



Planning Statement

Retrospective application for continuance of use without compliance with Condition No 2 imposed under BN/67/06 for the replacement of former agricultural buildings with four holiday cottages at Highground Orchards, Highground Lane, Barnham

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December 2014**

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1. Introduction

1.1 This Planning Statement is prepared in support of a retrospective application made under Section 73A, subsection 2C of the Town and Country Planning Act 1990 for the replacement of former agricultural buildings with four holiday cottages without compliance with Condition 2 of the 2006 planning permission (reference BN/67/06).

1.2 Condition 2 states:

“The proposed buildings shall be used as holiday accommodation only and for no other purpose.

Reason: In the interests of amenity in accordance with policies DEV1 of West Sussex Structure Plan and policy GEN7 of Arun District Local Plan.”

1.3 The application is accompanied by the following documents:

- Site Location Plan
- Block Plan
- Planning Statement
- Documents submitted with the original application including site and location plans, and floor plans and elevations

Site Description

2. Site Description

- 2.1 The Highground Orchard site is approximately 3 hectares in size and comprises the owner's house (Highground Orchards); four holiday cottages; an office building; associated landscaped access and parking areas; a tractor store; a large grassed paddock (the former orchard); and the remnants of large hard surface areas and an internal access road which formerly served the now demolished glasshouses and packing house of the former fruit farm. An application for Prior Approval to change the use of the office to residential has been submitted to Arun District Council alongside this application.
- 2.2 The site is located approximately 1km by road /footpath to the south west of Barnham Village Centre and some 300 metres north west of the Barnham Church Lane Conservation Area.
- 2.3 The owner's house fronts Highground Lane to the south east of the site, with the four holiday cottages located a short distance to the north of the house. The office building is located to the north west of the owner's house.
- 2.4 Access to the cottages is via a concrete track running adjacently to the eastern boundary of the site which leads from Highground Lane. The track is also used to access three other residential properties which abut the applicant's boundary.
- 2.5 The four holiday cottages are 1.5 storeys and constructed to a high standard with traditional brick and flint elevations and discreet dormer windows tiled to match the existing roof slope. Each cottage provides two-bed accommodation together with two bathrooms, kitchen and living space and a conservatory to the rear.
- 2.6 The cottages are well screened from the neighbouring properties to the east by a 3 metres high leylandii hedge.

Planning History

3. Planning History

- 3.1 There is an extensive planning history at Highground Orchards and the surrounding area, the most relevant of which are outlined below.

