

Recommendation Report for Planning Permission

REF NO: AL/8/17/PL

LOCATION: The Old Stables
Old Dairy Lane
Aldingbourne

PROPOSAL: Continuance of use without compliance with condition 6 imposed under AL/72/12/ relating to holiday occupancy. This application affects the character & appearance of the Norton Lane Conservation Area & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. No external or internal changes are proposed.
SITE AREA	0.047 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low picket fence to the front. To the rear there is a mixed boundary consisting of a 2 metre high wooden fence and an approximately 3 metre high wire fence to the rear.
SITE CHARACTERISTICS	Detached single storey pitched roof holiday conversion with rendered walls and a slate roof. There is a detached two bay timber car port on the eastern side and two further designated parking spaces. An unaccompanied site visit undertaken on 14/02/17 noted the existence of at least 2 bedrooms within the property, one at the western end and the other at the eastern end. The one at the western end was clearly in use. A further pre-arranged/accompanied site visit on the 28th February enabled access into the building and at that time it was clear that room at the western end was now a lounge with kitchenette. There was still a bedroom at the eastern end. The two other rooms comprised a bathroom and an empty room suitable for a single bed.

CHARACTER OF LOCALITY

The site is located on the western edge of the small settlement of Norton and is, together with 4 other properties, part of a small holiday property development. There is then a B1 light industrial/office building to the west ("West Barn") and residential properties to the east, south and north. There is farmland further to the west.

The Old Stables building and a small (eastern) part of its garden lie within the Norton Conservation Area.

RELEVANT SITE HISTORY

AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-2009
AL/28/12/	Revision to previous approval AL/92/08/ for change of use of existing farm building to office units (B1 Business)	ApproveConditionally 14-06-2012
AL/72/12/	Conversion from storage in relation to tourist accommodation to 1 No tourist accommodation unit together with provision of ancillary car port	ApproveConditionally 17-10-2012
AL/26/14/PL	Change of use from 5 no. tourist units to 5 No. residential units (C3 Dwelling). This application affects the character and appearance of Aldingbourne (Church Road) Conservation Area	Refused 30-07-2014 <i>Appealed</i> Appeal: Dismissed 04 08 2015
AL/79/14/PL	Mews of 6 No. two storey low rise live work studios. This application is a Departure from the Development Plan.	Refused 26-06-2015 <i>Appealed</i> Appeal: Dismissed 05 02 2016
AL/108/15/PL	Erection of a single storey photographer's studio to accommodate a studio, storage & toilet facilities & construction of 2 No. off road car parking spaces. This application affects the setting of a listed building & the character & appearance of the Norton Lane, Norton Conservation Area. This application is a Departure from the Development Plan.	Refused 27-01-2016
AL/93/15/PL	Continuance of use without compliance with	Refused

condition 6 imposed under planning reference AL/72/12/ relating to the premises being used for the purpose of holiday accommodation only & for no other purpose. This application affects the character & appearance of the Norton Lane Conservation Area. This application is a Departure from the Development plan

27-01-2016

AL/59/16/PL

Mews of 6 No.2 storey low rise live work studios. Resubmission of AL/79/14/PL. This application is a Departure from the Development plan & affects the character & appearance of Norton Lane, Norton Conservation Area

NON DET APPEAL

17-02-2017 *Appealed*

**Appeal: Dismissed
10 02 2017**

The following is a broad summary of the planning history relating to the Old Dairy Lane site and is not entirely specific to the Old Stables property.

Application AL/92/08 granted planning permission for the conversion of several existing redundant farm buildings to a mix of B1 offices, residential dwellings and tourist accommodation units. This permission enabled the holiday use of Norton Dairy, Easter Cottage and Cart Barn. It is noted that whilst West Barn was stated to be converted for B1 office use, its use was not restricted solely to office use and so can also be used for research & development or light industry. A subsequent application to convert the B1 office building (West Barn) to provide holiday accommodation was refused by virtue of conflict with Policy DEV1 (Ref AL/114/09).

