

Recommendation Report for Planning Permission

REF NO: BN/7/18/PL

LOCATION: Land to the north of The Flint Barn
Yapton Road
Barnham
PO22 0AZ

PROPOSAL: Erection of 1 No.dwelling & garage (resubmission following BN/61/16/PL). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	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). It will have a brick plinth with walls of flint and brick Charwell medium multi) quoins and window and door surrounds. The roof will be hips and constructed of handmade clay tiles (Medium Antique). A timber boarded part open structure in the style of a barn will provides garage and shed space/bicycle storage with a lean-to at the side for bin storage. Further parking is proposed on permeable surfacing close to the entrance. Details of the landscaping have been submitted. The existing hedge on the west boundary will be replaced with a native species hedge and the existing hedge on the south boundary will be retained. Access is to be from the most westerly of the two accesses from the main road which serve the nursery and caravan storage uses surrounding the site which currently uses a one way system. The gate into the curtilage will 1.2 m high 5 bar field gates.
SITE AREA	1.235 sq metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed 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 there is a metal fence with an access track beyond and then a 2m high manicured hedge to the caravan park.
SITE CHARACTERISTICS	The site lies within an enclosed piece of land which was previously used for the storage of up to 10 caravans, a shipping container, a curved roof storage building (the subject of the conversion application) and a small timber shed.
CHARACTER OF LOCALITY	The area is semi-rural in 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

PAA/97/14/	Erection of 2 x 4 bed detached dwellings and associated works	Refuse Pre App 20-08-14
BN/61/16/PL	Removal of existing storage building & erection of a single dwelling - Departure from the Development Plan	ApproveConditionally 01-02-17
BN/33/15/PD	Prior approval for change of use from storage (Class B8) to dwellinghouse (Class C3)	No Object'n + Conds 06-10-15
BN/38/14/CLE	Application for certificate of lawfulness for an existing use as residential garden ground	Approve 07-01-15
BN/3/14/CLE	Application for a Lawful Development Certificate for existing use for the storage of caravans and undercover and open air ground storage.	Approve 06-03-14

The site currently has the benefit of a Lawful Development Certificate for the storage of caravans and other items. The description included both undercover and open air ground storage and the decision notice made reference to the various buildings on the site.

The land to the immediate south has the benefit of a Lawful Development Certificate for residential garden.

Prior Approval was granted in October 2015 for the conversion of an existing storage building into a 1 bedroom dwelling. This permission expires on the 15th April 2018. The permitted dwelling measured 4.9m (W) by 7m (L) by 2.6m (H) with a footprint of 34.3m².

Planning permission BN/61/16/PL has been granted for a dwelling of approximately the same size as the current proposal but a little further to the west on an overlapping footprint with access across part of the garden of The Flint Barn

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council
no objection

COMMENTS ON REPRESENTATIONS RECEIVED:

noted

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Southern Electric

Environmental Health

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Request an information regarding connection to the public sewer network.

ADC DRAINAGE ENGINEERS - Request a surface water condition.

Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

It is noted that there may be a culverted ditch running along the western boundary of the site. The development must not cause any detriment to it. This will need to be investigated by the applicant, prior to any development layout being agreed, and any pipes found will need be considered/discussed in more detail.

The applicant should note that the drainage for the parking/ circulation area will need to be considered as part of the overall drainage scheme. We note that on the original 2016 application that MOT Type 1 overlain by peashingle was proposed. This does not constitute a satisfactory permeable pavement design and therefore the details will need to be agreed.

ADC ENVIRONMENTAL HEALTH

no comment

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
 Special Control of Adverts;
 PD Restriction;
 No Public Sewer; and
 Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM3	External Space Standards
ECC SP2	Energy & Climate Change Mitigation
ENV DM5	Development and Biodiversity
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1

Applications for new development must meet the local drainage requirements

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
POLICY ES11

Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA4

Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H2

Windfall sites

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H4

Integration of new housing into surroundings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H5

Outdoor space

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H6

Attention to detail

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H7

Drainage for new housing

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

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

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

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

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning

application consultation, been publicised for pre-submission consultation(Reg.14).

The Barnham & Eastergate Neighbourhood Plan has been made and the relevant policies taken into account in the determination of this application.

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 adopted and emerging Local Plan policies in that the site lies outside the built up area boundary where development is generally not allowed. 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 infill residential development across the Parishes.

OTHER MATERIAL CONSIDERATIONS

It is considered that the presence of the Prior Approval (BN/33/15/PD) for conversion of a storage building to a dwelling and planning approval BN/61/16/PL for a dwelling of the same size in approximately the same position are an important material consideration in the determination of this planning application and the planning permission represents an approved 'fall-back' position. This is elaborated on further in the Conclusions section.

CONCLUSIONS

PRINCIPLE:

The site lies in the countryside 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.

Policy H SP1 of the Emerging Arun Local Plan 2011-2131 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.

