

Recommendation Report for Planning Permission

REF NO:	BN/73/19/PL
LOCATION:	Barnham Court Farm Church Lane Barnham PO22 0BP
PROPOSAL:	Change of use of The Little Yard to independent dwelling & the stationing of up to 4 No. Shepherd Huts to be used as tourist accommodation. This application affects a Public Right of Way, may affect the setting of a listed building & affects the character & appearance of the Church Lane, Barnham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a change of use of The Little Yard (from holiday accommodation) to residential use and the stationing up to 4 'Shepherd Huts' within 3 suggested sites; Marl Hole, Farmyard, Long Wood. The proposed loss of this tourist unit would be mitigated through the siting of 4No. Shepherd Huts on land associated with Barnham Court Farm. 'The Little Yard' is currently occupied by the St Marys Church wardens. Permission is also sought for the use of land (field margins) for the siting of the Shepherd Huts, with no other proposed changes to the form or appearance of the land. The Shepherd Huts are to be positioned as indicated on the site layout produced. Permission is not sought for the Shepherds Huts themselves as these would be moveable structures and would not therefore comprise development. It is the use of land for their stationing that permission is sought for. Internally, the Shepherd Huts would provide studio type accommodation with kitchenette, bed and en-suite. The Shepherd Huts would be free-standing and not fixed to the ground so they can be towed on and off the site.
SITE AREA	3.2 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.

BOUNDARY TREATMENT	Flint wall approximately 1.5m high to the front of The Little Yard.
SITE CHARACTERISTICS	A group of former farm buildings characterized by hipped and gabled roofs; Paddock Barn, The Little Yard and St Marys Anchorhold. The Little Yard is in a between Paddock Barn and St Marys Anchorhold. The Little Yard itself forms a group of converted buildings, which include The Little Yard, which is the central building and Anchor Hold to the east and Paddock Barn to the west. The Little Yard currently comprises a 2 bedroom tourist unit with courtyard garden forward of the dwelling together with 2no. cars. Access is shared via the main farm access. Anchor Hold comprises an independent dwelling, although its occupation is restricted to a specific individual. Removal of this restriction is sought under a separate application. Paddock Barn comprises a 3 bedroom tourist unit with garden / courtyard to the west. The areas identified for the siting of 4no. Shepherd Huts comprise field margins to the south of the main farm yard; the wider arable fields. To the north of the site is St Marys Church, beyond which is Barnham Court. Both properties are listed. The application site also falls within the Church Lane Conservation Area, which includes the northern part of the farm yard at Barnham Court Farm, the Church, Barnham Court and a number of residential properties beyond surrounding Church Lane.
CHARACTER OF LOCALITY	Semi-rural location on the southern boundary of the Conservation Area Church Lane, Barnham in close proximity to two Grade I Listed Buildings. The Conservation Area is lying to the south of Barnham and is surrounded by agricultural land.

RELEVANT SITE HISTORY

BN/74/19/PL	Continuance of use without compliance with condition 3 imposed under BN/14/00/ relating to occupancy restriction. This application may affect the character & appearance of the Church Lane, Barnham Conservation Area.	
BN/14/00/	Part one farm diversification plan: part conversion of existing farm building together with additions thereto to provide 2 holiday accommodation units. Conversion of farm building for residential occupation by an Anchorite Monk.(Departure from the Development Plan)	ApproveConditionally 03-07-00

The current application relates to application reference BN/14/00 for part one farm diversification plan: part conversion of existing farm building together with additions thereto to provide 2 holiday accommodation units. Conversion of farm building for residential occupation by an Anchorite Monk. The Little Yard together with Paddock Barn were converted to tourism accommodation.

The current tourist use of The Little Yard is restricted by Condition 3 of planning approval BN/14/00. A standalone permission is now sought for the use of The Little Yard as an independent dwelling and the siting of 4No. Shepherd Huts to be used as tourist accommodation. The proposal would supersede the current permission for The Little Yard.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Barnham & Eastergate Parish Council

No objection subject to the imposition of a condition on any permission, if granted.

1 letter of objection received:

- Over development of area and increased traffic within a conservation area not designed to take a considerable quantity of vehicles.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. It is not felt the condition suggested by Parish Council is needed due to the sites location next to open fields away from residential neighbours. In any case enforcing such a condition would be very difficult.