Permission was then granted in January 2011 to allow the holiday conversion of the implement & equipment store now known as East Barn (Ref AL/106/10). In October 2012, permission was granted to allow the holiday conversion of the stables building (now known as The Old Stables) with part of it retained for storage (Ref AL/72/12).

Planning Application AL/56/13 then allowed for amongst other things, additional car parking for the B1 office use. This included parking along the boundary with Easter Cottage & Norton Dairy.

There have also been three enforcement appeals concerning the occupancy conditions. Those relating to Easter Cottage & Norton Dairy were either dismissed or part dismissed and so had no effect on the occupancy condition as applied by AL/92/08. The enforcement appeal concerning The Cart Barn was allowed and an enforcement notice quashed, however this also had no impact on the occupancy condition imposed by AL/92/08.

Therefore, the current situation in respect of the holiday occupancy of the 5 existing properties is that the Cart Barn, Easter Cottage, Norton Dairy and East Barn are all subject to the following condition:

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

The Old Stables is subject to a differently worded condition which also requires the maintenance of a register of occupiers:

"Notwithstanding the provisions of Part C, Class C3 Dwelling Houses 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."

Application AL/26/14 then sought permission to change the use of all 5 holiday properties to residential. This was resisted at the planning application stage and subsequently dismissed on appeal. Essentially the appeal 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 (6-9 months including the summer period). The Inspector therefore could not conclude that the tourist/holiday accommodation use was unviable.

The Inspector also stated that unrestricted residential development in this isolated rural location would fail to meet the objectives of 'saved' Policy GEN3 & paragraph 55 of the NPPF and that the proposal would not accord with NPPF paragraph 51, as claimed by the appellant, because the properties are not in Class B use.

Furthermore, the Inspector considered that the location was not sustainable having regard to the need to travel by car to access local shops & services.

A planning application was lodged in late 2015 and sought permission to remove condition 06 of AL/72/12/. This was refused by the Development Control Committee on 27 January 2016 on the grounds that the applicant failed to demonstrate evidence of marketing for holiday use, that the site was in an unsustainable location and that no affordable housing contribution was offered. It should be noted that there is no longer an affordable housing requirement.

Summary of Old Stables:

The Old Stables is subject to a holiday occupancy restriction which allows the owner to let the property for 365 days each year but with each different occupant/occupying group not being allowed to stay for more than 28 days each time. This allows the owner to market the property for several holiday lets throughout the calendar year.

The Old Stables formed part of the application site for AL/26/14 which also proposed a change of use from holiday to residential, albeit for a greater number of properties. That application was refused and then dismissed on appeal.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council

"No objection"

One letter of support from a neighbouring property:

"I support the application, as owner of Easter Cottage next door to The Old Stables. We have owned this since October 2015, and been advertising the property for holiday accommodation since January 2016. We have had very limited interest, with only one short booking. The renters loved the property but felt the location was a bit remote. They thought a

local pub would have been an asset. We had two very positive enquiries but these wanted longer term lets which breached the current planning so we had to decline them. One other enquiry enquired, but had a large dog which was not suitable given the cottage attached and the through put of traffic to the commercial units at the rear. We missed one other enquiry as we were on holiday when the booking came through. Regardless had we taken all four bookings for lets say a week or two each, the financial benefits would certainly not justify the capital cost and set up costs. The location is remote, which suits personal ownership, but is not sufficiently located to attract tourists in our opinion. We have used two online multinational agencies, and have generated many years of full occupancy for our apartment in Antibes. We are seasoned property owners with 25 years experience renting houses, owning hotels, and serviced apartments. On this occasion all our experience has failed to generate a viable business out of Easter Cottage, and I dare say the same must be made for The Old Stables. Certainly there is insufficient demand to support five holiday lets in the same area. In summary a great location, superb properties but simply insufficient tourist interest in the properties. It is a great shame to see them all left vacant."

