no adopted policies to increase the supply of business sites in the District, contrary to the needs previously identified by the Council.

Paragraph 55 of the NPPF deals with rural housing. It states that isolated new homes in the countryside should be avoided and that housing should be located where it will maintain or enhance the vitality of rural communities.

Regarding meeting the needs of everyone the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

Concerning design the NPPF states that new development should function well and add to the overall quality of the area; establish a strong sense of place, optimise the potential of the site and reflect the identity of local surroundings, while not preventing or discouraging appropriate innovation. Planning decision should not stifle innovation, originality or initiative.

In relation to transport the NPPF states that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel and the transport system needs to be balanced in favour of sustainable transport modes. However the Government realises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

The NPPF goes on to state that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Where reasonable to do local authorities should support a pattern of development facilitates the use of sustainable modes of transport.

Where a proposal is likely to generate a significant amount of traffic movements it should be accompanied by a transport assessment which takes into account the opportunities for sustainable transport modes, taking into account the nature and location of the site, to reduce the need for major transport infrastructure.

Decisions relating to developments that will generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the NPPF, particularly in rural areas.

The Appeal scheme was designed specifically to comply with all of the above and thus to accord with the NPPF.

Arun District Local Plan 2003 (Local Plan)

Currently the Local Plan for the area comprises the Arun District Local Plan 2003, which is based upon the formerly adopted West Sussex Structure Plan, The South East Plan policies and various Government Guidance which no longer exists. It is out of date.

Paragraph 214 and 215 the NPPF advises that after April 2013 due weight should be given to relevant policies according to their degree of consistency with the NPPF.

Within the Local Plan the Appeal site is shown as being located in an area of countryside approximately 430 metres to the north of the defined built up area boundary of Bognor

Regis. It is not within or close to any conservations areas, sites of special interest or protected landscapes.

Contrary to the NPPF policies GEN2 & GEN3 of the Arun District Local Plan seek to restrict most forms of development outside the defined built up area boundaries. They do not allow for new housing or business development in accordance with the NPPF.

As stated in the NPPF where relevant policies are out of date or there are no relevant policies that deal with a particular type of development permission should be granted unless:

- *"Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies set out in the NPPF as a whole."*

As stated above, having regard to the fact that Arun District does not have an identified 5 year supply of housing sites, the countryside policies in the Local Plan are not up to date in relation to the provision and siting of new housing.

Policy GEN7 relates to the form of new development, encouraging schemes displaying high quality design and layout. It states that development will be permitted provided it (in brief):

- Makes efficient use of land or buildings;
- Responds positively to the identified characteristics and resources of the site and the area;
- Promotes sustainable development;
- Does not harm the living conditions of existing residents;
- Takes account of any adverse impacts from adjoining land uses;
- Makes a material contribution to the local environment;
- Allows safe movement of pedestrians and vehicles, giving priority to pedestrians; and
- Provides adequate vehicle parking.

Irrespective of the above policies, having regard to the absence of any policies in the Local Plan that allow for rural live/work units, the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies set out in the NPPF as a whole.

Arun Local Plan 2011 – 2031 (Pre-submission consultation)

Due to its draft status this Plan currently carries little weight. A significant number of the objections and comments have already been made concerning its contents, including policies C SP1, T DM1 & SD SP2.

- SD SP1 – This policy states that the Council will apply a presumption in favour of sustainable development as set out in the NPPF. Applications which will help achieve the Council's central aim of increasing employment density will be

supported. Where the Plan has no policies relating to a particular form of development it will be determined in accordance with the NPPF.

- LAN DM1 – Development which preserves or enhances the landscape character will be permitted.
- EMP SP1 – Promotes economic growth and the provision of a flexible supply of employment workspace to meet employment and employer generated needs.
- EMP DM1 – Allow for new employment in the rural area where it is to meet the needs of a local firm and there are no other available sites in the built up area (This is contrary to the more flexible approach in the NPPF). Or

As part of a farm diversification plan and the scheme will

- Benefit the local economy
- Where possible use an existing building
- Any new buildings are appropriately designed
- New buildings are sited adjacent to existing buildings
- The scheme will not harm the character or appearance of the countryside
- The scheme will not affect the character or safety of rural roads.

Skills SP1 – The Council will welcome developments which address:

- Address the barriers to employment for economically inactive people.
- Provide child care opportunities.