Objection will be covered in the Conclusions.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Ecology Advisor

Archaeology Advisor

WSCC Strategic Planning

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Southern Water comments: Environment Agency shall be consulted directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This

should not involve disposal to a public foul sewer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Archaeology Officer Comments: Although this is close to the historic village centre the impact of the proposal would not be such that archaeological intervention would be justified.

Arun District Conservation Area Advisory Panel comments: Objection of the proposal. The panel require more information to make a decision. Lack of information about the design, appearance and size of the Shepherd's Huts and parking arrangements. Also, if there will be any impact on the canal.

Highways, Public Rights of Way, comments: The application does not indicate any changes or significant impact on the public footpath therefore WSCC PRow offer no objection.

However, the applicant is advised to make note of the following considerations relating to the Public Rights of Way:

A. The proposal indicates the PRow may be crossed by vehicles accessing the Shepherd Hut locations, which may increase the risk of accident or injury to a PRow user, especially as visitors to the site may be unaware of the PRow status. The applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

B. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PRow); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the appropriate District Council as the local planning authority. Further advice can be provided on request.

C. Safe and convenient public access is to be available at all times across the full width of the PRow, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PRow Team.

D. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

E. No new structures, such as gates and stiles, are to be installed within the width of the PRow without the prior consent of the WSCC PRow Team. These will constitute an offence of obstruction under the Highways Act 1980.

F. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PRow. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PRow Team.

G. Any alteration to or replacement of the existing boundary with the PRow, or the erection of new fence lines, must be done in consultation with the WSCC PRow Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

H. Access along a PRow by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where

a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Highways comments: The site is accessed adjacent privately maintained lane. The nearest publicly maintained highway is at Church Lane to the east, no through unclassified rural lane. Traffic levels are anticipated to be light and vehicle speeds low in this location.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents in the vicinity of the site. There is no evidence to suggest that the road layout in the area has been operating unsafely. The Little Yard is currently 2-bedroom tourist unit with courtyard and space for 2 x cars. Access is shared via main farm access. Anchor Hold building to the east is independent dwelling and Paddock Barn to west is 3-bedroom tourist unit. Whilst plans of parking arrangements have not been provided local mapping indicates there is sufficient space to accommodate this for existing and proposed change of use. The LHA does not raise a highway safety or capacity concern with the proposed change of use from tourist accommodation to independent dwelling.

New Tourist Accommodation: Three sites are proposed to house the 4 x tourist accommodation huts. These are in woodland/ pasture/ paddock land accessed via privately maintained rural tracks. The plans indicate a parking space per site, it should be ensured that use of this does not impact on the PROW. The siting of the tourist accommodation units and associated traffic is not anticipated to result in a highway safety or capacity issue to the public highway network. Considering the nearby PROW, cycleway and leisure uses associated with rural tourist accommodation the Local Planning Authority (LPA) may wish to secure a condition for bicycle storage.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Engineers Comments Regarding Surface Water Drainage: Due to the size, type and location of the proposed development we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Environment Officer comments: Bats

The 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. We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird

breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work). We would like a bird box to be installed on the extension / and or tree within the garden of the property.

Economic Development: No objection. Economic Development is pleased to see investment in quality tourist accommodation in the district. On that basis they support this application and advise that the Tourism Development officer is available to advise on marketing and promotion.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area (Countryside C SP1)
Church Lane, Barnham Conservation Area
Area of Special Control (Adverts)
Archaeological Notification Areas
Lidsey Treatment Catchment

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
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development

[Barnham & Eastergate Neighbourhood Plan 2014](#) Recreation facilities

[POLICY CLW3](#)

Barnham & Eastergate Neighbourhood Plan 2014 POLICY EE7	Support and promote recreational and tourism activities
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES7	Development affecting heritage assets
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES9	The Portsmouth and Arundel Canal
Barnham & Eastergate Neighbourhood Plan 2014	Footpath and cycle path network

POLICY GA2

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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.