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer
Economic Regeneration

Consultations responses received:

ADC ECONOMIC REGENERATION:

Original comments (23/02/17):

"The view of Economic Development has not altered since the last application. We do not agree that advertising a holiday cottage on AirBnB for 6 months is sufficient evidence that there is no interest in the property. Arun's Tourism Officer has a wealth of knowledge but has not been contacted to assist with marketing. At the very least we would expect marketing to be carried out via some more traditional sites such as:

- * www.english-country-cottages.co.uk;
- * <http://www.countrycottagesonline.com>;
- * www.hoseasons.co.uk/cottages;
- * www.sussexbythesea.com; and
- * <https://www.amberleyhousecottages.co.uk>

A free Google listing can also be created.

On that basis we would object to this application."

Revised/Second comments (20/03/17):

"I have now had a number of discussions with the applicant and her partner. They have provided me with additional information regarding the marketing of the property and also the fact that it had been advertised on another site which they had forgotten. On the basis of this information Economic Development would not have an objection to losing this property from the supply of tourist accommodation and would therefore no longer object to the application."

ADC CONSERVATION OFFICER: no reply received.

CONSERVATION AREA ADVISORY COMMITTEE: "No objection"

Comments on Consultation responses:

Comments noted.

The applicant has, during the course of the application, submitted the following additional comments:

16/03/17 - "..... I had forgotten that The Old Stables was registered with <http://www.selfcatering-directory.co.uk/uploads/estate/selfcatering/self-catering-25016.htm> from 11 March 2016. I have had enquiries for The Sail Loft through this site but nothing for The Old Stables. People normally search for self catering/accommodation in a location not for a particular property. They scroll down to find something they like and what is available. The Sail Loft is a completely different property, being in a town, a tourist town, with a gorgeous view, places to walk to, things to do, buses, trains, etc.

There is no local website for Aldingbourne covering tourism. Type in self catering Aldingbourne and Airbnb comes up first and then the link to The Old Stables, with the website I forgot to mention above comes up on the first page. Type in Arundel and one gets a mixed welcoming selection of things to do, places to stay but with Aldingbourne nothing exciting.

I am going through the source of my bookings for last year for the Sail Loft. But of course people will be searching more for a tourist town and places and things to do first, so I feel one can't compare The Old Stables with The Sail Loft. A major point to take into consideration is that the commission for Amberley Cottages is far, far greater than that for Airbnb. I always block out Goodwood dates knowing that I shall book through Airbnb or from Arundel.org site thus saving on the 17% plus VAT that Amberley charges. When The Sail Loft has been booked I have always given people the choice for The Old Stables but they aren't interested especially during the Goodwood events, they want something with bars and restaurants."

16/03/17: "I have gone through the diary from last year for the Sail Loft bookings and this is what I found; 12 bookings were from Arundel.org site; 9 bookings from Amberley; and 22 bookings from Airbnb"

14/03/17: The applicant submitted information about the general growth of Airbnb.

01/03/17: "..... There are two aspects to Miriam Nicholls's consultation response: that the period of advertising is insufficient; and that the nature of the advertising is inappropriate. In response, I would make the following comments:

Period of Advertisement

What has been said is wrong - there was more than 6 months of advertising, as claimed, there was actually evidence of 9 months' advertising. However, and this is my fault, you were given the wrong copy of the record of interest in the property. This has been continuously advertised since February 2016 and, at the time of the application being made, this amounted to a full 12 months. My apologies for sending the wrong information and you will find attached an up-to-date record of interest in the property.

Nature of Advertising

This issue is more concerning to myself and my client, as Miriam Nicholls seems to be trying to formulate a new planning policy rather than adhere to the terms of Local Plan Policy DEV2. As you are aware, the relevant element of this policy reads

"Proposals for the conversion of buildings for residential use outside the built-up area will not be permitted unless:- either, it has been demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and the application must be supported by a statement of the efforts which have been made".