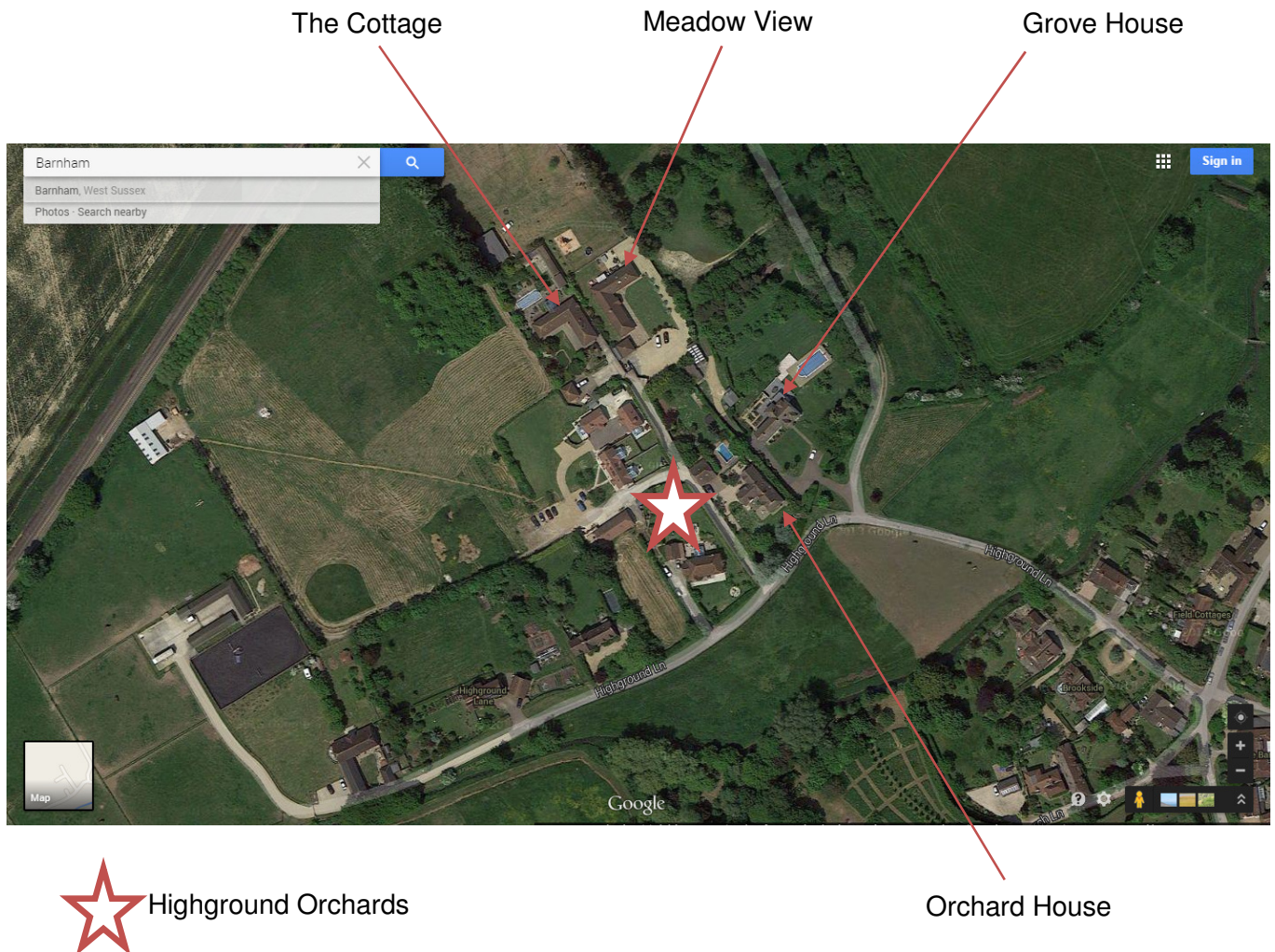
Highground Orchard

- 3.2 2006 – BN/22/06: Replacement of former agricultural buildings with four holiday cottages and associated office. An appeal was made against the non-determination of this application. Planning Committee resolved that it would have approved the application with conditions had it come before them.
- 3.3 2006 – BN/67/06: This was an identical application to BN/67/06 and was made after the Planning Committee resolution (as noted above). The application was subsequently approved.
- 3.4 2012 – BN/21/12: Extension to existing office building. Approved.
- 3.5 2012 – BN/22/12: Replacement of Velux window with dormer windows in 4 holiday lets. Approved.
- 3.6 2012 – BN/23/12: Erection of tractor store and 2 No loose boxes. These are located to the north west of the paddock adjacent to the railway line. Approved.

Nearby Properties as marked on the below map

- 3.7 1998 – Orchard House – BN/3/98: Removal of agricultural occupancy condition. Approved.
- 3.8 2000 – Meadow View – BN/4/00/CLE: Application for certificate of lawfulness for an existing use as residential bungalow with separate toilet and bathroom. Approved.
- 3.9 2000 – The Cottage – BN/11/00: Continuance of use without compliance with Condition No 3 imposed under BN/15/90 relating to agricultural occupancy condition. Approved.
- 3.10 There have also been other applications approved to extend and improve surrounding residential properties including a large extension to Meadow View in 2007 (BN/12/07), the approval of a Certificate of Lawful Use of a large portion of former agricultural land to the

rear of the house as a garden in 2014 (BN/14/14/CLE), also at Meadow View, and a large new garage and games room at Grove House in 2013 (BN/6/13).



