

Recommendation Report for Planning Permission

REF NO: BN/5/20/PL

LOCATION: Land north of Sunnyside Cottages
Yapton Road
Barnham
PO22 0AZ

PROPOSAL: Removal of existing buildings and erection of three new build dwellings.
(Alternatives to BN/7/18/PL and BN/48/18/PL). This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to remove the existing horticultural building (greenhouse) and small storage building and replace them with three single storey pitched roof dwellings along with associated works including landscaping, parking and turning and a small garden building for one plot. Plot 1 would comprise of two bedroom dwelling, plot 2 two bedroom dwelling with outbuilding (studio/office; 6 x5m) and plot 3 four bedroom dwelling with 4 parking spaces and cycle and bin storage. The two bedr dwellings would have 2 parking spaces and cycle and bin storages as well. Access is from the most westerly of the two accesses from the main road which serves the nursery and caravan storage uses surrounding the site which currently uses a one way system. The buildings will be constructed of timber frame and clad with a mix of timber, brick and render. The roofs will be metal profile sheets, doors and windows will be aluminium.
SITE AREA	0.54 ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	5.5 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The site is bordered to the west by a part 1.8m high fence and a 4m high mature hedge. To the north is a metal fence with an access track beyond and a 2m high manicured hedge to the caravan park.
SITE CHARACTERISTICS	Open parcel of land containing a large greenhouse (the subject of change of use; prior approval application), previously used for horticulture and a separate area to the east currently used for storage of motorhomes which contains

a curved roof storage building (the subject of the conversion application).

CHARACTER OF LOCALITY

Semi-rural character being set back from the main road and bordering a caravan park and a small horticultural nursery site. The closest residential property, the Flint Barn is a former barn conversion.

RELEVANT SITE HISTORY

BN/7/18/PL	Erection of 1 No. dwelling & garage (resubmission following BN/61/16/PL). This application is a Departure from the Development Plan.	Approve Conditionally 18-06-18
BN/48/18/PL	Removal of existing building and erection of two new dwellings. This application is a Departure from the Development Plan.	Approve Conditionally 13-03-19
BN/22/18/PD	Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building to 2 No. Dwellinghouses (Class C3) and associated works	No Object'n + Conds 28-09-18
BN/13/17/PL	3 No. dwellings & retention of small B8 storage area. This application is a Departure from the Development Plan.	Refused 08-06-17 Appeal: Dismissed 18-10-17
BN/22/16/CLE	Lawful development certificate for use as existing storage (B8 Storage or Distribution) & use of adjacent land as additional campsite (sui generis)	Approve 07-02-17

BN/22/18/PD Land North of Sunnyside Cottages Yapton Road; Notification for Prior Approval under Class Q for a Proposed Change of Use of Agricultural Building to 2 No. Dwellinghouses (Class C3) and associated work.

BN/7/18/PL Land to the north of The Flint Barn Yapton Road; Erection of 1 No. dwelling & garage (resubmission following BN/61/16/PL) for a single storey pitched roof one bedroom dwelling measuring 4.7m (W) by 14.6m (L) with a total height of 4.4m (2.2m to the eaves).

BN/13/17/PL Land to the north of Sunnyside Barn Yapton Road; 3 No. dwellings & retention of small B8 storage area. The development by reason of its unsustainable location in the countryside, outside a defined built up area boundary; refused, appeal dismissed.

BN/61/16/PL Land to the North of the Flint Barn Yapton Road; Removal of existing storage building &

erection of a single dwelling Approved (fall back position)

BN/22/16/CLE Sunnyside Nurseries Yapton Road; Lawful development certificate for use as existing storage ((B8 Storage or Distribution) & use of adjacent land as additional campsite (sui generis).

The Prior Approval for the conversion of a storage building to a dwelling expired in April 2018. However planning permission for a new dwelling BN/61/16/PL of almost exactly the same size and in the same approximate location is still extant and therefore could be implemented even if this planning application were refused. This represents an important 'fall-back' position.

BN/33/15/PD Land to the rear of The Flint Barn; Prior approval for change of use from storage (Class B8) to dwellinghouse (C3); Prior Approval was granted in October 2015 for the conversion of an existing storage building into a 1 bedroom dwelling.

BN/38/14/CLE Land to the rear of The Flint Barn Yapton Road; Application for certificate of lawfulness for an existing use as residential garden ground.

BN/3/14/CLE Land to the rear of The Flint Barn; Application for a Lawful Development Certificate for existing use for the storage of caravans and undercover and open-air ground storage.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: No objection, subject to conditions.

DRAINAGE ENGINEERS: Remove my request for PCENG D2 to be applied. Request for PCENG D3 still stands. Ensure that the Surface Water Drainage is constructed in accordance with the plans contained in Flint Barn_Drainage_Supplementary Report_FINAL Rev 02 (1)

ECOLOGY ADVISER: No objection, subject to conditions.

