

Recommendation Report for Planning Permission

REF NO: BN/74/19/PL

LOCATION: Barnham Court Farm, St Marys Anchor Hold
Church Lane
Barnham
PO22 0BP

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks permission for a removal of condition 3 of BN/14/00 and relates to the property known as Anchorhold to use this property as a residential dwelling. Anchorhold is one bedroom unit which consists of bedroom, living/kitchen area and bath.

Condition 3 reads as follows:

The residential accommodation for an Anchorite Monk indicated on the plans hereby approved shall only be occupied by Brother John Mercer or another Anchorite Monk nominated by a recognised religious denomination and agreed in writing by the Local Planning Authority. Upon vacation of the residential accommodation by the Anchorite Monk the residential use shall cease and the accommodation shall be used as a farm office or other use granted planning permission by the Local Plan Authority on an application in that behalf.

Reason: Permission would not normally be granted for residential accommodation in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

SITE AREA

108sqm

RESIDENTIAL DEVELOPMENT N/A
DENSITY (NET)

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Flint wall approximately 1.5m high to the front and timber panel fence dividing the site of The Little Yard from Anchorhold.

SITE CHARACTERISTICS

A group of former farm buildings characterized by hipped and

gabled roofs; Paddock Barn, The Little Yard and St Marys Anchorhold. Anchorhold is an eastern appendix with an mono pitched addition to the side. Anchorhold is sited inside of the Conservation Area.

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/73/19/PL 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.

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
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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.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Barnham & Eastergate Parish Council

No objection.

1 letter of objection;

- Over development of area with increased traffic within a conservation area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Objection will be covered in the Conclusions.

CONSULTATIONS

Conservation Officer

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Development has no comment on this application.

Conservation Officer comments:

The unit forms part of a larger building which was granted planning permission for a change of use to residential accommodation in 2000. This building is located within the Barnham (Church Lane) Conservation area and is in close proximity to two Listed Buildings; Barnham Court and St Marys Church. Both of which are Grade I Listed Buildings. The Conservation Area includes the original medieval settlement of Barnham, lying to the south of the principal village. Surrounded by agricultural land, it has a distinctive rural character with buildings of various styles, ages and materials; principally brick, flint, plain clay tiles and natural slate. This is enhanced by an informal pattern of development, together with mature planting, flint boundary walling and grass verges. The conservation area is predominantly residential in character and considered to be of aesthetic (fortuitous) significance. Barnham Court and St. Marys Church are an historically important and an imposing pair of buildings; the former dating to circa 1640 is considered one of the finest brick houses of its date in the county. As the proposal relates to the occupancy of the unit (in an unrestricted residential use), it is considered that that this application will not harm the character or appearance of the conservation area, or the neighbouring Listed Buildings.

As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. The contents of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) needs to be taken into account.

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
HDM4	H DM4 Conversion of rural buildings for residential use
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

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 policy is ES7.

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**

Planning permission BN/14/00 was granted in 2000 and was resided in by an Anchorite Monk, Brother John Mercer. The permission was personal to Brother John Mercer, or to another Anchorite Monk nominated by a recognised religious denomination. This was controlled by condition 3 set out in permission BN/14/00.

Condition 3 reads as follows:

The residential accommodation for an Anchorite Monk indicated on the plans hereby approved shall only be occupied by Brother John Mercer or another Anchorite Monk nominated by a recognised religious denomination and agreed in writing by the Local Planning Authority. Upon vacation of the residential accommodation by the Anchorite Monk the residential use shall cease and the accommodation shall be used as a farm office or other use granted planning permission by the Local Plan Authority on an application in that behalf.

Reason: Permission would not normally be granted for residential accommodation in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

This application seeks planning permission for the removal of the above condition to allow the permanent change of use of the building to a single dwelling thereby allowing year round, unrestricted occupation.

The existing property is a one bedroom unit which consists of bedroom, living/kitchen area and bath.

