

Recommendation Report for Planning Permission

REF NO: A/53/26/PL

LOCATION: Roundstone Farm
Littlehampton Road
Ferring
BN12 6PW

PROPOSAL: Change of use of buildings and canopies from shop and cafe to a flexible use of agriculture or Class E c) (iii) any other services which is appropriate to provide in a commercial, service and business locality, e) medical services and F) non residential creche uses. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the buildings on site from a shop and cafe to a flexible use for agriculture or Class E c) (iii) any other services which is appropriate to provide in a commercial, service and business locality, e) medical services and f) non residential creche uses.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Post and rail style fencing on frontage to approximately 1.2m height. Hedging to east on field boundary and 1.8m high fencing on western boundary. To north trees/shrubs.
SITE CHARACTERISTICS	Roundstone Farmshop on site frontage. Large tarmaced car park to east. Buildings are single storey with brick elevations and slate roof. Existing access on to A259. The buildings are former farm buildings which have been converted.
CHARACTER OF LOCALITY	Semi-rural. Fields to east and north.

RELEVANT SITE HISTORY

A/81/17/PL	Application for removal of condition No. 2 of previously approved planning application A/113/88 relating to retail sales restrictions	ApproveConditionally 20-07-17
------------	---	----------------------------------

REPRESENTATIONS

Angmering Parish Council - no objection.

- Welcomes the intention and has no comment to make regarding the proposal for the change of use of these premises as described.
- There is a decision notice online which states the application is not valid, clarification is required.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. A document was on the portal displaying a decision notice stating that the application was not valid. This was an error during validation and has since been removed from the system.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways- Does not consider that this proposal would have an unacceptable impact on highway safety.

Environmental Health - No objection subject to a condition to control fumes, odours from cooking.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The condition from Environmental Health is not necessary and is discussed in the report below.

POLICY CONTEXT

Outside built up area boundary

Gap between Settlement

DEVELOPMENT PLAN POLICIES**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 not result in adverse harm upon the appearance or character of the the area nor upon amenity, flood risk or parking.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain as it solely relates to a change of use.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area boundary as defined by ALP policy SD SP2 where development is restricted. The application seeks permission for the change of use of existing buildings. Development can be in accordance with ALP policy C SP1 if it refers to a specific use or type of development that is covered by another policy. In this case, the proposal complies with ALP policy D DM1 and D SP1. The principle of development is considered acceptable and as such will be assessed against relevant development plan policies.

CHANGE OF USE

The buildings were originally constructed as farm buildings and used in association with the adjoining farm. They were then converted for use as a farm shop and cafe which has recently ceased. The application seeks a flexible use of the buildings to revert back into agricultural use and to permit the use of Class E should this be required in the future.

The use of the buildings for agricultural purposes is acceptable due to the fact that this was their original purpose when they were first constructed. The site adjoins farmland and this use is appropriate in relation to the character of the area.

Class E is proposed to give the option for alternative uses should the buildings need for agriculture cease in the future. This would include the buildings being used for c) (iii) any other services which is appropriate to provide in a commercial, service and business locality, e) medical services and f) non-residential creche uses.

The Class E uses proposed would result in additional people coming to and from the site compared to its use for agriculture, however this would vary depending on whether it was a creche or medical/commercial service. The site was previously a farmshop and cafe and already attracted a number of daily visitors. There are a number of services such as a car show room and superstore along Littlehampton Road. Whilst the site is outside the built-up area boundary, the use of the site for a flexible use would not be out of character with the wider area.

Environmental Health have no objection but have requested a condition be included for a scheme for extraction and treatment of fumes and odours from cooking be submitted and approved. The intended use of the building is for agriculture, with the option for some class E uses. The building previously had a cafe which is likely to have already contained plant equipment and based on the uses that have been applied for, which are unlikely to include large scale cooking, this condition is not deemed relevant or appropriate to include.

The change of use for either agriculture or Class E would be acceptable.

GAP BETWEEN SETTLEMENT

ALP policy SD SP3 seeks to prevent development in the gaps unless it complies with certain criteria such as it would not undermine the physical and/or visual separation of settlements, nor compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development, it cannot be located elsewhere and it maintains the character of the undeveloped coast;

Whilst in the East Preston to Ferring and Angmering to Worthing gap, the proposal does not seek new development and intends only to the change of use of the existing buildings.