SOUTHERN WATER: No objection subject to standard informative.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary;
 Flood Zone 1 (low risk);
 Class C Road;
 Special Control of Adverts;
 No Public Sewer; and
 Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014	Connection to sustainable transport

POLICY GA1

Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development
POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014 Windfall sites
POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014 Integration of new housing into surroundings
POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail
POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing
POLICY H7

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3 Parking Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered in the report.

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 the relevant policies within the Arun Local Plan in that the site lies outside the built up area boundary where new residential development is not appropriate. However, the proposal does not conflict with the Barnham and Eastergate Neighbourhood Plan which does not have a built up area boundary policy and which allows residential infill & redevelopment schemes across the Parishes.

OTHER MATERIAL CONSIDERATIONS

The presence of the Prior Approval (BN/33/15/PD) for conversion of a storage building in the north-

eastern corner of the proposal site to a dwelling and planning approval BN/61/16/PL for a dwelling of the same size in approximately the same position and later planning approval BN/7/18/PL for a marginally larger dwelling and garage together with the Prior Approval BN/22/18/PD for a change of use of Agricultural Building (Greenhouse) to 2No.Dwellinghouses (Class C3) followed by BN/48/18/PL for removal of existing building and erection of two dwellings are important material considerations in the determination of this application and the planning permission represents an approved 'fall-back' position. This is elaborated on further in the Conclusions section.

CONCLUSIONS

PRINCIPLE:

The site is in the countryside outside of the built-up boundary. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced. The objectives of the Policy are broadly consistent with the policies relating to the countryside in the National Planning Policy Framework.

Policy H SP1 of the Arun Local Plan strategic establishes strategic housing, parish and town allocations. This policy states that there will be a site specific allocation of at least 2000 homes on land between Barnham, Eastergate and Westergate.

Policy SD SP1 of the Arun Local Plan stresses that when considering development proposal the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria. The proposal does not meet any of the stated criteria and therefore would be unacceptable in principle.

It is necessary to consider the policies of the Barnham & Eastergate Neighbourhood Development Plan (BENDP) which allocates land elsewhere within the area for 60 houses. The BENDP does not set a built up area boundary as mentioned above and policy H2 allows for the development of small residential developments on infill and redevelopment sites within the parishes. This policy does not state that such sites need to be within the built up area boundary.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the conflict between policy H2 of the BENDP and policy C SP1 of the ALP would be resolved in favour of the ALP.

Para 170(b) of NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The NPPF is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. Para 11 of the NPPF confirms the presumption in favour of sustainable development and advocates in section d) that where there are no

relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) 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.

The Council can demonstrate a 2.9 year supply of housing land and therefore, relevant policies for the supply of housing should not be considered up to date.

At paragraph 12, it is clear that: "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Policy SD SP1 of the Arun Local Plan stresses that when considering development proposal the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour. The Framework in para 8 identifies three dimensions to sustainable development - economic, social and environmental and advocates that gains in each dimension should be sought jointly and simultaneously to achieve sustainable development.

The site is outside the settlement of Barnham. The nearest pub is the Murrell Arms, a walking distance of 590m. The nearest shops are the Barnham Trading post (850m) or Tesco Express (890m). Barnham railway station is opposite Tesco and there are additional shops and services in the vicinity of these. All of these distances are considered to be acceptable walking or cycling distances.

The access is via a private road that serves the nursery and caravan storage uses in the vicinity of the application site. There are no designated Cycle lanes along Yapton Road. The nearest bus stops are on the B2233 Yapton Road - either in a westerly direction at a walking distance of 450m, or in an easterly direction at a walking distance of 380m. The bus service, the 66A and 66C (Bognor Regis - Barnham - Yapton - Walberton - Bognor Regis) only runs between 8am and 6pm and is relatively infrequent.

Although it is possible to walk, cycle or walk to catch a bus from the site to nearby shops & facilities, in reality it is not considered that these options would be attractive compared to the private car. Whilst there are other houses in the vicinity of the site, it is considered that the proposal would result in a new dwelling in a relatively isolated location.

However, inspector in his report (Appeal Decision APP/C3810/W/17/3178447) stated: 'More recently, the Council has granted planning permission for 38 dwellings on a site which will have an access on Yapton Road just 25m to the west of the appeal site. Furthermore, the emerging Arun Local Plan 2011-2031: Publication Version (ELP) is intending to allocate land at Barnham/Eastergate/Westergate for a development of at least 2,000 homes. Although no other details of the likely extent of this potential development were provided, it therefore appears that the Council considers this area to be one which is capable of accommodating additional homes in the future and where new facilities are likely to be provided.'