D SP1 – The scheme achieves a high quality in design

D DM1 - The scheme improves the character of the area and the living conditions of existing residents.

ECC SP2 – Employment and housing schemes meet objectives relating to climate change.

T SP1 – Growth in the economic base should reduce congestion and promote healthy lifestyles.

ENV SP1 – The Council will encourage proposals which promote the conservation and enhancement of biodiversity and the natural environment.

ENV DM5 – The Council will support net gains in biodiversity

Not only is there no conflict with the above policies, the proposal positively complies with them.

Evaluation

Constraints

- Rural location
- The extent of the developed site.
- Its proximity to other dwellings
- The character and appearance of the adjacent dwellings
- The nature of Sack Lane

Opportunities

- To bring a redundant site back into use
- To dramatically improve the condition, character and appearance of the site in the long term
- To provide homes for three local families at a time when new house building levels are unacceptably low
- To provide employment for local tradesmen during the construction of the development
- To provide employment space to enable the occupiers of the dwellings to work full or part time from their homes
- To help meet the housing needs of Arun District
- To supplement the farm's income

Location/Accessibility

Sack Lane is a rural residential and farm road located on the outskirts of Lidsey and Bognor Regis. Sack Lane is lightly trafficked and at its western end the land joins the A29. There are bus stops at the western end of Sack lane, which provide routes to Bognor Regis, Chichester, Westergate and beyond. These stops are used by WSCC regular services, as well as school buses and various local community services and supermarkets. The bus stops at the end of Sack Lane are just 0.8 kilometres from the application site.

The site is sited close to the strategic road network and is well served by numerous public footpaths. It is also very conveniently located in relation to a wide range of local facilities including shops, public houses, schools, etc. Most of these facilities are located between under half a mile and one and half miles of the application site.

There are also a number of recent and planned developments in the immediate area. They include the North Berstad by-pass and new built development and the large planned housing area and new road to the south of Eastergate. These developments bring the built up areas of Both Bognor Regis and Eastergate significantly closer to the application site.

Amount

The existing buildings and structures on the site have a gross floor area of some 1,515m² (Excluding any upper floor areas). The proposed live work units would have a gross floor

area of 660m² (including accommodation within the roof space). The overall reduction in floor area will be a approximately 60%.

The existing main barn is some 9.3 metres in height. The proposed building would be just 6.3 metres in height. The overall reduction in height would be 3 metres.

The existing buildings on the site project some 40 metres beyond the rear building lines of the dwellings at Hope Cottage and Sack Lane Barn. The rear building line of the proposed building would relate appropriately to the rear building lines of these properties.

Over 30% of the application site would be turned into open pasture land.

Appearance, design and scale

The existing buildings on the site are utilitarian and singularly unattractive. They materially detract from the traditional appearance of Hope Cottage, Sack lane Barn, Bay Cottage and Lidsey Cottage, which are all within the immediate setting of the application site. The existing buildings on the site dominate the approach to these buildings, their rear garden environments and their wider setting.

The proposed scheme has been designed to have the appearance of a converted traditional farm building. It would be constructed from a mixture of plain clay tiles, timber cladding and brick to match the existing dwellings within this enclave of development. The accommodation in the roof-space would be served by conservation roof-lights and the wood burners would be served by flues rather than chimneys.

The materials include:

Wienerberger Terca Olde Essex Red Multi bricks

Oak feather edged boarding

Clay tiles by Lifestiles "Restoration" colour

These materials have all been approved for the allowed scheme for three units.

The five units would face towards Sack Lane and the whole building would occupy a logical and spacious position between Sack Lane Barn and Hope Cottage.

To the front of the units would be 10 parking spaces and two large clusters of planting. Car parking space 5 will be fitted with an electric car charging point. To the rear each unit would have modest sized, yet attractive south/east/west facing gardens, which would accommodate the oil tanks. There is ample room in the gardens for sheds to accommodate cycles and a dedicated bin store would be located at the front of the site.

The rear part of the site would be turned into open pasture land.

As a result of these factors the proposed scheme would respect and blend in readily with the street scene, the setting of the adjacent dwellings and the wider countryside. It would significantly improve the appearance, character and condition of the site and its surroundings.

In conclusion it will enhance the traditional rural character and appearance of the area and the setting of nearby dwellings.