The proposal solely relates to the removal of condition 3. No internal or external alterations/additions or extensions are proposed as part of this application.

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.

The removal of the condition falls to be considered mainly against policies CSP1 'Countryside' and Policy H DM4 of the Local Plan Policy. It is felt that Policy H DM4 would be relevant to this application, although this relates to proposals to convert a building, not a retention of a residential use.

A review of the Barnham and Eastergate Neighbourhood Plan does not highlight any other relevant policies.

No alterations to the property are proposed and the extended use of the premises will have no adverse impact on the intrinsic character and beauty of the area in accordance with policy CSP1. The activity levels associated with the use are unlikely to increase significantly. They would not be intensified since the level of use and number of occupiers is largely restricted by the number of bedrooms.

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.

CONVERSION

Policy H DM4 of Arun Local Plan relates to conversion of buildings for residential use outside the built up area. The principle of conversion and change of use to habitable purposes has been accepted and the permission implemented. This proposal is not therefore considered relevant since the building has already been converted and is used for residential accommodation. 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 the conversion has been sympathetic with regard to design.

The National Planning Policy Framework

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 (Feb 2019) is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development (paragraph 11).

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 one bed dwelling would generate some economic/financial benefits even though no external or internal changes are required to the building, the occupants of the dwelling would provide support, albeit limited, 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 one 1 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.

Condition 3 of BN/14/00, the subject of this application, has been imposed to prevent the use of the property in this location as a residential accommodation but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal. When those particular circumstances ceased it was agreed that the accommodation was to be used as a farm office or other use granted permission by the local planning authority.

It should be stressed here that under the same permission BN/14/00, the other parts of the farm building (Paddock Barn and Little Yard) have been converted to 2 holiday accommodation units.

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 dwelling has permission to be used as a residential dwelling for a Monk. It is proposed to continue this residential use, albeit for a lay person and not a member of a religious order. The use would be the same but the restriction on the occupancy would be removed. As the Council cannot currently meet its housing land supply and the dwelling would help meet the local housing need it is considered the proposal would make best use of an existing residential building.

No alteration to the building is proposed nor would the proposal result in intensification of use of the site. The parking provision forward of the dwelling and private amenity / garden area would also be retained as part of the curtilage.

As such, it is felt that the removal of condition 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.

The proposal would not involve any external and internal changes and a Conservation Officer suggested that this application will not harm the character or appearance of the conservation area, or the neighbouring Listed Buildings it is considered, that the proposal would not cause harm to the significance of the heritage assets or their setting.

The contents of s72 are noted and there is considered to be no conflict with it.

VISUAL IMPACT

Since the proposal would not require any external or internal changes to the building it is not considered that it would have a greater visual impact in this countryside location

NEIGHBOURHOOD AMENITY, INTERNAL & EXTERNAL SPACE STANDARDS

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 DM2 of the ALP states that:

"The planning authority will require internal spaces to be an appropriate size (having regard to the exceptions that may apply as referred to in paragraph 13.3.4) to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance."

The required internal space standard for a house of this number of bedrooms is 39m² but the proposal exceeds this with a total internal floor area of around 46m² therefore complying with policy D DM2.

Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Arun Local Plan 2011-2031 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. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. 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 proposal dwelling is well separated from other existing residential properties with the only immediate neighbour being 'The Little Yard' to the south-west which was converted to a holiday accommodation unit (under the same application which allowed the conversion of Anchorhold). As above the only difference to the existing situation is the occupant would not be a Monk. The proposed is in a large rural site with plentiful space for amenity. Therefore it is considered that the proposal would provide a satisfactory level of amenity for any future occupier and would not have a significant effect on the amenity 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.

CONCLUSION

The original condition does not comply with the 6 tests for conditions. It is not easily enforceable and NPPG says that unless there are exceptional reasons personal conditions should not be used - there are no exceptional reasons in this case.

The application is therefore recommended for approval.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The 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: Location Plan, Block Plan, Drawing No. 1132/2/06

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 **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.