I therefore conclude that the site's accessibility to local services and facilities is not a reason for

withholding planning permission, even though it is outside defined settlement boundaries. Whilst the scheme would conflict with saved Policies GEN2 and GEN3 of the ADLP, this matter carries limited weight in view of the lack of housing land supply.'

The development would support the local community by providing three new dwellings to help meet future needs. This factor weighs in the scheme's favour.

It is considered that the proposal will (1) lead to a small increase in Council Tax receipts; (2) lead to a small increase in New Homes Bonus payments; and (3) create a limited number of jobs during construction. All of these would provide a small benefit to the local economy. These economic factors weigh in the scheme's favour.

The proposal provides three new homes which would contribute, albeit in a minor way, to housing needs and would result in limited economic benefits. These economic factors weigh in the scheme's favour.

THE FALL-BACK POSITION:

The proposal would be in conflict with the development plan in respect of new residential development within the countryside. However the permitted fall-back position in respect of the approvals given under BN/33/15/PD and BN/22/18/PD are an important material consideration which allows for a decision to be made which is not in accordance with the development plan.

The Prior Approval BN/33/15/PD for the conversion of a storage building followed by planning permission for 1 dwelling in the north-eastern corner of the site and later the Prior Approval BN/22/18/PD allowed the conversion of the glasshouse building to two semi-detached dwellings followed by the planning permission for 2 new dwellings as a replacement of an existing greenhouse. The design and the footprint of the proposed dwellings are not materially different to the footprint of the approved converted buildings. The only real difference between the approved and proposed schemes are the extent of gardens and hard-standings and external material used.

BN/22/18 expires in September 2021 and could be implemented even if this application were refused. This represents an important 'fall-back' position.

In a case at Garden Cottage Farm, Shillinglee Park Road, Chiddingfold GU8 4TA the application involved a proposal to replace three agricultural barns with a single dwelling. The three barns had previously been granted prior approval for change of use under class Q of the GPDO to three dwellings and as such the proposal was assessed on the basis of a fall back position being established. This application was submitted to Waverley Borough Council under application WA/2015/1193 and was refused. The application was granted permission at appeal under reference APP/R3650/W/15/3133244. The inspector stated in paragraphs 9 & 10 of the decision that:

"Notwithstanding my findings above, there is an extant planning permission for 3 dwellings on the site in the same location as the appeal proposal and this carries significant weight in my determination. If the appeal proposal succeeds and the permission is implemented, the fallback position could not be implemented and the appeal proposal would result in one dwelling in an unacceptable location as against a fallback position whereby three dwellings could be built. There is nothing before me to suggest that the fallback position would not be implemented if this appeal fails. Therefore, whilst the site is within an unacceptable location, given the existence of a realistic fallback position, I conclude that it would not be appropriate to withhold planning permission for the appeal proposal on the basis of its location"

Furthermore, Arun DC has previously taken a similar approach with respect to a site to the immediate north east of this one (application BN/61/16/PL). The officer report stated that:

"The site benefits from an existing Prior Approval (BN/33/15/PD) which allows for the conversion of a storage building to a dwelling. This permission expires in April 2018 and therefore could be implemented even if this planning application were refused. This represents an important 'fallback' position."

And that:

"The result of the 'fall-back' position is that the principle of residential development on the site has already been established and that there would be no net gain in the number of dwellings on the site between the approved and proposed schemes. It is therefore, only necessary to consider the impacts associated with the additional size of the dwelling"

SUMMARY ON MATTERS OF PRINCIPLE:

Whilst it is clear that the proposal conflicts with the policies of the most up-to-date part of the development plan (Arun Local Plan), it is considered that there is no increase in the number of proposed dwellings compared to the approved and that therefore, there is a viable fall back position to consider. The result of this is the same as BN/7/18/PL and BN/48/18/PL therefore the principle of residential development on the site has already been established.

DESIGN & VISUAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including Character, Appearance/attractiveness, Density and Scale.

Policy D SP1 "Design" states that: "All development proposals should seek to 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. Development proposals should have been derived from: a thorough site analysis and context appraisal."

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

The dwellings will have a marginally greater footprint than the approved scheme but this is not significant. The height and design of the buildings are similar to the permitted schemes. The design of the buildings of the L-shape reflects that of the original glasshouse building they would have overhang gabled roofs covered with corrugated metal sheeting. External walls will be covered by a balanced combination of a grey coloured brickwork, 'Pure White' K-Rend render, untreated horizontal larch timber cladding and black painted vertical timber cladding. The fenestration would be of a black anodised aluminium framed glazing, vertical for a visual balance with rather horizontal elevations.

The site is well set back from Yapton Road and will not be prominent in views from nearby public viewpoints due to the design and height of the proposed dwellings and their position behind Sunnyside

Cottages and Flint Cottage. The existing hedge screening will limit views of the structures. No fence is proposed only earth bund on the northern edge of the proposal site and a swale alongside an eastern side of plot 3.

