

REPORT UPDATE

Application No: AL/72/12/

Reason for the Update / Changes

Reason for Update/Changes:

The Agent has commented questioning condition numbers:

(2) The supplementary plan showing the proposed gate is not listed.

(3) is not necessary

(5) should be amended "only for purposes shown on the plan".

(6) Its requirements are unacceptable and ultra vires

(7) The Council's engineers have not requested this condition when commenting on the application. The plans show sufficient drainage information.

Supplementary comments by West Sussex County Council Highways stating that they last surveyed the site when commenting on plans for the use of the north barn for the storage and hire of motor homes application reference AL/81/11. No concerns were expressed with that application. It is considered that acceptable visibility is provided and the additional use would not be considered a detriment to highway safety.

Conservation Area Advisory Committee raise no objections.

Additional comments by existing neighbouring objection stating that:

The application relates to the land directly abutting my property. Part of the building (not part of the application) is in my ownership. The remainder of this small building was originally granted planning permission for storage use. The proposed use as Tourist Accommodation will bring occupation of a completely different nature and regular comings and goings including turning and parking of vehicles. Given the very close proximity this will cause serious loss of amenity to Easter Cottage and I feel this is totally unacceptable.

The conversion has already been undertaken so this is in fact a "retrospective application". The kitchen/living area and bathroom are on the north wall of the stable and the noise and activity associated with these rooms has a seriously intrusive effect on Easter Cottage. The building is only three meters from my property. Velux windows have been fitted in the roof on the north side again which invade my privacy to an unacceptable degree. The light from these windows pollutes the area and throws light into my rooms. A pipe from the bathroom has been let into to north side wall which discharges onto my property causing a slip hazard. The gutters also leak onto my property causing surface water to gather. Although the stable doors have been bricked up - poor quality workmanship is obvious. Foam gapfill has been used to make a seal which is not effective as conversation is clearly audible. When the property is occupied Easter Cottage is subjected to cooking smells and the sound of the inhabitant's television and radios. The traffic in the access lane has already reached unacceptable levels of noise and nuisance. Increased traffic immediately in front of my property is untenable. Due to the position of the parking area, car doors slamming, radios, and lights have proved to be a serious problem. The proposal also includes what is referred to as a car port but is in fact an almost fully

report

enclosed garage with a pitched and tiled roof. Not only is this unreasonably large given the small living accommodation in the stables, it is not necessary for a Holiday Let. It seems obvious given the developers history that if this application was approved the building would become incorporated into the stables to increase the accommodation.

The plan also eliminates access to an area of shared parking. Due to commercial development on site there has been a huge increase in the volume of traffic using the narrow lane. Most of this traffic travels at inappropriately high speed. If visiting cars cannot get off the main part of the drive it is only a matter of time until there will be a serious accident. This point should not be underestimated. The drive is in the ownership of the applicant and his track record proves he will do nothing to limit, calm traffic or maintain the drive. It is therefore up to the planning authorities to take responsibility and limit the traffic or take responsibility for the inevitable accident when it happens.

I refute the statement that the planned use as storage is no longer required. There is no storage for bins, cycle, mowers or general maintenance equipment. All the units on site are compact and have no storage. None of the owners have been offered the use of storage facility which most of us would welcome. Already the applicant has been allowed to convert The Implement Store now known as East Barn, thus robbing the development of one of the designated storage spaces.

The conversion work on The Stables has already been carried out without the necessary permissions. The standard of the work carried out is shoddy in the extreme. While the applicant is entitled to apply retrospectively, this should not be allowed to encourage the council to grant the permission. The proposal is fundamentally unsuitable and will cause considerable loss of amenity to my adjoining property. The agent claims the proposed conversion to Tourist Accommodation is justified because "the floor space would otherwise be unused and this would undoubtedly result in the building falling into disrepair." I refute this assumption as the building has recently undergone repair and storage space would be of great use to the adjoining properties.

Officers Comment:

Conditions number (2) & (5) have been amended in line with the agents comments. Conditions numbers (3) & (7) are necessary as the materials are not shown on the plans and following consultation with the Councils drainage engineers they are not satisfied that the details depicted on the plans are sufficient. Condition number 6 is necessary to restrict the use for tourist purposes only and is as recommended by the planning inspectorate on an associated appeal elsewhere.