Barnham and Eastergate Parish Council has a "made" Neighbourhood Plan and relevant policies are CLW3, EE7, ES1, ES3, ES4, ES5, ES6, ES7, ES9, GA2 and GA4.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of nearby properties, nor would it have an adverse impact upon the established character of the surrounding 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**BACKGROUND TO BARNHAM COURT FARM CONSERVATION**

There is on-going environmental and historic conservation work being undertaken at Barnham Court Farm.

Barnham Court Farm has been a part of agri-environment schemes since 2006 which has resulted in an increase in biodiversity on the site. The farm is part of the Higher Tier Countryside Stewardship agreement. This Stewardship agreement relates to land that requires more complex management

tailored to the individual site. The main priorities are to protect and enhance the natural environment, in particular biodiversity (the diversity of wildlife) and water quality. The scheme is competitive with funding awarded to those who will make the biggest environmental improvements in their local area.

The Conservation work undertaken has also resulted in national awards, which includes:

- Woodpecker Trophy - Farming & Wildlife Advisory Group (FWAG) - winner 2017
- Silver Lapwing Award - Finalist 2018

The applicant, in partnership with the Sussex Industrial Archaeology Society have restored the Canal Bridge (Hollinsworth Bridge) that runs through the farm. This forms a part of the former Portsmouth - Arundel Canal. Where the route of the former canal crosses Barnham Court Farm, the applicant has maintained this route, which runs alongside an existing public footpath. The on-going work to ensure the former route is clear is part of continuing works to preserve reference to the former route. Public information boards are also displayed at Barnham Court Farm which explains the background to the Portsmouth - Arundel Canal.

PRINCIPLE

The site lies in the countryside outside of the defined built up area boundary as defined in the Arun Local Plan 2011-2031 (ALP).

Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria as follows;

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan;
- b. for quiet, informal recreation;
- c. for green infrastructure;
- d. for the diversification of the rural economy;
- e. for road and/or cycle schemes;
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.

These exceptions include tourist/holiday accommodation but not C3 residential use. The proposed change of use falls to be considered mainly against policies CSP1 'Countryside' and Policy H DM4 of the Local Plan Policy.

SUMMARY

It is not considered that the proposals comply with countryside policy C SP1 in the Arun Local Plan in that the criteria for acceptable development are not met, however in order for it to be concluded that the proposals are unacceptable there has to be demonstrable harm to the aims of the policy. No harm has been demonstrated in consideration of the conflict with the countryside policy over and above the existing development at the site. The intrinsic character and beauty would be retained. Overall the proposal is considered to represent a sustainable form of development and given the other material considerations which weigh in favour of the principle of the development, the planning balance (notwithstanding the policy objection) lies in favour of granting permission in principle subject to the other matters which have been addressed below.

CHANGE OF USE

Policy H DM4 of Arun Local Plan relates to conversion of buildings for residential use outside the built up area. It is felt that the principle of change of use to residential is established and it is just a wider flexibility of the existing use sought. Notwithstanding this, even if the criteria are considered the proposal would

be compliant since the building is structurally sound, the use has no adverse effect on the character of the area and that as no operational works are required it is not considered the proposal would comprise a conversion.

The information submitted with the application states that there has been difficulty in renting out the existing unit as tourist accommodation and that the building would be put to better use as a permanent residential dwelling. No evidence of this has been supplied but as per policy it is clear this 'residential conversion is a subordinate part of a scheme for business re-use' as it is also proposed to place 4 self contained impermanent shepherd huts on the perimeter of nearby fields to cater for any seasonal tourist demand. These huts can be moved at any time and would not cause harm to the field margins in which they are placed. Barnham Court Farm has been a part of agri-environment schemes since 2006, is part of the Higher Tier Countryside Stewardship agreement and has won several awards for its conservation work so it is also clear than protection and enhancement of the biodiversity of the site is a priority and the proposed will not have an adverse effect on the character of the area.

The National Planning Policy Framework

The NPPF (Feb 2019) is an important material consideration in determining planning applications.

Paragraph 170(b) of NPPF states that 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.

Barnham has a 'made' Neighbourhood Plan with Policy ES7 the Barnham & Eastergate Neighbouring Plan relevant to the determination of the application. Policy ES7 stresses that development affecting Conservation Area and Listed Buildings settings should preserve and enhance them, so as to reinforce the quality and character of the villages.