 Highground Orchards

Orchard House

4. Planning Policy Context

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 When Planning Permission was granted in 2006 the local development plan was formed by the 2003 Arun District Local Plan and the West Sussex Structure Plan. National Planning Policy was set out in a series of Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) documents.
- 4.3 The officer's report for Planning Application BN/67/06 states that Policies DEV1, DEV2, NE8, LOC1 and LOC2 of the West Sussex Structure Plan and Policies DEV1, GEN3 and GEN7 of the 2003 Local Plan were of relevance in the determination of the application. PPS1, PPS7 and PPG21 were also relied upon.
- 4.4 Structure Plan Policy DEV1 required high quality development whilst DEV2 allowed mix-use development where it made the best use of land. NE8 sought to protect the character and environment of rural areas. LOC1 prioritised development within towns and villages, particularly through the reuse of previously developed land, whilst LOC2 required development in the countryside to demonstrate it required a countryside location.
- 4.5 Arun Local Plan Policy DEV1 permits the conversion of rural buildings for business use dependent on several criteria. Policy GEN3 seeks to protect the countryside from inappropriate development. Policy GEN7 requires new development to be of a high quality design and layout, particularly through: the efficient use of land and buildings; design that responds positively to the development's surroundings; sustainable development; no unacceptable adverse impact on adjoining occupiers; and the retention of significant open or wooded areas which, in their own right, make a contribution to the local environment.

Current Policy Framework

- 4.6 Whilst the 2003 Local Plan remains the development plan for the district, the wider planning landscape has changed considerably since 2006. Regional planning, previously contained in the West Sussex Structure Plan and the South East Plan, no longer exists in the planning system whilst national planning policy and guidance are now consolidated and contained in

the National Planning Policy Framework and the National Planning Policy Guidance. Neighbourhood Planning has also been introduced by The Localism Act in 2011.

Neighbourhood Plan

- 4.7 The Barnham and Eastergate Neighbourhood Plan was approved following referendum on 2nd July 2014 and therefore its policies carry weight during the determination of planning applications.
- 4.8 Policy ES5 requires development to be designed in response to the specific character of the site and its local surroundings, whilst ES6 states that development should contribute to local character and notes there has been much incremental development in the villages resulting in varying design styles.
- 4.9 Policy H2 seeks to grant permission for small residential windfall sites subject to the other policies of the plan being met. Policy H5 requires housing development to include good quality outdoor amenity space through either private gardens or shared amenity areas

Emerging Plan

- 4.10 The Regulation 19 consultation of the Arun Local Plan 2011 – 2031 has recently finished and the document is timetabled for submission to the Secretary of State for examination in early 2015. Although some limited weight can be given to emerging policies, this depends on the extent of unresolved objections to policies and their consistency with the National Planning Policy Framework.
- 4.11 Policy SDSP1 outlines the council's commitment to reflect the presumption in favour of sustainable development as contained in the NPPF. Policy CSP1 states development in the countryside will not be permitted unless it meets one of several criteria, including whether it is in accordance with other policies in the plan which refer to a specific use or type of development. Policy HSP3 covers rural housing and exception sites, HDM1 seeks a mix of housing types and sizes, DDM1 requires a high standard of design in new development, DDM2 sets internal space standards and DDM3 covers external space standards.

National Planning Policy Framework

- 4.12 National planning policy is now contained in the National Planning Policy Framework (NPPF) which was published on 27th March 2012. It replaced the majority of the PPS and PPG documents and is a material consideration in the determination of planning applications. In the absence of an up-to-date local plan, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

4.13 A presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 14 states that for decision making, this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

4.14 Paragraph 49 states that Housing applications should be considered in the context of the presumption in favour of 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. Paragraph 55 states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside are not supported unless under certain circumstances.

4.15 Paragraph 187 states that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

4.16 In regards the use of conditions, paragraph 206 sets out when planning conditions can be imposed. This should only be when they are 1) Necessary, 2) Relevant to Planning, 3) Relevant to the development to be permitted, 4) Enforceable, 5) Precise, and 6) Reasonable in all other respects.

NPPG

4.17 The NPPG confirms that any condition that fails to meet any of the six tests should not be used and that every condition must always be justified by the local planning authority on its own planning merits on a case by case basis. Clear and precise reasons must be given by the local planning authority for the imposition of every condition.

2003 Arun Local Plan

4.18 The saved policies of the 2003 Arun Local Plan still form the development plan for the district and therefore those policies applied in the 2006 permission are still relevant. The plan, however, predates the 2004 Compulsory Purchase Order and the National Planning Policy Framework and is therefore considered out of date. The emerging plan carries only

limited weight and therefore planning decisions should be made in accordance with the NPPF.