The key word here is reasonable. I have read through the terms of the policy's explanatory paragraphs and I can find nothing in them that sets out that - as is suggested by Miriam Nicholls - an applicant has to use certain holiday cottage letting agents.

I have been told by my clients that when the question of advertising the property was discussed with you - prior to February 2016 - mention was made to Airbnb, and that you did not make any comment on this. Presumably, if you were of the opinion that this would not have been acceptable to the Planning Department, you would have said so - as it would have been reasonable to do so at that time, in order to preclude wasted time, effort and money on an application that you would have known would have been turned down.

In any event, the suggestion that certain forms of advertising should have been carried out, rather than using Airbnb, is itself unreasonable. Why should an applicant be pushed towards certain advertising companies - I assume that Arun has nothing to gain from this? Whether Miriam Nicholls likes it or not, or even understands it, Airbnb is very much established as a major source of information for prospective holiday makers and is regularly used by many people for these purposes. Indeed, it is very likely that it is a source of information that is better known to many people - and probably most people - than those referred to.

As you were told at the site visit, my clients also own a property known as the Sail Loft at Arundel, which they let for holiday purposes. This is a successfully let - using Airbnb. This illustrates the fallacious nature of her objection on this point.

There is no development plan requirement to use any particular letting agent - quite rightly; that my clients use Airbnb to advertise their property - which is successful for them elsewhere - cannot be held against them. They have advertised the Old Stables for 12 months now and have provided evidence that shows that the application accords with the terms of Local Plan Policy DEV2 and, therefore, the condition should be lifted. Hopefully, you will agree with this. If, as I have said, you need anything further in the meantime, please do not hesitate to contact me."

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Within a designated Conservation Area;
Class C Road;
No Public Sewer;
PD Restriction;
Drainage Area; and

Flood Zones 2/3.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: AREA2
DEV2

GEN2
GEN3
GEN7
GEN11

Conservation Areas
Conversion of Rural Buildings for Residential Use
Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Inland Flooding

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings
TOU DM1 Tourism Related Development
HER DM3 Conservation Areas
HER SP1 The Historic Environment
SD SP2 Built-Up Area Boundary
W DM2 Flood Risk

Publication Version of the Local Plan (October 2014):

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD2

Conservation Areas

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Aldingbourne Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Aldingbourne Neighbourhood Plan does not allocate any sites for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Aldingbourne Neighbourhood Plan have been taken into account in determining this application.

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 not considered to comply with adopted Local Plan policy GEN7 (iii) which promotes sustainable development and particularly the reduction in the use of the private car to travel. However, the proposal does accord with Policy DEV2 of the adopted Local Plan in that evidence has been provided to demonstrate that the approved holiday use is not viable. It is also not considered that the proposal would have a materially adverse effect on the visual amenities of the locality, the residential amenities of the adjoining properties or an adverse impact on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

The National Planning Policy Framework is an important material consideration and this is discussed below. Furthermore, policies TOU DM1 and H DM3 of the Arun Local Plan 2011-2031 Publication Version showing Modifications indicate that permission should be granted where sufficient evidence has been presented to demonstrate that the business/tourism use is no longer viable.

CONCLUSIONS

THE APPLICANT'S CASE:

The main points of the application supporting statement are that:

- * The Council is still unable to demonstrate that it has a 5-year supply;
- * The previous application was refused owing to non-compliance with criteria 1 of Arun Local Plan Policy DEV2 namely that the application was not accompanied by sufficient evidence of marketing for holiday use and that the application was not a subordinate part of a scheme for a business re-use;
- * The applicant was advised by the case officer that at least 6 months evidence of marketing for holiday use would be required; and
- * The property has been marketed on Airbnb since 11 February 2016 with little interest and no bookings.

In addition, additional evidence has been supplied which shows that the property has also been registered with www.selfcatering-directory.co.uk since 11 March 2016. This has also generated no bookings.

PRINCIPLE:

The application site lies outside of the built up area boundary for which Local Plan Policy GEN3 states that development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development (such as Policy DEV2). The loss of the tourism condition would not meet any of the five criteria in Policy GEN3 and it would lead to the provision of a new dwelling in the countryside.