The NPPF is equally as assertive in relation to the countryside. Paragraph 83 requires to support a prosperous rural economy planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 8 of the NPPF states that the economic, social & environmental roles should not be undertaken in isolation, because they are mutually dependent and that therefore, to achieve sustainable development, economic, social & environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 11 of the Framework 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.

In paragraph 12, it is stated 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 a development proposal the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Nevertheless, 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 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.

Environmental Role-

Paragraph 55 of the NPPF advises that new isolated homes in the countryside should be avoided, unless there are special circumstances. It also states that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities.

Looking at the location of the site, within 1.5km of Barnham Train Station and 1.1km of the nearest Bus stop at the Village Hall in Barnham, it would not be considered an isolated location. If using a private car it is not considered the future occupants would be making unduly long or frequent motor vehicles and even by bicycle or on foot it is considered local shops and services would be easily accessible. Next to the Church is the Barnham link path which is a network of cycle and foot paths which connect Barnham with Felpham, Yapton, and North Bersted, other paths coming off Church Lane lead to Eastergate, Aldingbourne and Walberton

With a range of sustainable transport options available to future occupants it is considered that the site, with easy access to local services and facilities is in a sustainable location.

Social Role-

It is considered that the proposal will support the local community by providing a single dwelling to help meet future needs. The Framework advocates as part of the social dimension the provision of housing to meet the present and future generations and creation of a high quality built environment with accessible local services. The provision of a single life time home would provide some benefit and overall social gain. This factor weighs in the scheme's favour.

Economic Role-

The two bed dwelling and 4 shepherd huts would generate some economic/financial benefits even though no external or internal changes are required to the building, the occupants of the dwelling and tourists to the site would provide support for businesses in the local village.

The Framework advocates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The conversion of this 2 bed dwelling in the countryside, reasonably close to local facilities and services would satisfy the Framework's definition of sustainable development. The benefits arising from the proposal have been noted above and would not be outweighed by the adverse impact of the permanent residential use in the open countryside.

The proposal would therefore comply with the provisions of the Framework and the countryside protection objectives of Policy C SP1.

The current tourist use of The Little Yard is restricted by Condition 3 of planning approval BN/14/00. A standalone permission is sought for the use of The Little Yard as an independent dwelling and the siting of 4No. Shepherd Huts to be used as tourist accommodation. The proposal would supersede the current permission for The Little Yard.

Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, inter-alia, the development would re-use redundant or disused buildings and enhance its immediate setting.

Paragraph 148 goes on to state that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The proposal seeks permission for the change of use of the existing building known as The Little Yard from a tourist unit to an independent dwelling and to mitigate the loss of the tourist accommodation, use of the land for stationing Shepherd Huts, which would comprise tourist accommodation. Albeit restricted to tourist occupation only the building is already in residential C3 use.

As such, it is felt that the change of use is appropriate and would provide an unrestricted open market dwelling without harm to the character and appearance of the surrounding countryside. The proposal would accord with the NPPF or range of developments which may be permitted in the countryside in Local Plan Policy C SP1 neither with the requirement of policy ES7 of the Barnham & Eastergate Neighbouring Plan and it would lead to the provision of a new dwelling in the countryside.

HERITAGE

Paragraph 192 of NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 of NPPF stresses that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and paragraph 196 carry on by saying that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

Although not consulted for this proposal the Conservation Officer was consulted and had no objections to

the application running alongside this proposal (BN/74/19/PL) which was for an adjoining property for 'Continuance of use without compliance with condition 3 imposed under BN/14/00/ relating to occupancy restriction'.

As the proposed change of use would not involve any external and internal changes it is considered the change of use will not harm the character or appearance of the conservation area, or the neighbouring Listed Buildings. The proposed shepherd huts are set away from the Conservation Area due to the presence of the existing farm yard buildings and screening. Views into the Conservation Area from the footpath to the south would also be unaffected. The shepherd huts are impermanent structures and the land can be returned to its original condition at any time therefore this part of the proposal is not considered as development. It is therefore considered, that this part of the proposal would also not cause harm to the significance of the heritage assets or their setting.

