

Planning Statement in support of
application to remove Condition 10 in
respect of planning permission: AL/92/08

Site Address: Norton Dairy, Old Dairy Lane, Norton,
West Sussex, PO20 3AF

Applicant: Mr I Lissamore

Date: 28th August 2019



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The property

The property forms part of a group of former farm buildings which were converted into either B1 or residential holiday let cottages.

Norton Dairy is a semi-detached single storey pitched roof conversion.

It has the benefit of two car parking spaces and outdoor private amenity/garden space.

The property is situated within the Norton Lane Conservation Area.

Planning History



- AL/92/08: Re-use of redundant farm buildings for mixed use development – B1 offices, residential dwellings and tourist accommodation units – Conditionally approved.
- AL/26/14/PL: Lifting of holiday conditions on 5 no. units at Norton Farm – Refused.
- APP/C3810/W/15/3005360: Lifting of holiday conditions on 5 no. units at Norton Farm – Appeal Dismissed.
- A further cottage in the complex (Old Stables) had similarly worded condition and approval was obtained to remove this condition in May 2017 under planning reference AL/8/17/PL.
- Under planning reference AL/130/17/PL one of the cottages in the complex (Easter Cottage) was granted approval for removal of condition 10.
- Application reference: AL/37/19/PL: Removal of condition 10 following the approval of AL/92/08/ relating to the tourist accommodation lets – Application Dismissed. **Reason One:** Removal of condition 10 following the approval of AL/92/08/ relating to the tourist accommodation let in the absence of meeting a number of specific exceptions specified within policy C SP1 would result in another new isolated home in the countryside, contrary to the National Planning Policy Framework (paragraph 55) and Arun Local Plan policy C SP1 and would adversely impact on the local distinctiveness which contributes toward more sustainable lifestyle;

Reason Two: Insufficient information has been provided to demonstrate that reasonable attempts have been made to market and use the premises for business purposes. Therefore, the proposal is contrary to NPPF paragraph 28 and Arun Local Plan policies H DM4 and TOU DM1.

Proposal

Is to remove condition 10 relating to planning consent AL/92/08. This condition is as follows:

"The tourist accommodation hereby approved shall be used for individual lets for up to and no more than 28 consecutive nights."

Reason: To preserve the availability of the accommodation as a holiday let in accordance with policy DEV34 of the Arun Local Plan and to prevent the establishment of permanent dwellings in the open countryside."

Case for Removal of Condition

As set out under 'Planning History' the condition in relation to Easter Cottage has now been removed and a similarly worded condition relating to the Old Stables also received approval for the removal of the condition restricting the use to holiday let accommodation only.

The application by all five owners of the holiday cottages for removal of the condition was refused and subsequently went to appeal. The appeal decision was dismissed on the grounds that there had been no recent marketing of all five properties for their lawful use for any reasonable length of time (6 to 9 months including the summer period).

Therefore, the Planning Inspector could not conclude that the approved tourist holiday accommodation use was unviable.



The Old Stables was granted the removal of condition 10, after a year of unsuccessful marketing experience. The owners of this property were using the same marketing agents, who were successfully letting their other property in a nearby tourist town.

The Easter Cottage application was approved on the basis that marketing evidence was supplied with the application from specialist holiday/short term let companies. The marketing evidence showed little or no interest for short term letting.

The applicant Mr Ian Lissamore has in respect of Norton Dairy listed the property with Airbnb and HomeAway both specialist holiday/short term letting agencies. Copies of emails relating to the listings are in the Marketing Report which forms part of this application.

Planning Policies

Relevant planning policies are contained in the Arun District Local Plan and these comprise as follows:

- AREA2 – Conversion Areas
- DEV2 – Conversion of Rural Buildings for Residential Use
- D DM2 – Internal Space Standards
- TOU DM1 – Tourism Related Development
- HER DM3 – Conservation Areas

Relevant policies contained in the Aldingbourne Neighbourhood Plan are as follows:

- EE1 – Supporting existing employment and retail
- EE6 – Sustainable recreation and tourism activities
- EH9 – Conservation Area

The most relevant policy in relation to this application is TOU DM1 (Tourism Related Development) and this states as follows:

'Existing visitor attractions, facilities and accommodation (except holiday caravan sites), will only be granted planning permission for a change of use that continues a visitor offer unless; it is demonstrated that the use is no longer required and is unlikely to be reused or redeveloped for visitor purposes. This will include a clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the alternative use.'

This policy does not set a suggest time span for marketing however the appeal Planning Inspector suggested 6 to 9 months, in this case the property has been marketed for 12 months and 11 months with the two agencies and this is continuing.

No internal or external alterations to the property are proposed and therefore the proposal will have no adverse impact upon the conservation area.

Under Paragraph 55 of the National Planning Policy Framework it is stated that planning conditions should be kept to a minimum and only imposed when they are necessary, relevant to planning and to the development to be permitted.

In this case the condition can no longer be assessed as being relevant as the marketing on this and other properties in the complex show that they are not suitable for short term letting.

The proposal will bring a property which is under used due to the restrictive condition into residential use in accordance with Paragraph 55 of the National Planning Policy Framework (Delivering a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes).

Under Section 11 (Making Effective Use of Land) Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes.

Paragraph 127 states that planning policies and decisions should function well not just for the short term but for the lifetime of the development and optimise the potential of the site to accommodate and sustain an appropriate amount of development.

Conclusion

This statement supports a revised application following refusal of AL/37/19/PL.

None of the enquiries resulted in any bookings either for holiday lets, short term lets or bed and breakfast stays.

The marketing report shows that the property was marketed for a considerable period of time without success and the marketing was in line with that of previously approved applications.

In the light of the marketing results for this property together with the

evidence on previous applications at Easter Cottage and the Old Stables it is clear that the property is not viable as a cottage for holiday letting. It is therefore requested that the condition restricting its use for short term lets is removed so that the property can be occupied on a general residential basis i.e. C3 planning use.

It is hoped that the council will support this application.