It is accepted that the Council is currently unable to demonstrate a 5 year National Planning Policy Framework compliant supply of housing and has an out-of-date Local Plan. However, it is not considered that this automatically means that any applications for residential development in the countryside should be approved. Harm may arise from other issues which relate to the location of the site within the countryside.

Furthermore, it should be noted that the Old Stables property already contributes to the Council's Housing Land Supply figures as all dwellings whether restricted or otherwise are included within the list. Therefore, the change of use of this holiday unit will not have any impact on the Council's Housing Land supply. It is also considered that the Council's housing land supply issues will be resolved through the allocation of additional strategic sites through the emerging Local Plan or by the development of large sites and not by the piecemeal development of the district.

It is not considered that the proposal fully complies with the definition of sustainable development within paragraph 7 of the NPPF. This is because the loss of the tourist accommodation has the potential to harm the local economy (the loss of tourist revenue balanced against the gain in Council Tax & spending on the local economy by residential occupier) and that the site's location is not sustainable having regard to reliance on the private car. The environmental sustainability of the site has been clarified on three previous appeal decisions relating both to the site and the land to the rear/north. In terms of the social dimension, it is considered that the proposal would result in a slight social benefit from the building being occupied all year round and thus contributing to the local community.

Paragraph 8 of the NPPF states that the economic, social & environmental roles should not be undertaken in isolation, because they are mutually dependent and that therefore, to achieve sustainable development, economic, social & environmental gains should be sought jointly and simultaneously through the planning system.

It is also important to consider the following references from the National Planning Policy Framework (NPPF). Firstly, paragraph 28 states that:

"To promote a strong rural economy, local and neighbourhood plans should: (3) support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside."

Paragraph 55 is also relevant as it can allow for homes in unsustainable locations within the countryside. However, none of the circumstances given in para. 55 apply to this case.

The previous planning application was refused partly on the grounds of being within an unsustainable location and the above analysis again supports this view.

ALDINGBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN:

Aldingbourne Neighbourhood Development Plan policy EH1 "Built Up Area Boundary" is relevant. It states that proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available.

Notwithstanding that this application concerns an existing 'development', as discussed below, it is considered that the proposals does accord with development plan policies (namely DEV2) in that the conversion of rural buildings to residential is acceptable subject to there being no demand for an alternative use.

POLICY DEV2 CONVERSION OF RURAL BUILDINGS FOR RESIDENTIAL USE:

One reason why the previous application was refused was conflict with criteria (i) of Arun Local Plan Policy DEV2 and with emerging Local Plan Policies H DM3 (4 a) & TOU DM1 (a). These policies state that the loss of tourist accommodation or rural business premises will only be allowed where evidence of sufficient marketing has been provided.

Although Policy DEV2 forms part of a 14 year old Local Plan, with reference to the NPPF at paragraph 14, the plan is not absent or silent in respect of this matter. Furthermore, the policy itself is not considered be out-of-date as although the Council cannot currently demonstrate an NPPF compliant 5 year housing land supply, Policy DEV2 does not seek to restrict the location of housing but rather allows the conversion of buildings into dwellings within the countryside. It is therefore considered that great weight should be attached to Policy DEV2 in the determination of this application

It should be noted that there was no concerns with the other criteria within these policies and nothing has changed with regards to the other criteria to require the planning authority to take a different view to that taken on application AL/93/15/PL.

Policy DEV2 part (i) requires that either evidence is submitted to demonstrate that reasonable attempts have been made to market and use the premises for business purposes and a statement of the efforts made is submitted in support of the application; or that residential conversion is a subordinate part of a scheme for business reuse.

The previous application failed partly because it was not accepted that the change of use to residential was a subordinate part of a scheme for business reuse. This was on the grounds that the original change of use to tourist accommodation was a subordinate part of a larger scheme concerning many of the existing buildings on Dairy Lane for which the conversion of the Long Barn to residential was a subordinate part. Furthermore, the word 'scheme' implies a development involving multiple units whereas the proposal concerned only one unit.