The curtilage will be significantly larger than that previously allowed in connection with the Prior Approval. It is important in planning terms to provide the new dwellings with a decent amount of private amenity space and the additional curtilage land will also remain relatively open and therefore there will be no harm to the character of the countryside in this location. A condition will be imposed to remove permitted development rights for extensions to the buildings and also outbuildings.

The proposal is in accordance with the above listed development plan policies.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Arun Local Plan policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The single storey nature of the dwellings together with proposals for hedging to the boundaries and the distances between the dwellings and the closest existing residential properties to the south all combine to mean that the proposal will not result in any loss of amenity to nearby residential occupiers.

The proposal is therefore in accordance with ALP policies D DM1 and QE SP1.

HIGHWAY ISSUES:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Parking Standards Supplementary Planning Document (January 2020) identifies three Parking Behaviour Zones:

Zone 1 - Rural (village locations, e.g. Walberton);

Zone 2 - Peri-rural (large villages or small settlements close to towns e.g. Angmering, Barnham);

Zone 4 - Urban (within towns but not in a central location);

and in Principle 1 states:

2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety and avoiding increased on-street parking demand.

Proposal site is situated within Zone 1, where the requirement for 2bed house is 1 parking space and for 4+ are 2 parking spaces.

Policy GA1 of the BENDP states that: "New developments should integrate with the current green infrastructure network and provide access to public and community transport, to connect with the social, community and retail facilities of the villages."

Policy GA4 states that "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

NPPF para 108 states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The Highway Authority do not consider that the development with three new dwellings would have a material increase or a material change on the character of traffic in the vicinity of the site. Traffic speeds using the private access road are low and there is good visibility in both ways at the junction with Yapton Road. It would not be possible to sustain a refusal on highway grounds.

The proposal complies with the West Sussex Parking Demand Calculator in terms of meeting the anticipated demand for a total of 7 car parking spaces and with requirements of Arun Parking Standards providing 8 parking spaces.

The proposal complies with the above development plan policies.

INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The requirement for the two bedroom house is 70m² whilst that for the four bedroom house is 117m². The floor areas are 114m² (Plot 2) and 142m² (Plot 1 and 3) respectively and all exceed the standards.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. However, Design Guide was published and the Part H.04 deals with Residential Outdoor Amenity & External Space Standard states: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres, spaces should be designed and oriented to respond to existing topography and light levels, minimising overshadowing. Daylight and sunlight availability in communal gardens will be maximised. Residential amenity spaces should not be compromised by surrounding uses such as refuse areas or parking.

Regard should be had to para 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. Policy H5 of the BENDP states that "Proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area."

All the houses have private rear gardens which are considered to have a useable area and it is therefore considered that the scheme provides a good standard of amenity for future occupiers.

The proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity in the NPPF.

SUMMARY:

Although this proposal seeks permission for three dwellings in the countryside and is in principle inappropriate, regard should be had to the permitted fall back position in terms of the prior approval for conversion of the glasshouse building into two new dwellings granted under BN/22/18/PD and the prior approval for conversion of the storage building into dwelling as granted under BN/33/15/PD.

For this reason the development is considered to be acceptable, particularly with regard to para 11 of the NPPF. The report concludes that there is no harm to the character of the area from the slightly increased size of the dwelling and the larger area of private curtilage. All other issues are either dealt with in the above conclusions or through the assessment of the application by consultees. It is therefore recommended that permission is granted subject to the following 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 is CIL Liable in principle.

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:

Dwg No 191218_002, Block Plan
Dwg No 191218_001 Rev1, Block Plan
Dwg No 191218_000, Location Plan
Dwg No 191218_901, Materials
Dwg No 191218_209, Plot 3 East-West Elevation
Dwg No 191218_208, Plot 3 North-South Elevation
Dwg No 191218_207, Plot 3 Floor Plan
Dwg No 191218_206, Plot 2 East-West Elevation
Dwg No 191218_205, Plot 2 North-South Elevation
Dwg No 191218_204, Plot 2 Floor Plan
Dwg No 191218_203, Plot 2 Studio/Office Elevations & Floor Plan
Dwg No 191218_202, Plot 1 East-West Elevation
Dwg No 191218_201, Plot 1 North-South Elevation
Dwg No 191218_200, Plot 1 Floor Plan
Dwg No 191218_902, Bike & Bin Store, Car Charging, Air Source Heat Pump
Dwg No 191218_900, Indicative 3D Sketches
Flint Barn Drainage Supplementary Report_FINAL Rev 02 (1)

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

- 3 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 4 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. This facility shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T DM1 of Arun Local Plan.

- 6 The development shall not proceed until details have been submitted to and approved in

writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 7 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 10 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 11 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s)

for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 12 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 13 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 14 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 15 **INFORMATIVE:** Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.