Further neighbour comments noted.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Or

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

AL/72/12/

Recommendation Report for Planning Permission

REF NO: AL/72/12/

LOCATION: The Old Stables
Old Dairy Lane
Norton

PROPOSAL: Conversion from storage in relation to tourist accommodation to 1 No tourist accommodation unit together with provision of ancillary car port

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.047 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Picket fence to front. 2 metre high wooden fence/3 metre (approximately) high wire fence to rear.
SITE CHARACTERISTICS	Redundant dairy farm. The building in question is one of a number of single storey barns that have been converted into residential (restricted to tourism purposes only) use.
CHARACTER OF LOCALITY	Rural farmland with linear residential properties with road frontage

RELEVANT SITE HISTORY

AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	Approve Conditionally 21-01-2009
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AL/114/09/	Proposed tourist units in redundant farm building- amendment to AL/92/08 (in lieu of the B1 use approved) - This application is a Departure from the Development Plan	Refused 03-02-2010
AL/106/10/	Change of use of implement & equipment store approved under AL/92/08/ to tourist accommodation unit	Approved Cond + S106 14-01-2011 Appeal: Dismissed 05 12 2011
AL/28/12/	Revision to previous approval AL/92/08/ for change of use of existing farm building to office units (B1 Business)	Approve Conditionally 14-06-2012

REPRESENTATIONS

Representations received:

Awaited.

6 letters of objection making the following comments:

- there are a number of breaches of control elsewhere in the site
- the communal turning space and access to communal parking areas would be lost
- serious loss of residential amenity due to the coming and goings and insertion of velux windows in close proximity of other converted barns
- the building has been converted without permission and has been in occupation
- gutters and pipes out letting into adjoining barn
- poor workmanship
- proposed car barn is more like a large garage that is unnecessary for tourist use of property and would instead be incorporated into additional living accommodation
- the property does not benefit from building regulations approval
- it will increase the amount of traffic in and out of the site at speed and without a suitable access
- it will devalue neighbouring properties
- the plans continue to show the tennis courts which it is believed have been sold off and are no longer available as a common facility for all to use
- lack of notification of application
- no structural works have been done to allow the barn to be safely converted
- West Sussex County Council hold covenants on the site to avoid development without their permission

Comments on Representations received:

There are ongoing enforcement investigations into alleged breaches.

The use of the area by the proposed garage for turning purposes will not affect neighbouring properties as they enjoy their own parking facility.

The use of the building for tourist purposes for lets of no more than 28 consecutive days is not considered to have an unacceptable impact on neighbouring residential amenity.

Planning legislation does not prohibit the carrying out operations without planning permission. Gutters, out flow pipes, building control matters, property devaluation and private covenants are not material planning considerations.

County highways were consulted on AL/92/08 where they concluded that there is adequate visibility onto Norton Lane and the access is suitable for two cars to pass. In addition it was considered that given the former agricultural use the scale of development proposed would not generate any significant increase in traffic movements. It also needs to be noted that the

traffic generation from the proposed tourist unit will not be all year round.
There is no requirement to suggest that the tennis courts must be used as such.
The application was advertised in line with Council policy.
The applicants have submitted a structural report and according to the Council's engineers the building is structurally capable of being converted.

CONSULTATIONS

Southern Water Planning
Environment Agency
Economic Regeneration
Engineers (structural)
WSCC Strategic Planning

Consultations responses received:

ADC Engineers
The latest structural report shows that the majority of the structural defects have been rectified.
All alterations and improvements will be subject to building regulations.

Environment Agency
No comments.

Southern Water
Request an informative to connect to the public sewer and that the Council's engineers be consulted concerning soakaways to dispose of surface water.

Comments on Consultation responses:

Comments noted. The applicant's agent has confirmed that the structural alterations carried out are in full accordance with building regulations.

A condition will be imposed for details to be agreed with the Council concerning surface water drainage prior to occupation.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within designated Conservation Area

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPB6 SEPTSR2	Management of the Historic Environment Rural Tourism
Arun District Local Plan:	AREA2 DEV1 DEV2 GEN2 GEN3 GEN7	Conservation Areas Conversion of Rural Buildings for Industrial or Business Use Conversion of Rural Buildings for Residential Use Built-up Area Boundary Protection of the Countryside The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 it would have no materially adverse effect on the visual amenities of the locality particularly the rural conservation area or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. A structural survey has been submitted which states that the building is capable of conversion without major alterations or rebuilding, and is for predominantly commercial uses (tourism).