5. Discussion

- 5.1 Planning Permission BN/67/06 was granted by planning committee in 2006. Condition 2 states:

“The proposed buildings shall be used as holiday accommodation only and for no other purpose.

Reason: In the interests of amenity in accordance with policies DEV1 of West Sussex Structure Plan and policy GEN7 of Arun District Local Plan.”

The above condition should be removed for two reasons:

- The condition should not have been imposed on the original planning permission; and
- The cottages have been used by a number of people in various ways since planning permission was granted, including by those who were not on holiday, with no detrimental impact on amenity.

Original permission

- 5.2 The applicants purchased Highground Orchards in 1991 as a working fruit farm and purchased the adjoining horticultural nursery and associated buildings in 1997. The business peaked in 2000, however, changing market circumstances eventually resulted in the closure of the business in 2003.
- 5.3 The application under BN/22/06, and subsequently BN/67/06, was made to make best use of the former horticultural land and buildings at the site in the most sympathetic way possible to not have an adverse impact on the amenities of neighbouring residential properties or the surrounding area.
- 5.4 During the time the applicants have owned Highground Orchard, three neighbouring houses have had occupancy conditions removed. An agricultural occupancy condition was removed from Orchard House in 1998, a certificate of lawful use was granted in 2000 for use of Meadow View for use as a residential dwelling, and planning permission was granted in 2000 for the continued use of The Cottage without compliance with an agricultural occupancy condition.

- 5.5 Self-catering holiday accommodation falls within the C3 use class. The site is located outside the defined settlement boundary for Barnham but, whilst in a countryside location by definition, the site is surrounded on 3 sides by other residential dwellings with more housing along Highground Lane to the west and within the Church Lane Conservation Area to the south east. None of these properties are now restricted by occupancy conditions.
- 5.6 The principle of the construction of a further four cottages at the site and outside the development boundary was not considered in either report for applications BN/22/06 or BN/67/06. The reason given for the imposition of the condition was “*In the interests of amenity in accordance with policies DEV1 of West Sussex Structure Plan and policy GEN7 of Arun District Local Plan.*” Demonstrably, therefore, the principle of C3 cottages at this location was not considered an issue.
- 5.7 The four holiday cottages replaced former horticultural buildings that were no longer needed. They cover approximately the same floorspace and are more visually pleasing in appearance than the buildings they replaced. The cottages are designed with an inward looking layout, are well screened by trees, hedges and associated outbuildings of neighbouring properties and their use does not have an adverse impact on the shared access. Furthermore, the officer’s report for permission BN/67/06 clearly states that “The proposal is considered to comply with relevant development plan policies in that there would be no materially adverse effect on visual or residential amenity on the rural character of the area.”
- 5.8 Condition 2 was not necessary in order to protect amenity and therefore fails to meet all the six tests as outlined in the NPPF and NPPG.

Use of cottages

- 5.9 Although the cottages have been used for holiday lettings as originally intended, they have also been occupied by a number of different people who were not on holiday.
- 5.10 There has been no detrimental impact on amenity resulting from the use of the cottages for either holiday or non-holiday use. Condition 2 is therefore considered unreasonably restrictive and not in accord with the NPPF and NPPG.

Summary

6. Summary

- 6.1 Condition 2 of planning permission BN/67/06 restricts the use of the cottages to holiday accommodation only in the interests of amenity, in accordance with Policy GEN 7 of the Arun District Local Plan 2003.
- 6.2 The application site is located outside the settlement boundary but within an area characterised by residential properties. Within the space of three years (1998-2000), the three neighbouring properties to the east of Highground Orchard have had occupational restrictions lifted.
- 6.3 The erection of three holiday cottages in C3 use was not a consideration at the time of the granting of permission.
- 6.4 The four holiday cottages do not have an impact on residential amenity on account of their orientation, screening and distance from neighbouring properties. Furthermore, they have been used by various people who were not on holiday with no detrimental impact on amenity.
- 6.5 The condition is unnecessary and unreasonable and therefore conflicts with the six tests for imposing conditions set out in the NFFP and NPPG. The council is therefore respectfully asked to grant permission for the continued use of the cottages without the imposition of condition 2.