The Barnham & Eastergate Neighbourhood Development Plan (NDP) allocates land elsewhere within the area for 60 houses. However, Policy H2 states that permission will be granted for small residential developments on infill and redevelopment sites within the area. This policy does not state that such sites need to be within the built up area boundary.

The Council is currently unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF).

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.

The site is located outside the settlement of Barnham. The nearest pub is considered to be the Murrell Arms at a walking distance of 590m. The nearest shops are the Barnham Trading post (850m) or the soon to open, Tesco Express (890m). Barnham railway station is opposite the 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 proposed access is via a private road that serves the nursery and caravan stroafe 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. Furthermore, it is noted that the bus service, the 66 (Bognor Regis - Barnham - Yapton - Walberton - Bognor Regis) only runs between 7am and 6pm and is relatively infrequent (with pick ups every 1-2 hours).

As such, although it would be 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 in the countryside and in an unsustainable location. In the absence of evidence to demonstrate any of the special circumstances set out in Paragraph 55 of the Framework, it would be contrary to its requirements.

It is considered that the proposal will support the local community by providing one new 1 bedroom house 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.

Therefore the proposal would provide one new home which would contribute, albeit in a very minor way, to the district's housing needs and would result in limited economic benefits. These economic factors weigh in the scheme's favour. However, it is not considered the location of the site would contribute to the achievement of the social dimension of sustainable development and this would partly conflict with environmental goals.

THE PERMITTED 'FALL-BACK' POSITION:

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.

The result of the 'fall-back' position is that the principle of residential development on the site has already been established and as the footprints of the two houses overlap it would not be possible to implement both permissions if this application is approved.

Consequently 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 alteration in siting, design and access between the proposed and approved..

DESIGN & VISUAL AMENITY:

The proposed dwelling will have approximately the same sized footprint as that already approved and apart from the access (which is considered below) it is only the positioning on the site and minor features of the design and fenestration which have been altered. The building will be located approximately 4 m further east, away from the west boundary, and 3 m further south, further into the site. It will have 3 roof lights on the eastern roof slope where before there were none and 1 window instead of 4 on the eastern elevation; wider glazed elements either side of the door and 2 windows instead of 4 in the west elevation; 2 windows instead of 1 on each of the north and south (side) elevations; and a hipped instead of a gable ended roof. These alterations will improve the design. Although the dwelling will be more centrally sited, in view of the location of the site (which is well set back from Yapton Road) and the existing and proposed boundary treatments, it is not considered that the dwelling will be prominent in any views from these nearby public viewpoints. The proposed materials have been submitted and are considered appropriate to this rural location therefore further conditions relating to these elements are not required. The details of bin and cycle storage have also been submitted and are considered to be satisfactory so no further condition is required. The proposed curtilage is approximately the same size as that approved but in order to prevent a proliferation of outbuildings a condition will be imposed removing permitted development rights. Details of the planting to replace the hedge on the west boundary have also been submitted and are considered satisfactory.

RESIDENTIAL AMENITY:

The single storey nature of the dwelling together with the nature of existing boundary treatments and the distance of the dwelling from other nearby dwellings all combine to mean that the proposal will not result in any loss of amenity to nearby residential occupiers.

HIGHWAY ISSUES:

Access is proposed from the existing access which serves the caravan storage and caravan park instead of across the garden of The Flint Barn. As no new access is proposed from the highway the conditions relating to the access imposed on BN/61/16/PL are not required.

The proposal complies with the West Sussex Parking Demand Calculator in terms of meeting the anticipated demand for 2 car parking spaces. As such the proposal complies with policy GEN12 of the Arun District Local Plan and D DM1 of the Arun Local Plan 2011-2031.

SUMMARY:

Although this proposal seeks permission for a new dwelling 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 a storage building to dwelling as granted under BN/61/16/PL. For this reason, the principle of the development is considered to be acceptable. The above report concludes that there is no harm to the character of the area from the minor design and siting changes or Highway issues as a result of the alteration to the proposed access. Details of material and landscaping have been submitted. Drainage can be address by condition. As such the proposal complies with policies GEN7, GEN9, GEN12, and GEN29 of the Arun District Local Plan, policies D DM1, D DM3 ENV DM5, T SP1 and W DM3 of the Arun Local Plan 2011-2031 and policies ES1, ES5, ES6, ES8, ES11, GA4, H2, H4, H5, H6, and H7 of the Barnham and Eastergate Neighbourhood Plan.

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:

Drawing 1607FL-00L rev2 Location Plan
Drawing 1607FL-000 rev1 Block Plan
Drawing 1607FL-001 rev1 Approved Plan & Elevations
Drawing 1607FL-002 rev2 Proposed Plan & Elevations
Drawing 1607FL-003 rev1 Proposed garage, bin and bike stores Plan & Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 5 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 6 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans and details of the surfacing material to be submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policies GEN7 & GEN12 of the Arun District Local Plan and paragraphs 32 & 35 of the National Planning Policy Framework.

- 7 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 house 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 cohesive appearance of the site and prevent the proliferation of buildings in this countryside location in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 8 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.

- 9 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 10 **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.