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that the development would preserve the character and appearance of the Conservation 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 part of a redundant dairy farm where 4 of the disused barns have already been granted permission to be converted into residential business use (tourism). The proposal is to convert the final barn which was discounted for consideration of conversion to tourist accommodation under approval AL/92/08. Certain alterations have been carried out to enable the barn to now be converted.

ARUN DISTRICT LOCAL PLAN - POLICY DEV1

The ADLP in paragraph 3.02 states that conversion for industrial and business uses will usually be preferred to residential uses. (Business uses include tourism and tourist accommodation.)

Policy DEV1 states that Proposals for conversion of buildings for industrial or business uses outside the built up area will be permitted provided that:-

- (i) the building is structurally sound, of permanent construction, and capable of conversion

without rebuilding or significant alteration or extension; and

(iii) the resultant building is sympathetic to its setting in terms of form, bulk and visual design;

It is considered that whilst alterations have been carried out to make the former barn structurally sound and capable of conversion these have not amounted to rebuilding nor are they significant in scale. The building is still considered to have largely preserved its rural appearance by, critically, retaining the 5 stable doors which confirms its previous rural use. As a result it will be in keeping with the locality.

(ii) the resultant building and use will not have an adverse effect on the rural character of the area in respect of the nature and level of activity likely to be generated, including the resultant traffic level;

The use for tourism use for periods not exceeding 28 consecutive nights will ensure that the use of the site will not be similar to that associated with a full scale residential use with all the day to day activities. It is considered that the level of activity commensurate with a tourist use will not detrimentally alter the rural character of the area.

(v) the traffic to be generated by the new use can be safely accommodated by the site access and the local road system.

Comments by the Highway Authority on previous permission AL/92/08 confirmed that the traffic levels proposed by that application could be safely accommodated. The additional increase in vehicular use by the proposed tourism use of the building will be relatively low level and capable of being absorbed.

The proposal is therefore considered to be in conformity with policy DEV1.

COUNTRYSIDE POLICIES

Countryside policies are intended to protect the countryside for its own sake. Therefore development will not be permitted unless it is to meet the needs of agriculture or for the diversification of the rural economy.

Policy DEV1's support for the conversion of rural buildings to business use is in line with advice at paragraph 28 of the National Planning Policy Framework that planning policies should support economic growth in rural areas, including all types of business and enterprise and sustainable rural tourism and leisure developments.

Other planning advice contained in the Governments Good Practice Guide on Planning for Tourism states that tourism can be a key element in rural and farm diversification and wherever possible, tourist facilities should be housed in existing buildings, particularly where they are located outside existing settlements.

The proposal is therefore consistent with countryside policies.

RESIDENTIAL AMENITY

The residential amenities of neighbouring properties are not considered to be unacceptably affected by the proposal. The tourist accommodation will not be an all year activity and therefore the level of activity and disturbance from visitors (who will be expected to be off site for the

majority of the time enjoying local attractions) will be less than that expected from an all year round working dairy farm as was previously the case.

SUMMARY

The proposal for the conversion of the redundant farm building to tourist accommodation is considered to conform with both Local Plan and guidance/policy from central government contained in the NPPF and the Good Practise Guide on Planning for Tourism.

The structural survey has demonstrated that the conversion can be undertaken without major alterations or rebuilding. The effect on the countryside is therefore considered to be acceptable and there are considered to be no significant adverse effects on visual and residential amenity nor highway safety. Therefore it is recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 a neutral impact has 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.

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: drawing number 8034/01, 8034/01R1.

Reason: For the avoidance of doubt and in the interest of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the converted barn shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The proposed car port shall not be used for any purpose other than the parking of vehicles, bin/log and cycle storage as indicated on drawing number 8034/01.

Reason: To ensure a satisfactory standard of development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of Part C, Class C3 Dwelling House 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 purpose 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 in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which 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 if justified on agricultural grounds or are required for a purpose for which a countryside location is necessary.

- 7 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

8 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7, DEV1, DEV35, AREA2

SOUTH EAST PLAN: SEPBE6, SEPTSR2

NATIONAL POLICIES: NPPF, Good Practice Guide on Planning for Tourism.

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

9 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Details can be obtained from Atkins Ltd, Anglo St. James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962-858688), or www.southerwater.co.uk