Ecology

The existing buildings are not used by bats or barn owls, etc. and the whole of the site is hard surfaced.

With the proposal over half of the site will be used for open grassland which will benefit birds and small reptiles. In addition the proposed soft planting within the front and rear gardens of the units will benefit a wide range of wildlife ranging from insects and butterflies to birds and small mammals.

Overall the scheme will materially improve the ecological value of the site.

Access

Access to the site is from Sack lane. The traffic likely to be generated by three small live/work units would be likely to be materially less than the former dairy use. The former dairy use generated two milk tanker lorry visits each day, along with cattle feed delivery lorries, staff movements and a significant level of farm traffic along Sack Lane.

The scheme has been designed to facilitate wheelchair access at ground floor level and the external area is flat and suitable for disabled access.

Flood Risk Assessment

The site is not in an area that has been shown to be at risk of flooding. At the same time the scheme will not increase the risk of flooding elsewhere.

With the provision of a significant level of pasture land and soft planted garden land the proposal will improve surface water drainage within the nearby gardens and along Sack Lane.

Economic factors

Currently the site is redundant and its maintenance is a financial burden on the farm business. The cost of removing the structures and large expanse of concrete and not replacing it with an income generating development is however simply not viable.

The existing structures on the site are all sound and capable of conversion. At the same time the structures are extremely large and their conversion and use for domestic or commercial purposes would be at a scale that would not reflect the adjacent dwellings.

The proposed scheme would provide employment for local trades persons during the demolition and construction stages. Once constructed the units will represent an investment for the farm, that can be borrowed against for necessary farm funding.

The rental income will supplement the farms income in the long term.

The live work units will provide employment workspace for three businesses.

Thus, the proposal will make a significant contribution to the local and rural economy, as specifically encouraged by the NPPF.

Social factors

The proposal will provide three small local rural homes, with facilities where the occupants can run their own businesses, or work for other businesses. The units will be located in a quiet and attractive location within a cluster of rural dwellings. The units will also be just a short distance from the strategic road network and a wide range of community facilities. These facilities will be increased over the next few years as a result of the large housing and commercial land allocations proposed a short distance to the north and south of the site.

The scheme will make a small, yet valuable contribution to the supply of housing and in particular rural housing in Arun. It will help make up the shortfall in house building and the historic shortage of housing land supply in Arun.

Bins and Cycles

The scheme includes provision for the storage of refuse and recycling bins at the front of the site. The rear gardens would contain garden sheds alongside the oil tanks for cycle storage. The bins will include 1No 120 litre wheelie bin for general waste and 1No. 120 litre wheelie bin for recycling – for each unit.

Energy Efficiency

By providing live/work units the scheme will reduce the need for the occupants of the dwellings to travel.

The site is located within easy walking distance of local bus stops and within easy cycling distance of a range of community facilities.

The units will be constructed to Code for Sustainable homes level 4.

The Units would benefit from an electric car power point.

The business units

The proposed business units would be suitable for B1 and other office based activities, such as architects, surveyors, internet based businesses and consultants in a wide range of

industries. They would also be suitable for small craft industries such as pottery, metal work, paintings, etc.

As more and more people become self employed the demand for such space will increase. The provision of work/live units reduces traffic and makes for energy efficiency with one building providing work and domestic heat, lighting etc.

it is thus highly sustainable.

Sustainability Conclusion

The scheme readily complies with the economic, social and environmental roles of sustainable development as set out in the NPPF and the emerging Local Plan. It readily complies with the objectives of the environmental and economic policies set out in the adopted and emerging local plans and with the strategic, environmental and economic policies set out in the emerging Local Plan. Any conflict with the 2003 Local Plan would be materially outweighed by the significant benefits that would result from the scheme.

The only difference between the proposed scheme and the approved scheme is that two additional work units would be provided and the proposal would optimise the potential of the site to accommodate development, without compromising the visual and environmental benefits that would result from the scheme.

When approving the scheme for three live/work units on the site the appointed inspector concluded:

4. The appeal concerns disused dairy buildings, comprising a cattle storage barn, a milking parlour and a galvanised slurry tank. It is located within the Lidsay Farm complex, which is a 95 hectare site currently farming arable produce including wheat, rape and potatoes. The farm entirely envelopes the appeal site with the exception of two neighbouring properties to the east which are in separate ownership. The appeal site is directly accessed from Sack Lane, which is a rural lane and a cul-de-sac. The Council states that the appeal site is outside of a settlement boundary as defined within the Arun District Local Plan 2003 (the adopted Local Plan) and as such lies within the rural area. The appellant does not dispute its rural location and I have no reason to disagree.

