

Recommendation Report for Planning Permission

REF NO: AW/154/18/PL

LOCATION: 7 High Trees
Aldwick
PO21 4AA

PROPOSAL: Variation of condition 3 imposed under AW/56/98/ to change the use of ancillary dwelling to a holiday let.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Existing one and half storey attached annex building attached to the host premises 7 High Trees. Benefits from a large expanse of gravelled off-street parking plus an integral garage.
CHARACTER OF LOCALITY	This is considered to be a urban area of two storey detached dwellings set in modestly sized plots.

RELEVANT SITE HISTORY

AW/56/98	Granny annexe to an existing dwelling	ApproveConditionally 25-06-98
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AW/56/98 - approved the erection of the attached annex with a restricted condition for the annex to be used ancillary to main dwelling house. The layout includes a bedroom, bathroom and kitchen with living space on one level.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A.

CONSULTATIONS

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration:

No objection to this application and is always keen to see additional, quality visitor accommodation provide in the district.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Built Up Area Boundary.

DEVELOPMENT PLAN POLICES

TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
DDM1	D DM1 Aspects of form and design quality
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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. 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.

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).

Aldwick does not have a 'made' neighbourhood plan, however, it does have a Parish Design Statement, which has been a consideration during the determination of 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."

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 host dwelling had a one and a half storey self contained annex added under planning application AW/56/98. A condition was attached to the original permission:

Cond 3. 'The extension hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of no.7 High Trees as a single dwelling house and shall not be used for any other purposes whatsoever without the prior permission of the LPA on an application in that behalf.

The proposal would see to vary the above condition to offer holiday let accommodation for the spring and summer at a maximum of 8 individual weeks. The specified seasonal period would allow for a varied use for the annex, and would revert back to solely for purposes incidental to the enjoyment of no.7 High Trees. The level of harm created by the varied condition is considered by officers to be of limited harm.

Policy TOU SP1 of the Arun Local Plan supports Sustainable tourism and the visitor economy. The annex is considered to be in the urban area and close to local tourist amenities. Its sustainable location therefore lends itself to supporting seasonal visitor interest which is considered as a positive contribute to the local tourism economy of Aldwick.

The Aldwick Parish Design Statement, lacks any clear reference to tourism therefore the policy D D M1 of the Arun Local Plan is considered to hold significant weight.

CONCLUSION:

The proposal is considered to comply with Arun Local plan. Furthermore, this is a variation to a current condition allowing for occasional holiday guests for 8 weeks of the year. A condition will be imposed to

ensure that there is no permanent separate occupation of the building. It is therefore recommended that the application be approved subject to the following conditions.

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 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 layout hereby approved shall be carried out in accordance with the following approved plans AW/56/98 dated 1/04/98.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan.

- 3 During the defined summer period (March 1st to October 1st) The property shall not be occupied by any persons for a total period exceeding 28 days and the owner shall maintain a register of occupiers for each calendar year which shall include:

1) The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and 2) The start and end date of the stay and the purpose of the stay.

2) The occupiers for holiday rental shall only occupy the unit for 8 individual weeks of the year

between the months of March 1st and 1st October of any calendar year.

This register 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 in the settlement boundary where the provision of dwellings is only acceptable where the proposal represents sustainable development. Furthermore, the use of this building as a separate dwelling would not be appropriate having regard to its small size, lack of private amenity space and close relationship to the existing dwelling. In accordance with Arun Local Plan policies D DM1.

- 4 The annex shall be used for purposes incidental to the occupation and enjoyment of & no.7 High Trees as a single dwelling house and for 8 weeks of the calendar years between 1st March and 1st October as a holiday let and shall not be used for any other purposes whatsoever without the prior permission of the LPA on an application in that behalf.

Reason: Furthermore, the use of this building as a separate dwelling would not be appropriate having regard to its small size, lack of private amenity space and close relationship to the existing dwelling. In accordance with Arun Local Plan policies D DM1.

- 5 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.