This time around, the applicant has instead sought to comply with Policy DEV2 (i) on the grounds of there being insufficient interest in the property for holiday use. The applicant has supplied evidence that shows that despite marketing the property on two different websites, there have been no bookings. This has now been accepted by Council Economic Development/Tourism Officers who no longer raise any objection.

Therefore, the applicant has satisfied the requirements of Policy DEV2 (i) by providing evidence to demonstrate that reasonable attempts have been made to market and use the premises for business (tourism) purposes. As such, the previous reason for refusal has been overcome.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether it is suitable for use as a residential unit. The Old Stables is considered to be a single storey, 2 bedroom, three person property and the required standard is therefore, 61m². The amount of space is 49m² and therefore falls short of the standard. However, this is an existing building which was originally used for non-domestic purposes and future residential occupiers will be well aware of the space limitations before deciding to move in. It is also considered that a shortfall is appropriate within historic buildings.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes. The external garden space complies with the area standard (50m²) but does not provide the 10m depth. However, the depth requirement can be relaxed in this instance given the width of the garden and the fact that there are no other dwellings to the rear.

FLOOD RISK:

The site lies in Flood Zone 3. Ordinarily, the introduction of a residential use into Flood Zone 3 would necessitate the submission of a Flood Risk Assessment. However, both the current holiday use and the proposed residential use are classed as 'More Vulnerable' development and therefore, there is no material change in the vulnerability of the use. Furthermore, the Environment Agency (EA) raised no objection to the Flood Risk Assessment as submitted in respect of application AL/26/14 (which included the Old Stables within its remit) and the EA also did not recommend the imposition of any mitigation measures. Therefore, it is not considered appropriate to refuse the application in part on the grounds of the lack of a Flood Risk Assessment.

SUMMARY:

The starting point for this determination is the development plan. Adopted Arun Local Plan (2003) policy DEV2 allows for the conversion of rural buildings to a residential use subject to compliance with a set of criteria. This report considers that these criteria have been met. It is acknowledged that adopted Local Plan policy GEN7 part (iii) seeks to reduce car travel. However, it is considered that Policy DEV2 would attract more weight in this determination particularly as the proposal concerns an existing building in a holiday use. The Aldingbourne Neighbourhood Plan states that proposals for development outside the built up area boundary will be acceptable where they accord with other policies within the development plan (such as policy DEV2).

It is then necessary to consider whether material considerations indicate that this determination should not be made in accordance with the development plan. In this case, material considerations include policies H DM3 (4 a) & TOU DM1 (a) within the emerging Local Plan (which support the recommendation to approve) and the National Planning Policy Framework.

It is not considered that the site is in accordance with the National Planning Policy Framework in that (a) it lies in an unsustainable rural location and (b) it does benefit from any of the rural housing exemptions set out within Paragraph 55. However, it is recognised that the proposal concerns an existing building which already benefits from permission allowing all year round holiday use.

There is therefore an argument, that there would not be a material difference between the number of car trips undertaken by tourists (assuming the property was occupied by tourists all year round) versus the number made by a residential occupier. Furthermore, the loss of tourist revenue should be balanced against (a) the fact that the property has not attracted any tourists and so is not currently contributing to the local economy, (b) the fact that a residential occupier will also generate spending on the local economy and (c) a residential use will generate Council Tax receipts.

The application was also previously refused on the grounds of no affordable housing contribution but it is not longer possible to require an affordable housing contribution on schemes of less 10 dwellings.

It is therefore recommended that the application be determined in accordance with the adopted Local Plan and that permission be granted subject to the following:

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the approved Location Plan)(Dwg. 1208-001 Rev A (Oct/2015)).

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

- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 3 INFORMATIVE: The effect of this planning permission is to cancel condition 06 of AL/72/12/. All other conditions imposed by that decision shall remain in force.