5. Sack Lane intersects with the A29 thoroughfare, and I observed a bus stop on either side of the road and a holiday park, which I understand has a convenience shop on site, within a short distance from the junction. While I find that it would not necessarily be an insurmountable task for the future occupiers of the proposed properties to walk the distance to access the bus stop or the shop, assuming that it is open to the general public, it cannot be said to be particularly close by. Because Sack Lane is largely unlit and devoid of footpaths along the majority of its length, I find it highly unlikely that the future occupiers would make use of these services, particularly at time of inclement weather or dark conditions. I note the proximity of the retail park and the presence of public footpaths within the vicinity of the appeal site. However, the journey is somewhat circuitous, and I find that the distance between the two to be sufficient to deter future occupiers from accessing them by means other than by private motor car.

6. I therefore find that the appeal site is not particularly well located to promote methods of travel other than by private motor car. To that end, it would not accord with policy GEN7 of the Arun District Local Plan 2003 (Local Plan) and policy T DMT of the Arun Local Plan 2014 (emerging Local Plan). These state that planning permission will only be granted for schemes which promotes sustainable development and sustainable patterns of travel from new development, which are located within easy reach of public transport, cycle and pedestrian networks and reduce the need to travel particularly by private car.
7. The Council states that the proposal development would therefore not amount to sustainable development, and that it would not accord with paragraphs 17 and 34 of the National Planning Policy Framework (the Framework), which seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to minimise travel.
8. However, paragraph 6 of the Framework states that the policies in the Framework must be taken as a whole in order to ascertain what sustainable development means in practice. Here, paragraph 17 of the Framework also requires account be taken of the different roles of different areas and to promote the vitality and support thriving rural communities. Similarly, paragraph 34 of the Framework also stipulates that provisions for other policies set out elsewhere in the Framework must be considered alongside minimising travel, particularly those relating to rural areas.
9. Furthermore, paragraph 28 of the Framework states that planning policies should support economic growth in rural areas. It goes on to state that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, and promote the development and diversification of agricultural and other land-based rural businesses.
10. The appellant's Agriculture Assessment (AA) which was submitted with the original planning application, states that the proposed development is needed to support the viability of the farm enterprise. It states that for the current year, crop sales (of which commodity prices are unlikely to increase in the foreseeable future) factored against labour and machinery costs will result in the farm enterprise making a small net loss. However, income generated from the rental of three existing properties within the farm site will compensate for this, and will allow the farm enterprise to generate a small overall profit. The appellant states that as reliance on income generated from other sources will become increasingly important for farm businesses, the proposed development would provide additional and much needed income for the farm enterprise, and allow the holding to reinvest for its future.
11. The Council has made no comments on the AA or offered any contradictory evidence which disputes or disagrees with the appellant in this regard. On the evidence before me, I find that the case for the need for the proposed development has been pertinently made. While the details of the end user of the work space elements of the scheme are somewhat vague, no sufficient evidence is before me to suggest that its size would be impractical, unusable or undesirable. I am satisfied that the proposed development would promote and make a significant contribution to the viability of the farm enterprise, which in turn would have benefits the local rural economy. I have attached considerable weight to these benefits.

12. I also note that the Council is unable to demonstrate a five-year supply of housing land, and as such I find that the proposed development would make small but welcome contribution to meeting that need. The proposed development is also well designed and I agree with the Council that it would have a marked improvement upon the character and appearance of the area over the existing buildings.

13. Therefore while the future occupiers of the proposed development would be highly likely to be dependent on the use of the private motor car to navigate the area, I am satisfied for the reasons given above that, and in taking the Framework as a whole, the proposed development would amount to sustainable development and that there would be no conflict with paragraphs 17, 28 and 34 of the Framework. The proposed development would also accord with Local Plan policy GEN3 and emerging Local Plan policy C SP1, which state that outside of built up areas, development will be resisted in the countryside unless it is for the diversification of the rural economy. It would by association also accord with Local Plan policy GEN2 and emerging Local Plan policy SD SP2 which states that development outside of built-up area boundaries will not be permitted unless it is consistent with other Local Plan policies.