BARNHAM AND EASTERGATE NEIGHBOURHOOD DEVELOPMENT PLAN & POLICY TOU DM1 OF THE ARUN LOCAL PLAN:

Barnham and Eastergate Neighbourhood Development Plan policy CLW3 "Recreation facilities" is relevant. It states that the provision of recreational buildings will be supported provided that their design and scale are in keeping with the local character and that the impact on the residential amenity of surrounding residential properties is acceptable and policy EE7 'Support and promote recreational and tourism activities' stresses that their siting has strong regard to the historic and natural assets of the surrounding area and the design and materials are in keeping with the local style and reinforce local distinctiveness and a strong sense of place.

Policy TOU DM1 of the Local Plan states that Development outside the built-up area boundary states that when assessing proposals for visitor attractions, facilities or accommodation outside of the Built-up Area Boundary these will generally be expected to be small-scale and relate to quiet, informal recreation and enjoyment of Arun's countryside.

The 4 proposed huts would be a low impact development on the margins of existing fields. The huts would add to the tourist accommodation and mitigate against the change of use of 'The Little Yard' which forms the current tourist accommodation. Due to the running costs associated with the inconsistent use and converted nature of 'The Little Yard' it is considered the best use of the building would be as a permanent dwelling.

The Shepherd Huts would not impact the natural or historic environment, given the absence of any permanent structures resulting from the change of use of land. The proposal would encourage an alternate form of tourist accommodation at Barnham Court Farm. The proposed Huts would be of a high quality and fully insulated and heated to broaden the season.

It is considered the scale and form of development that is appropriate for the rural location and the nature of accommodation to be offered does require a rural location. The provision of the Shepherd Huts would also support the diversification of the existing farm business and support local services. The Neighbourhood Plan also identifies the improved facilities for visitors and tourists as a key objective of the adopted Neighbourhood Plan.

As outlined above the on-going conservation activities would compliment the proposed tourism offer. The proposed huts which are moveable and low impact would offer an alternative type of tourist accommodation suited to the surrounding site. A condition would be added to any permission, if granted, to restrict the siting to a maximum of 4 shepherd huts.

For the reasons outlined above it is considered that the principle of the change of use of land to tourist

accommodation should be supported and would comply with Policy EE7 of the Barnham & Eastergate Neighbourhood Plan and Policy TOU DM1 of the Arun Local Plan 2018.

NEIGHBOURHOOD AMENITY

Policy QE SP1 of the Arun Local Plan requires development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. Policy QE SP1 states: "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 proposed use of The Little Yard as an independent dwelling is considered to be compatible with the surrounding uses, with residential uses, albeit restricted forming part of the adjoining buildings. These relate well to the wider farm yard and would provide an appropriate environment for existing and future residents.

The proposed use of the land for the Shepherds Huts would provide modest accommodation set away from adjoining uses. This remote siting means that the use for small scale tourist purposes would not harm neighbouring amenity. In addition, no external lighting is proposed for the huts, avoiding any visual intrusion.

The proposed use is not a significant noise generator and is considered compatible with the nearby residential properties. It would not therefore result in any detrimental impact on the relative tranquillity in the area.

It is considered that the proposal would have a minimal impact to users and occupiers of nearby properties by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan.

WSCC HIGHWAYS & PARKING

ALP policy T SP1 seeks to ensure 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. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF 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 be had to para 109 which states: "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."

Access is proposed via the Church Lane, which serves the farm, the Church and a number of existing residential properties. There would be no change to the existing farm access, and a minimal increase in traffic movements. 1 parking space is proposed for each Shepherd Hut. As outlined above the site is in a sustainable location easily accessible to Barnham and a network of cycleways. The residual cumulative highway impacts of development would not be severe.

Highways have no objection to the proposal but the applicant is encouraged to introduce signage to advise vehicle drivers of the potential hazard posed by the occasional vehicle to public right of way users.

BIN STORAGE & COLLECTION

'Little Yard' - Bin storage and collection would remain as existing, with bin storage provided within the courtyard forward of the property. Refuses lorries then access the farm and are able to collect bins at the front of the property.

Shepherd Huts - Bin storage and collection would be co-ordinated from the main farm yard and collected as per the existing arrangements, which service the commercial elements of the farm yard. As above, this allows for refuse lorries to access the site.

Taking the above factors into account the development would accord with Policies WM DM1 of the Arun Local Plan.

