

Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition**REF NO:** BN/23/17/L**LOCATION:** The Windmill at Barnham
Yapton Road
Yapton**PROPOSAL:** Application for listed building consent for a mezzanine.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	103 m2.
SITE CHARACTERISTICS	Three storey windmill parking and attached houses to ground floor.
CHARACTER OF LOCALITY	Residential and commercial grouping of development, semi-rural location.

RELEVANT SITE HISTORY

BN/23/90/L	Application for Listed Building Consent for Rehabilitation of Corn Mill to working order together with adjacent outbuildings to form small museum, Tea Rooms, Toilet facilities and a car park.	ApproveConditionally 30-01-1991
BN/11/07/L	Application for Listed Building Consent for conversion of Mill to form four separate dwellings together with revised entrance layout, garaging, associated parking and garage for existing dwelling on site. (Re-submission following application BN/44/07/L)	ApproveConditionally 09-03-2009

Relevant listed building works granted consent previously.

REPRESENTATIONS**Representations received:**

Barnham Parish Council

No objection to the application. It should also be noted that the property is owned by Parish Councillor Stewart Pritchard who declared a personal interest and was not part of the email exchange discussion.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

Conservation and Design Officer

The Mill is a Grade II listed building of the early 19th century.

The importance of sustaining and enhancing the significance of heritage assets, while keeping them in viable and appropriate uses, is emphasised throughout Section 12 of the NPPF and para. 132 requires great weight to be given to their conservation.

The mezzanine is in effect a fitting, as it is an independently structured element which has no impact on historic fabric and can be entirely removed.

The proposal facilitates sustainable use without harming the significance of the designated heritage asset and there is no objection in terms of Policy HER DM1.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Grade II listed building.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Barnham & Eastergate Neighbourhood Plan 2014](#)
[POLICY ES7](#)

HER DM1 Listed Buildings

HER SP1 The Historic Environment

Development affecting heritage assets

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may

also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

NDP Policy ES7 is relevant to this proposal and it is considered to be complied with.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

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 development is considered to have a limited impact on the character and appearance of the listed building and its setting. It is an internal feature and more of a 'fitting' rather than a full alteration to the building so will have a limited impact on the structure of the building.

As such it is considered that the application is recommended for conditional consent.

HUMAN RIGHTS ACT

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 works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The works hereby approved shall be carried out in accordance with the following

approved plans:

Buy A plan
Buy A plan M
28975/Sk1
28975/Sk2
Drawing no 1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with National Planning Policy Framework.

- 3 INFORMATIVE: This consent does not purport or be deemed to grant consent for any buildings or structure within the curtilage of the Listed Building for which a separate application for planning permission is required under the provisions of the Town and Country Planning Act 1990 (as amended).