The site features existing buildings and no extensions or alterations are proposed. With no new built form, the integrity of the gap would remain as existing and it would not undermine the physical or visual separation. The buildings use would primarily be in association with the existing adjoining farmland and as they are already in situ could not reasonably be located elsewhere.

The proposal would not increase the built form on site and would not result in visual changes to the gap. The development complies with ALP policy SD SP3.

DESIGN AND VISUAL AMENITY

ALP policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

There are two buildings on site laid out as L shaped structures, of brick construction with hipped roofs. They are to the western side of the site, with a large car park to the east. No physical changes are sought to the buildings to enable the change of use either internally or externally and the appearance would remain as existing which are sympathetic to the wider area.

The buildings previous use was a farmshop and cafe and had daily visitors. If they were to be used for Class E purposes, the use would be largely similar in terms of coming and goings and with other business uses in the vicinity, it would not be out of character. If used for agriculture it would also be in keeping with its semi-rural location, with an adjoining farm.

With no changes to the buildings and the uses acceptable to the local area, the proposal would not result in adverse harm upon the character of the area in accordance with ALP policies D SP1 and D DM1.

RESIDENTIAL AMENITY

ALP policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The site seeks a flexible use to include agriculture and Class E. This includes a variety of uses such as medical services, creche or other commercial, business or service use.

Its use for Class E purposes is considered to have a limited impact upon amenity and would not result in a significant increase in noise or coming and goings when compared to its previous use as a farmshop and cafe, although this would vary depending on the use proposed. A creche may result in a larger number of coming and goings than a commercial unit however this would likely only be at limited times during the day such as at drop off and pick up. The number of users is still likely to be reduced when compared to its previous use as a cafe.

The nearest residential property is to the west at Roundstone Farm House which is located around 34m from the site. This does however fall within the same ownership. Noise and disturbance are not

considered to be adverse or exceed that which was generated from the previous use.

Due to the siting of the proposal and the uses proposed, it is not considered to result in adverse harm upon amenity in compliance with ALP policy D DM1 and D SP1.

PARKING/HIGHWAYS

ALP policy T SP1 seeks provides safe access on to the highway network, contributes to highway improvements and promotes sustainable transport.

As no specific use within Class E has been proposed, it is difficult to estimate the parking demand. Arun Parking Standards typically require 1 space per 30sqm for professional/financial services. There are no specific figures for the use of the site as a creche nor for agricultural use and demand should be assessed on a site-specific basis.

The site is accessed from Littlehampton Road and has an existing gravelled car park which will serve the buildings. The car park has 76 spaces which is sufficient to accommodate any of the uses which are sought.

WSCC Highways have no objection. They do not consider that the use of the site for agricultural or E class uses would result in a material intensification in use of the access over the potential of the existing use of the site. There is sufficient visibility and space on site for vehicles to turn on site and exit onto the public highway in a forward gear.

The proposal would not result in adverse harm upon the highway and provides a sufficient level of parking on site in compliance with ALP policy T SP1.

FLOOD RISK

ALP policy W DM2 relates to flood risk.

The site does not fall within a flood risk area however does have surface water flood risk covering most of the site.

A development is exempt from a sequential test if the proposal is for a change of use which this application is. The site seeks a change of use and does not increase the footprint of the building through built form, nor does it seek any alterations or additional hard standing to the site or the parking area.

As a result, the proposal would not result in an increase to flood risk at the area in compliance with ALP policy W DM2.

SUMMARY

The development would bring back into use a redundant building and would not result in harm upon the appearance of the area, amenity nor parking. The proposed development complies with relevant development plan policies and as such is recommended for approval subject to 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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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:

- Location Plan
- Site Layout, Parking and Visibility 2026/07
- Existing and Proposed Elevations and Sections - 2026/01
- Existing and Proposed Elevations - 2026/05
- Existing and Proposed Elevations and Sections - 2026/04
- Existing and Proposed Floor Plan - 2026/02
- Existing and Proposed Floor Plan - 2026/03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 3 The buildings shall not be brought into first use until the associated car park as shown on 'Site Layout, Parking and Visibility 2026/07' is open and available for use by the buildings. The car parking shall remain available for use whilst the permitted use is in operation.

Reasons: To ensure there is sufficient parking to accommodate the use proposed in compliance with Arun Local Plan policy T SP1.

- 4 Notwithstanding the provisions of any Town and Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to agricultural use, Class E c) (iii) any other services which is appropriate to provide in a commercial, service and business locality, e) medical services and f) non residential creche uses and no other uses.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.