

BN/4/07**PLANNING APPLICATIONS REPORT**

DESCRIPTION/ ADDRESS	- Change of use land from agricultural to residential. Departure from the Development Plan. Meadow View, Highground Lane, Barnham.
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposed change of use of approximately 737 square metres of agricultural land to extend residential curtilage.
SITE AREA	0.979 hectares approximately.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by this application.
BOUNDARY TREATMENT	The rear boundary treatment consists of a mixture of 1.8m high close boarded fencing which contains the rear garden of the adjacent property The Cottage, the south west and north east boundaries are tree lined though relatively open and the railway runs along the north west boundary.
SITE CHARACTERISTICS	Chalet style detached property with smooth cream render and red brick dressing, hipped roof with red tiles and double detached garage.
CHARACTER OF LOCALITY	Rural location, on a residential road consisting of a mixed style of development.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
BN/4/00/CLE	Application for a Certificate of Lawfulness for an existing use – residential bungalow with separate toilet and bathroom.	Approve 07-07-2000
BN/38/00	Replacement bungalow with garage.	Approved conditionally 03-04-2001
BN/28/05	Shed (departure from the structure plan).	Refused 21-11-2005
BN/54/06	Construction of rear extension to property.	Refused 07-01-2006

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Barnham Parish Council	Objection – proposal would re-classify the land from greenfield to brownfield land, which could then be subject to a subsequent application to erect dwellings. Council regards this as an unacceptable precedent, and recommends that the applicant consider other options for stabling which do not involve a change of use of land.

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
LOCAL GROUPS	None
OTHER	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
None	

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC2, DEV1
 Arun District Local Plan : GEN2, GEN3, GEN7, DEV19

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
 PPS7 - Sustainable Development in Rural Areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

COMMENT ON CONSULTATION RESPONSES

None

COMMENT ON REPRESENTATIONS RECEIVED

Noted. Concern raised over possibility of subsequent application to erect dwellings however the site is located outside the built up area boundary as defined within the Arun District Local Plan and as such there is a presumption against residential development particularly as the site is not near to a local service centre or public transport links. Please note the application is not for stabling it is just for the proposed change of use of land from agricultural to residential use, stables are proposed within the rear portion of the site, to the rear of 'The Cottage'.

ASSESSMENT OF PROPOSAL**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 conflict with relevant Development Plan policies in that it would involve residential development encroaching outside the defined residential curtilage on a site

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ASSESSMENT OF PROPOSAL**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

which lies outside the built up area boundary, onto grade 3 agricultural land. Development Plan policy GEN3 seeks to safeguard the countryside for its own sake and it is not considered that this application adequately justifies in planning terms for further encroachment on the countryside.

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

The site is situated outside the built up area boundary within a predominantly rural location. The site has an extensive planning history one which has evolved around agriculture and specifically Orchard Cottage Nursery.

Meadow View was secured through a Certificate of Lawfulness (BN/4/00/CLE) on the nursery site where a residential property would not be acceptable and the domestic curtilage for the site was drawn close to the rear of the dwelling to prevent further encroachment on the surrounding agricultural land. From our records the domestic curtilage appears to be drawn at a maximum of 3.35m to the rear of the existing property.

The proposal seeks permission for an extension to the domestic curtilage of the property by approximately 22m in length and 33.5m in width, to bring the residential curtilage in line with the neighbouring properties curtilage at 'The Cottage'. 'The Cottage' is a very similar style and scale bungalow which was built for a nursery worker at Orchard Cottage Nursery approved under BN/15/90, and an agricultural occupancy restriction was placed on the approval, which was later removed under BN/3/98.

The design statement which accompanies the application states that applicant is proposing to use the rear portion of the site for the stabling of horses and because the rear garden is small there is concern raised over possible odours emanating from the stables into the rear windows of the property. The statement goes on to say that the curtilage has been drawn 'rather arbitrarily' on the plan and that it should follow the natural established line of the rear gardens.

It is unclear how this statement supports the extension of the domestic curtilage within the countryside location. The site extends approximately 138m beyond the existing residential curtilage and is 63m in width, the extension of the residential curtilage is considered unlikely to aid the reduction of smells emanating from the proposed stabling; a more effective means would be to site the stabling further away from the dwelling within the rear portion of the site.

The statement goes on to say that the curtilage was drawn arbitrarily on the plan and that it should follow the 'natural' established line of the rear gardens. The curtilage was approved under the Certificate of Lawfulness BN/4/00/CLE which encompassed the structure which formed the main part of the living accommodation (e.g. sleeping accommodation) and a separate bathroom and toilet and an area of garden associated with the residential use. A plan submitted with the subsequent planning application for the replacement dwelling BN/38/00 detailed the same curtilage for the site. The existing development is some what randomly sited with no defined building line or established rear garden line. 'The Cottage' was approved via a planning application hence the larger curtilage.

The site is situated outside the defined Built-Up Area. The Government's overall aim is to protect the countryside for the sake of its 'intrinsic character and beauty' and Local Plan policy GEN3 states that, 'the countryside will be safeguarded for its own sake'. Proposals for development (which includes changes of use) under such land designation will only be permitted if the proposal can demonstrate

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CONCLUSIONS

that it is necessary to meet the needs of, or is consistent with, the established policies for the protection of the countryside.

In this instance, no material considerations exist which would warrant a departure being made from the provision of the development plan, which would seek to protect the countryside.

It is therefore recommended that the application is refused for the following reasons.

BARNHAM

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Change of use of land from agricultural
to residential.
Departure from the Development Plan

Meadow View
Highground Lane
Barnham

RECOMMENDATION

Refuse

- 1 The site lies in a rural area and the proposal, which comprises an undesirable extension of residential development, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted. The proposal is therefore contrary to policies LOC2, CH1 and DEV1 of the West Sussex Structure Plan and GEN3 and GEN7 of the Arun District Local Plan.

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NOTES:

Dimensions to be checked on site before commencing work. Any discrepancies shall be reported to the architect immediately.

Do not scale from these drawings except for planning purposes. Use figured dimensions only.

Where applicable this drawing is to be read in conjunction with other consultants' drawings.

All drawings to be read in conjunction with specification and all other drawings including structural, engineer and mechanical and electrical drawings / specification



ARUN DISTRICT COUNCIL		No	BN	4	07
RECEIVED	18/11/07				

REV	DATE	AMENDMENT	DRAWN

helyerdesign [ltd]
architecture . design . graphics

2 Queen Street, Emsworth, PO10 7BL

CLIENT
Mr John Milburn

PROJECT
Meadow View, Barnham

DRAWING
General Arrangement

SCALE
as noted

DATE December 2006	DRAWN THGD
DRAWING NUMBER 06067/202	REVISION

Site Plan @ 1:1250

Site Plan @ 1:500

DOTTED AREA DENOTES
PROPOSED CHANGE
OF USE

Meadow View

The Cottage

Highpiece

Highground Orchards

Orchard House

Orchard End

Meadow View