

**Statement in support of Prior Approval for the Conversion of
Buildings in B1 Use to C3 Residential Use at Avenals Farm,
Water Lane, Angmering, West Sussex, BN16 4EP.**

To be read in conjunction with drawings 1733.1/01.

Background

The building, which is the subject of this Prior Notification, was originally a stable building and store and its change of use to offices [B1(a)] was permitted under A/139/05 in 2005. In 2011 under reference A/8/11 the barn to the north of the building in question was converted for residential use. To the west of the stable block stands Avenals Farmhouse, a Grade II listed building. In her report on A/139/05 the Officer notes:

“With regard to the impact of the proposal on the adjacent Listed Building the changes to the [stable] building and its improvements in design would enhance the setting of the Listed Building. The stables currently form part of the group of the buildings surrounding the original listed farmhouse.

“The building provides a visual backdrop to the courtyard area and in this respect their retention and conversion would make a positive contribution to its setting.”

and in the report on A/8/11 the officer notes:

“The building is located close to Avenals Farmhouse which is a listed building, but the conversion of this barn has no impact on the character or setting of the building.”

The County surveyor raised no objection to either application.

The redundant stable building has remained in B1(a) office use from 2005 until the present day.

IMPORTANT NOTE

As will be seen, there are no conditions specifically removing Permitted Development Rights regarding extensions or changes of use on A/139/05. Paragraph 86 of Circular 11/95 regarding the imposition of conditions on planning permissions states, amongst other things:

Similarly, a general condition that restricts the use of land does not remove the permitted development rights for that use unless the condition specifically removes those rights as well.

Accordingly, and in particular because there are no conditions that remove permitted development rights, such rights remain intact and the land can rightly benefit from the permitted development rights at issue with this application.

In not removing permitted development rights, the Council followed the advice in paragraph 87 of the circular that presumes against their removal unless in exceptional circumstances.

Current permitted development rights for change of use of these offices to residential are not influenced in any way if there is a personal occupancy condition attached to the original office permission.

The Current Proposal

The Town and Country Planning Act (General Permitted Development) (Amendment) (England) Order 2013

Class J

Permitted development

J. Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

Development not permitted

J.1. Development is not permitted by Class J where:

- (a) the building is on article 1(6A) land;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
- (d) the site is or forms part of a safety hazard area;
- (e) the site is or forms part of a military explosives storage area;
- (f) the building is a listed building or a scheduled monument.

Conditions

J.2. Class J development is permitted subject to the condition that before

beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) transport and highways impacts of the development;

(b) contamination risks on the site; and

(c) flooding risks on the site.

Dealing with each of these criteria the following comments are offered.

(a) transport and highways impacts of the development;

The current building provides workstations for at least ten employees. At present the offices are operating between 08.00 and 19.00 seven days per week. We assume the number of traffic movements attributable to the employees occupying these work stations is generated solely as trips to and from home and out of the office at lunchtimes or in connection with work carried on away from the site then the minimum number of movements per day will be 20 and the maximum number could be as many as 40, although somewhere in between would be a fair estimate. So for a seven-day week 210 traffic movements by staff could take place. Added to this would be deliveries to the offices, currently running at around 4 per week and visits by reps and others, which currently amounts to 3 per week giving a total number of movements of 224, which can be considerably more in some weeks.

TRICS data for residential use identifies a range of 6-8 movements per day based on an average-sized family dwelling. For one bedroom dwellings this is likely to be less, so with an average of 7 movements per day, the 3 proposed residential units would generate a maximum number of 21 movements per day or 147 per week and represents a significant reduction in the level of vehicular activity compared with the current office use.

The current access will continue to be used and this enters Water Lane in the middle of a long straight with good visibility in either direction and so no highway safety issues will arise from this proposal.

(b) Contamination risks on the site

There are no contamination risks associated with this site.

(c) Flooding risks on the site.

Examination of the Environment Agency flood risk map for the site indicates that the site does not lie within or near a flood plain; does not lie within any designated flood risk area, and does not increase the flood risk elsewhere.

Overall, the current proposal does not conflict with any of the specified areas of concern that the Council must content itself with assessing in determining whether this proposal would require a planning application.

Although of no relevance to this application for Prior Approval, the following information is referred to for explanation purposes only.

Existing openings are utilized save for the insertion of two windows in the northern elevation to serve bathrooms, which are “non-habitable”. A bedroom window is inserted into the western elevation of the tower element. Although this is a “habitable-room”, this window is 38m from the eastern wall of the listed building. These new openings do not materially affect the external appearance of the building (a judgement that must be made in the context of the whole building from all elevations including from above) such that these do not constitute development requiring planning permission.

The parking and turning area is already provided for around the existing building. Amenity space for the proposed conversion will be restricted to the area to the south of the building so as not to impact on the outlook of the listed farmhouse. Existing field boundaries will be retained as will existing trees and shrubs. New hedges will be of countryside species. No new hard surfacing will be created and existing hard surfacing will be reduced by the

provision of privacy strips to the southern side of the building. Gateways will be timber, five-bar agricultural gates.

The building can rightly benefit from the change in use arising from the deemed planning permission granted under associated Permitted Development Rights. Arun District Council is not one of the Council's that have been granted "opt out" powers for the Rights in question. No issues arise from this proposal that would justify a refusal in the context of the restricted issues the Council can consider as part of this Prior Approval application.

There is a current severe shortfall in housing, particularly of the smaller starter sized units so it is expected there will be considerable demand for these small units. The NPPF encourages use of offices as well as the conversion of existing buildings in rural areas for residential use.

The National Planning Policy Framework (NPPF)

Housing

The NPPF requires both open market and affordable housing requirements of the District to be met in the context of a rolling 5 year supply of housing. Housing requirements indicated by various surveys show that affordable and smaller open market housing is in demand, particularly by younger people trying to get on the property ladder and particularly in more rural areas.

NPPF, Section 6 – Delivering a wide choice of high quality homes.

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable (available

now and achievable within five years) sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends. (This development would count as a windfall site and could therefore be taken into account in the Council's housing figures)

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. (That the development will generate significantly fewer traffic flows to the existing use at the site indicates

this is a 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.

50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. (Although this is not

a planning application, Arun District Council was not offered “opt out” powers to these particular permitted development rights because it was not argued/accepted there were strong economic reasons why such rights would be inappropriate)

54. In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

In these respects, this proposal accords with the aims of the NPPF.

Conclusion

The former stable building at Avenals Farm as shown on drawings 1733.1/01 are currently in B1(a) use and were so before and on 30th May 2013. The site is not on Article 1(6A) land, a safety hazard area, explosives storage area, subject to a contamination risk or a flood risk area. The proposed change of use to C3 would significantly reduce traffic flows below the current office use and would not impact adversely on the safety, capacity or enjoyment of Water Lane, the change of use will not impact on the outlook or setting of the listed building and the reduction in activity will bring about an enhancement of its ambiance, setting and amenity and so is Permitted Development under Class J of Part 3 of Schedule 2 of the Town and Country Planning (General

Permitted Development) (Amendment) (England) Order 2013 as defined in Statutory Instrument 2013 No. 1101. The proposal will accord with the aims of the NPPF.

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