FOUL WATER STATEMENT:

Policy EMP DM2(d) of the Local Plan requires "connection to the existing sewerage system off-site at the nearest point of adequate capacity and where located within a flood risk area a sealed sewerage system". Policy W DM1(2)(b) of the Local Plan requires: "to ensure good quality water quality in the District, all major new developments must demonstrate, where it will materially increase foul and/or surface water discharges, adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development."

The Shepherd Huts located within Sites 1 and 3 are to be served by above ground temporary septic tanks to provide foul drainage for any Shepherd Huts located in these areas. As the use would be seasonal, these would be temporary tanks, which would be removed from the site when not in use. The farms existing septic tank emptying contractor will empty these as required.

The Shepherd Huts located within Site 2 would be linked into the existing services that serve the adjacent farm cottages and these connections will be removed when the Shepherd Huts are not in use.

It is considered that, on this basis, the proposed development complies with Policy EMP DM2(d) and Policy W DM1(2)(b) of the Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS:

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 Little Yard currently comprises 2 bedrooms and its floor area is approximately 114sqm what would substantially exceed the requirement of the Governments Technical Housing Standards.

Consequently, the proposed development on the site complies in general terms with Policy D DM2 of the Local Plan.

SUMMARY:

The starting point for this determination is the development plan. Arun Local Plan policy H DM4 allows for the conversion and change of use of rural buildings to a residential use subject to compliance with a set of criteria. This report concludes that these criteria have not been met but that 'residential conversion is a subordinate part of a scheme for business re-use'. Local Plan policy ECC SP1 seeks to reduce car travel. The sustainable location of the site makes other options available rather than reliance of cars. However, it is considered that Policy H DM4 would attract more weight in this determination particularly as the proposal concerns an existing building in a holiday use.

It is then necessary to consider whether material considerations indicate that this determination should not be made in accordance with the development plan. In this case, material considerations include policies H DM4, TOU DM1 and C P1 within the Arun Local Plan and the National Planning Policy Framework.

It is considered that the proposed development would comply with the Arun Local Plan policies H DM4 and TOU DM1. The proposal would not comply with Local Plan Policy C P1 however no harm has been demonstrated in consideration of the conflict with the countryside policy over and above the existing development at the site. For the reasons set out above the huts are not considered 'development' and would not have a detrimental effect on the nearby Conservation Area. The proposal would also accord with the NPPF.

It is therefore recommended that the application be determined in accordance with the Local Plan and that permission be approved.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 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: Site 3 Long Wood Site Plan, Site 2 Farmyard/ Canal Site Plan, Site 1 Marl Hole Site Plan, Location Plan, Proposed Elevation East Plan dwg: 1132/2/02, Proposed Elevation North Plan dwg: 1132/2/04, Proposed Elevation South Plan dwg: 1132/2/03, Proposed Elevation West Plan dwg: 1132/2/01, Proposed Little Yard Floor Plan dwg: 1132/2/05, Proposed Floor Plan dwg: 1132/2/06

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 The recommendations and enhancements asked for by the Council's Ecologist shall be implemented in full prior to the completion of the development and be retained thereafter.

Specifically these are:

Bats

The 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. It is required that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work). We would like a bird box to be installed on the extension / and or tree within the garden of the property.

- 4 The 4no Shepherd Huts shall be installed within 6 months of the change of use of the Little Yard taking place. In the event that the tourist accommodation provided within the 4no. Shepherd Huts ceases for a period of in excess of 12 months, the permanent residential use of the Little Yard shall cease and accommodation shall be used as tourist accommodation or other granted permission by the Local Planning Authority.

Reason: To reflect the original permission and provide accommodation for tourism at 'The Little Yard' and in accordance with TOU DM1 of the Arun Local Plan.

- 5 **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 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 National Planning Policy Framework.

6 **INFORMATIVE:** the applicant is advised to make note of the following considerations relating to the Public Rights of Way:

A. The proposal indicates the PRoW may be crossed by vehicles accessing the Shepherd Hut locations, which may increase the risk of accident or injury to a PROW user, especially as visitors to the site may be unaware of the PRoW status. The applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

B. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the appropriate District Council as the local planning authority. Further advice can be provided on request.

C. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

D. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

E. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

F. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

J. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the

WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

- 7 The Environment Agency shall be consulted directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.